

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

CWP No. 7276 of 2017 (O&M)

Date of decision: 07.04.2017.

Sukhdev Singh

..... Petitioner.

Versus

Guru Ravidas Ayurved University and others

..... Respondents.

**CORAM: HON'BLE MR. JUSTICE S.S. SARON
HON'BLE MR. JUSTICE DARSHAN SINGH**

Present: Mr. Manish Dadwal, Advocate, for the petitioner.

S.S. SARON, J.

The petitioner by way of the present petition under Articles 226/227 of the Constitution of India seeks quashing of the appointment of respondent No.4 as Registrar of Guru Ravidas Ayurved University ('University' - for short) (respondent No.1) alleging the said appointment to be in violation of the provisions of Guru Ravidas Ayurved University Punjab Act, 2010 ('Act' - for short).

According to the petitioner, respondent No. 4 is not fulfilling the basic qualification for appointment as Registrar of the University (respondent No.1).

Respondent No.4, has in fact been appointed as Registrar of the University (respondent No.1) by transfer from a Technical University. According to the 'No Objection Certificate' dated 31.05.2016 (Annexure P2) issued by Baba Hira Singh Bhattal Institute of Engineering and Technology, Lehragaga, ('Institute' - for short), respondent No.4 was working in their Institute as an Associate Professor (W/P) in the Department of Mechanical Engineering on regular basis w.e.f. 12.07.2006 till date of issuing the

certificate. He was working in the Engineering Wing of the said Institute. It is mentioned that at present, he was on deputation with Inder Kumar Gujral, Punjab Technical University, Jalandhar (Punjab Institute of Technology, Hoshiarpur) as Registrar. It is also mentioned that he (respondent No.4) had applied for the post of Registrar at the University (respondent No.1) and if he was to be selected, he would be relieved as per the bye-laws of the Institute.

Section 15 (2) (c) of the Act, which is relevant for the purpose of the present case may be noticed. The same reads as under:

- “15 (1) xxxx
- (2) The Registrar shall be appointed -
- (a) xxxx
- (b) xxxx
- (c) by transfer from amongst the Registrars of other Universities of Ayurveda, Yoga and Naturopathy, Unani, Siddha and Homeopathy, or medical or technical Universities in the country.”

A perusal of the above provision shows that appointment of a Registrar in the University (respondent No.1) by way of transfer from another University is one of the modes of appointment. However, learned counsel appearing for the petitioner submits that respondent No. 4 was not a regular Registrar at the Inder Kumar Gujral, Punjab Technical University, Jalandhar (Punjab Institute of Technology, Hoshiarpur) and he was only manning the post of Registrar in the Regional Campus, i.e. at the Punjab Institute of Technology, Hoshiarpur, which is under the Inder Kumar

Gujral, Punjab Technical University, Jalandhar, and there is already a Registrar of the Inder Kumar Gujral, Punjab Technical University, Jalandhar.

It is to be noticed that the petitioner has also submitted a representation dated 22.12.2016 (Annexure P7). A perusal of the said representation shows that the petitioner inter alia submitted that the appointment of respondent No. 4 is on deputation on tenure basis from Baba Hira Singh Bhattal Institute of Engineering and Technology, Lehragaga (Government Institute) and he was an Associate Professor in the said Institute with effect from 12.07.2006. It is further mentioned that he was not eligible as he was an Associate Professor and on deputation with an Institute, that is, Punjab Institute of Technology, Hoshiarpur which is under the Inder Kumar Gujral, Punjab Technical University and he was not directly under the said Inder Kumar Gujral, Punjab Technical University. Therefore, the applicant (petitioner) applied to the Vice Chancellor of the University (respondent No.1) to provide him all documents concerning the appointment of respondent No.4 and also to nullify his appointment which, it is stated, is contrary to the Act.

Learned counsel for the petitioner submits that for the present he may be allowed to withdraw the petition so as to bring more comprehensively to the notice of the University (respondent No.1)/Board of Management the fact that respondent No.4 is ineligible for appointment as Registrar of the University (respondent No.1) as he was not a regular Registrar at Inder Kumar Gujral, Punjab Technical University and he was only working in one of the wings of the said University, that is, at the

Punjab Institute of Technology, Hoshiarpur. This according to the learned counsel for the petitioner makes respondent No.4 ineligible for appointment as Registrar of the University (respondent No.1).

In the circumstances, we permit the learned counsel for the petitioner to withdraw the petition at this stage and approach the University (respondent No.1)/Board of Management bringing all the facts as he considers necessary to show that respondent No.4 was not eligible for appointment as Registrar. In case, such a representation is filed on behalf of the petitioner, the same shall be considered by the competent authority independently of any observations made herein and hopefully as expeditiously as possible and preferably within three months from the date of its receipt by the competent authority of the University (respondent No.1).

Dismissed as withdrawn with aforesaid liberty.

(S.S. SARON)
JUDGE

(DARSHAN SINGH)
JUDGE

07.04.2017
Ramesh

Note:

1.	Whether reasoned/speaking	:	Yes
2.	Whether reportable	:	No