

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

LPA No.1000 of 2017 (O&M)

Date of Decision: 02.06.2017

Dr. SK Singh

... Appellant

VS.

State of Haryana & Ors.

... Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR.JUSTICE HARI PAL VERMA**

Present: Mr. Raj Kumar Gupta, Advocate for the appellant

SURYA KANT, J. (Oral)

(1) This Letters Patent Appeal assails the order dated 26.04.2017 whereby learned Single Judge has dismissed the appellant's writ petition in which he sought a direction for his appointment as Vice Chancellor of YMCA University of Science and Technology, Faridabad in place of the sixth respondent.

(2) The appellant is working as a Professor in the Department of Environmental Engineering, Delhi Technological University, Delhi. He was selected and offered appointment as Vice Chancellor of the YMCA University of Science and Technology, Faridabad. The order to this effect dated 06.08.2015 was passed by the Chancellor of the University.

(3) The appellant admittedly could not join as Vice Chancellor for a period of 2 months and 20 days for the reason that he was not relieved by his parent institute. It appears that the appellant had to approach the Central Administrative Tribunal, Chandigarh Bench, Chandigarh to get himself relieved from the parent department so as to join as Vice Chancellor on tenure basis.

(4) After awaiting for some time, the Chancellor appointed respondent No.6 as the Vice Chancellor of YMCA University of Science and Technology, Faridabad.

(5) The aggrieved appellant approached this Court but learned Single Judge vide order under appeal has declined to interfere in the matter.

(6) The facts which emerged out before the learned Single Judge are that the post of Vice Chancellor fell vacant due to unfortunate demise of the previous incumbent. There was no Vice Chancellor in the University for 8 months and it was not possible for the authorities to wait for an uncertain term as it was not known when the appellant would be relieved by his parent department. After awaiting for 2 months and 20 days, the appointment was offered to respondent No.6 who was also a Professor in the Department of Electronic Science at Kurukshetra University.

(7) It is contended on behalf of the appellant that neither there was any time schedule mentioned in the offer of appointment for resuming the duties nor the appellant was otherwise intimated that if he would not join by a specific date, the offer shall stand cancelled.

(8) We do not find any merit in both the contentions. Where there is no time frame given to join the assignment, it is expected that the selectee shall take over the responsibility at the earliest. A headless institution can hardly perform to the expectations of students or their parents. The University was without a Vice Chancellor from last 8 months. The anxiety of the authorities that the appellant would join at the earliest is therefore well understandable. The delay caused by the parent

organization of the appellant in relieving him to resume duties as Vice Chancellor is unfortunate but not attributable to the respondent-authorities.

(9) In these circumstances, we do not find any merit in this appeal which is accordingly dismissed.

(Surya Kant)
Judge

02.06.2017
vishal shonkar

(Hari Pal Verma)
Judge

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| 1. Whether speaking/reasoned? | Yes |
| 2. Whether reportable? | No |