

**CM No.15425 of 2016 in/and
CWP No.4635 of 2016**

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**CM No.15425 of 2016 in/and
CWP No.4635 of 2016
Date of Decision: 06.12.2016**

Dr. R.B. Jain

... Petitioner

Versus

Pt. B.D. Sharma University of Health
Sciences, Rohtak and others

... Respondents

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

Present: Mr. Namit Kumar, Advocate,
for the applicant-petitioner.

Mr. Anurag Goyal, Advocate,
for respondents No.1, 2, 4 and 5.

RAJIV NARAIN RAINA, J.

CM No.15425 of 2016

Notice of the application to the non-applicant/respondents.

Mr. Anurag Goyal, learned counsel accepts notice on behalf of
the University.

The application and the main petition is taken up for final
disposal in view of the decision taken by the University as noticed below.

Main Case

Heard.

The decision on Agenda Item No.103 in the meeting of the
Executive Council of the respondent-University held on May 24, 2016 is in
favour of the stand of the petitioner in this case to the effect that the
advertised posts of Floating Senior Professor should be filled as per
recruitment rules existing on the date of interview when the meeting was

first convened on December 08, 2015. This means the recruitment will be governed by the principle of merit-cum-seniority on the basis of the original advertisement and not on the principle of seniority-cum-merit. This principle relates to two posts for which the interviews were abruptly stopped and are now to be resumed and the process completed as per the latest decision. It appears inherent in the decision that the process which could not be completed will be completed in terms of the resolution dated May 24, 2016.

To this extent, the petition has been rendered infructuous since the decision is what the petitioner was looking for in the petition.

However, Mr. Namit Kumar, learned counsel appearing for the petitioner submits that while closing the file as rendered infructuous, a direction deserves to fly to the University to hold interviews by re-convening the interview process afresh and concluded expeditiously. This is a reasonable demand since the matter has been pending for a long time. Therefore, while disposing of this petition as being rendered infructuous, a direction is issued to the respondents to conclude the process of appointments to the subject post within a reasonable time; say, not beyond three months outer limit since the post falls in teaching cadre and public interest demands for the sake of students that it should be filled without further loss of time when the obstacle stands removed by the respondent University itself during the pendency of this petition when wisdom dawned that the rules of the game could not be changed after the game had begun.

Accordingly, the petition stands disposed of as infructuous as far as the prayers are concerned but with the directions of expedition which

was suggested by the learned counsel for the respondent University as just and appropriate, all things being equal as on date and in terms of the decision on Agenda Item No.103.

(RAJIV NARAIN RAINA)
JUDGE

06.12.2016
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Whether speaking/reasoned	Yes
Whether reportable	No