

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

**C.W.P No. 25598 of 2014
Date of decision : 15.09.2017**

Nitin Sehgal and anr.

...Petitioners

versus

Kurukshetra University and ors.

..Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Sehaj Bir Singh, Advocate
for the petitioners.

Mr. A.S. Virk, Advocate
for respondent No. 1

Mr. Vikrant Sharma, Advocate
for respondent No. 3

RITU BAHRI, J. (Oral)

This Court vide order dated 05.04.2016 disposed of the petition filed by the present petitioners. Thereafter, petitioners filed C.M. No. 10850-2016 for recalling of the order dated 05.04.2016 in view of the liberty granted vide order dated 05.08.2016 in LPA No. 1380-2016.

This Court on 05.07.2017 allowed the application of the petitioners and passed the following order:-

*After hearing learned counsel for the parties and going through the judgment passed by a Division Bench of this Court in **Subhash Chander Lohan Vs. State of Haryana and others**, 2011 (1) PLR 792, it transpires that Rule 7 (1) (iv) of Haryana Affiliated Colleges (Security of Service) Rules, 2006, has been declared arbitrary. As per the above said rule, if the nominee of*

the Vice Chancellor and Director gives dissenting note, proceedings of the Selection Committee can be quashed.

*In the present case, the Selection Committee had interviewed all the candidates as per Annexure P-6 and sent the matter back to the respondent-University to apply its mind on the note given by the DGHE. In view of the judgment passed by the Division Bench of this Court in **Subhash Chander Lohan's** case (supra), the University should have applied its mind and taken a conscious decision.*

*Keeping in view the above fact, the order dated 05.04.2016 passed by this Court in CWP No.25598 of 2014 titled as **Nitin Sehgal and another Vs. Kurukshetra University and others**, is recalled and the respondent-University will again apply its mind to the proceedings dated 16.08.2014 (Annexure P-6) sent by the Selection Committee and take a fresh decision as per the aforesaid judgment passed by the Division Bench of this Court in **Subhash Chander Lohan's** case (supra).*

Adjourned to 09.08.2017.”

Today, learned counsel for respondent No. 1 has shown order dated 19.08.2017 whereby University has sent approval of revised proceedings for the post of Assistant Professors in Physical Education to the Principal S.D. College. This order has been passed in compliance of order dated 05.07.2017. As per letter dated 19.08.2017, the University has accepted the recommendations of the selection committee held on 16.08.2017 at S.D. College, Ambala Cantt, the names of the petitioners have been

approved.

Learned counsel for the petitioners on the other hand states that in view of the order dated 19.08.2017, the petitioners have been appointed.

In view of the above factual position, no further orders are required to be passed in the present petition.

Disposed of.

(RITU BAHRI)
JUDGE

15.09.2017
G Arora

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>