

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****Date of decision: 25.09.2018****CWP No.22308 of 2015 (O&M)**

Shri Hanumant Shiksha Samiti (Regd.) & others ...Petitioners

Vs.

Maharshi Dayanand University, Rohtak & another ...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINAPresent: Mr. R.K.Malik, Senior Advocate, with
Mr. S.K.Rana, Advocate, for the petitioners.

Mr. R.S.Tacoria, Advocate, for the respondents.

RAJIV NARAIN RAINA, J. (ORAL)

There has been a drastic change of circumstances since this petition was filed calling in question orders dated 16.07.2015 (Annex P-8) and 20.08.2015 (Annex P-9) issued by the 1st respondent – Maharshi Dayanand University, Rohtak to which the petitioning institutions have been hitherto affiliated. However, now the petitioning institutions have been affiliated to the Indira Gandhi University Meerpur, Rewari by the Government of the State of Haryana.

As a result, the instant writ petition filed against Maharshi Dayanand University is rendered infructuous as it is no longer the affiliating University and has lost authority over the petitioners.

It may be noticed that CM No.1751 of 2016 was filed by the petitioners praying for interim directions stating that it is unable to recruit

required staff because of the alleged arbitrary condition imposed by the Maharshi Dayanand University in the impugned order dated 17.06.2015, stipulating that selection shall only be made if eligible candidates three times the posts are available for filling up. The applications received from the aspirants, is less than the number required to fulfill the condition of applicants being thrice the number of advertised vacancies. The National Council for Teacher Education (NCTE) had fixed 29.02.2016 for colleges to submit the names of approved faculty for processing their cases for approval by NCTE to run the institution and the B.Ed courses offered for study. While issuing notice on the application to the non-applicant/respondents, this Court vide interim order dated 15.02.2016 ordered that in the meantime, the petitioners can go ahead with the selection process at their own level.

NCTE is not a party to this petition and therefore nothing can be said with any certainty about the outcome of the selection at the level of the petitioners. In view of the sea change in the complexion of the case, it will no longer be possible to continue with the interim order dated 15.02.2016, which shall stand vacated. This is for the reason that the Indira Gandhi University Meerpur, Rewari cannot be saddled with the interim order of this Court beyond the life of the petition without being heard. If the petitioners have any dispute/grievance, they can raise it with the Indira Gandhi University Meerpur, Rewari and NCTE. The interim order shall be treated as ad interim permission to go ahead with the selection process, but that would not extend to actually making appointment/s because in the application specific request was made that they should be permitted to make recruitment, which meant for the time being. The ad interim order cannot be construed in its widest amplitude as including validity of selection or as

encompassing recruitment and appointment without the agency of the affiliating University or its nominee or by following the procedure set down in the University statutes in its relation with the private unaided institution.

With these observations, the instant petition stands disposed of.

25.09.2018
Vimal

[RAJIV NARAIN RAINA]
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No