

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

CWP No. 11305 of 2008 (O&M)

Date of decision : May 05, 2017

Subhash Chander Sharma

..... Petitioner

v.

Panjab University and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Dinesh Kumar, Advocate
for the petitioner.

Mr. DPS Randhawa, Advocate
for respondents No.1 to 3.

Mr. PK Hooda, Advocate
for respondent No.4.

Ajay Tewari, J (Oral)

On 20.1.2017, the following order was passed :-

“ By this petition the petitioner had challenged the action of the University respondents No. 1 to 3 rejecting the case of his appointment on the ground that one member of the Selection committee Controller, viz. Printing and Stationary, Punjab Government was not personally present (though his nominee was there). However when the case for fresh appointment of respondent No.4 for the same post was considered that was cleared even though on that occasion also the Controller of Printing and Stationary, Punjab had not come present personally and the nominee sent by him was rejected.

Learned counsel for the petitioner however states that after filing of this petition the petitioner retired in the year 2012. I put it to him as to what precise relief could be granted to him in these circumstances. He has fairly accepted that no substantive relief can be granted but in case his contention is ultimately accepted the claim of the

petitioner have to be reconsidered for nothing but for notional benefits.

Learned counsel for respondent No. 4 seeks a short adjournment.

Adjourned to 03.03.2017.”

Today, learned counsel for the University has pointed out that the distinction between the consideration of the case of the petitioner and the case of respondent No.4 was that when the petitioner was interviewed, an unauthorized person viz nominee of the Controller, Printing and Stationary Punjab had been inadvertently allowed to participate in the interview process and that is why when the case was sent up for approval the competent authority had rejected that recommendation because of the participation therein of an unauthorized person. However, on the second occasion when the same post was advertised and again the Controller Printing and Stationary did not attend personally but sent a nominee, the Selection Committee being wiser had barred that nominee from taking part in the interview and that is why selection of respondent No.4 was made.

Counsel for the petitioner has argued that even if it is accepted that the nominee of the Controller, Printing and Stationary could not have participated in the interview, the petitioner would not object if his case is reconsidered and the opinion of the unauthorized representative is ignored.

After considering the matter, I am unable to find myself in agreement with the argument of counsel for the petitioner. In an interview which is taken by a multi member body (and even where individual marks are allotted by the individual member), it still cannot be said mathematically that if the marks of one of those members are ignored, it would give a correct picture. The issue is whether the respondents had acted illegally in rejecting the selection process in which an unauthorized

person had inadvertently participated. To my mind, such a rejection cannot be held to be illegal. It cannot also lost sight of that when the post was advertised for the second time, the petitioner was no more eligible and, therefore, could not be considered. Keeping in view the entire factual matrix, I am not persuaded to grant any relief to the petitioner. Consequently, this writ petition is dismissed.

Since the main case has been decided, the pending C.Ms, if any, also stand disposed of.

May 05, 2017
'kk'

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No