

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No. 22836 of 2011(O&M)

Date of decision: 2.3.2016

Rupinder Kaur

... Petitioner

Versus

State of Punjab & ors.

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Liaqat Ali, Advocate,
for the petitioner.

Mr. Harkesh Manuja, Addl.A.G., Punjab.

Mr. OP Gupta, Advocate,
for respondent No.2.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J.(Oral)

1. The total marks secured by the petitioner in selection process for filling advertised posts of Assistant Professor (Computer Science) notch 52 marks including 4 marks for the viva-voce. The last general category candidate selected obtained 63 marks. The topper secured 72.50 marks. Even if we were to add marks for the disputed experience even then the result will not be materially effected and the petitioner will fail to make the merit. So far as the marks assigned for publication in journals are concerned, they are not original work published in reputed Journals of standards which may be desired by the University for recruiting teachers at the level of the post advertised. Text books co-authored by the petitioner relied on do not qualify as publication in Journals. No ground for interference is made out. There is no patent arbitrariness in the action of the respondent University, much less wide enough to admit an

intervention on the judicial side of the writ court. The academic evaluation of publications is the business of experts and none of the business of the courts.

2. Further, if a selected candidate has resigned after joining service the vacancy ordinarily stands extinguished and cannot be re-cycled. The vacancy arising also cannot be claimed by the petitioner as a matter of right. See Madan Lal v. State of Jammu & Kashmir, (1995) 3 SCC 486. The vacancy would have to be carried forward to the next recruitment process in which the petitioner can participate with open market candidates and make her second attempt.

3. No merit. Dismissed for the afore stated reasons.

(RAJIV NARAIN RAINA)
JUDGE

2.3.2016
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