

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

**CM No.666 of 2016 in/and
CWP No.22913 of 2015
Date of Decision: 22.01.2016**

Dr. Deepak Kumar and Another

..... Petitioners

Versus

The Maharshi Dayanand University, Rohtak and Others

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Rahul Sharma-I, Advocate
for the petitioners.

DEEPAK SIBAL J. (ORAL)

In the main case, notice of motion had been issued and the matter is now posted for 19.04.2016.

Through the present application, in view of the contents thereof, a prayer is made for preponement of the date of hearing in the main case.

Let notice of the application be issued to the counsel for the non-applicants/respondents.

Mr. Anurag Goyal, Advocate, who is present in Court, accepts notice on behalf of respondent No.1- Maharshi Dayanand University, Rohtak (hereinafter referred to as the respondent-University).

After going through the contents of the application and hearing learned counsel for the parties, the hearing of the main case is preponed for today.

I have heard learned counsel for the parties and with their able assistance, have also gone through the entire record of the case.

Through an advertisement dated 28.01.2015, respondent No.4 Ahir College, Rewari (hereinafter called as the respondent-College) which is affiliated to the Maharshi Dayanand University, Rohtak, invited applications for appointment to the post of Assistant Professor in Geography and both the petitioners being eligible, applied for consideration of their candidature for the advertised post. The petitioners' candidature was considered by a duly constituted committee and as per its recommendations, the petitioners figured at merit No.1 and 2, respectively.

In spite of the recommendations made, no order of appointment has been issued to either of them which led to making of representations by them both to the respondent-College as also to the respondent-University in response to which, they were informed by the respondent-College that the matter with regard to their eligibility was pending with the respondent-University. The petitioners were further informed that the respondent-University had sought clarification from the University Grants Commission (UGC) whether petitioner No.1 having not qualified National Eligibility Test (NET) but being a P.hd was eligible for appointment.

Through the application filed today, the clarification given by the University Grants Commission through its letter dated 23.11.2015 has been placed on record as Annexure P-11.

Learned counsel for the petitioners submits that once the clarification has come, there is no further impediment to take a final decision on the eligibility of petitioner No.1. However, learned counsel for respondent No.1-University submits that along with the clarification issued by the University Grants Commission, the University is also to consider the law laid down by the Apex Court in “*P. Suseela Vs. University Grants Commission,*

2015 (8) SCC 129”.

Be that as it may, without commenting on the merits of the case, since the petitioners had been recommended for appointment way back in April 2015 and the matter has been lingering on for about nine months, I deem it proper to issue a direction to the respondent-University to take a final decision with regard to the eligibility of petitioner No.1 in accordance with law. The decision be taken expeditiously but not later than two months from the date of receipt of certified copy of this order by passing a speaking order.

The writ petition stands disposed of, accordingly.

(DEEPAK SIBAL)
JUDGE

22.01.2016
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