

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

**CWP No.25338 of 2016 (O&M)
Date of decision: 08.12.2016**

Dr. Pushpendra Kumar Sharma

.... Petitioner

Vs.

Bhagat Phool Singh Mahila Vishwavidyala & ors.

.... Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Y.P.Malik, Advocate
for the petitioner.

RAJIV NARAIN RAINA, J.(ORAL)

Ordinarily, a mandamus will not issue to fill up a vacant post.

When the cause of action arises, the petitioner is at liberty to resort to remedy before the administration in the first instance before approaching the Court in case grievance persists. No person junior to the petitioner has been promoted so far. The petition is mistimed.

At this stage, after addressing arguments on merits the counsel prays for leave to withdraw the petition. The request of the counsel for withdrawing the petition is rejected since the present order causes no prejudice to the petitioner since the court expresses no opinion on the rights of the petitioner. Filing cases only to withdraw them is not a healthy habit and on the other hand has become the bane of litigation consuming time of the Court from filing to preliminary hearing and passing orders. Nevertheless, this order will not come in the way of the petitioner whenever the respondents initiate the process of filling up the vacant post to which the

claim is made.

Dismissed at the present stage.

(RAJIV NARAIN RAINA)
JUDGE

08.12.2016

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1. Whether speaking/reasoned?

Yes

2. Whether reportable?

No