

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

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CWP-18027-2017(O&M)
Date of decision: 02.07.2018

Raja Singh

...Petitioner

Vs.

Panjab University & others

...Respondents

CORAM: HON'BLE MRS. JUSTICE RITU BAHRI

Present: Mr. Rajat Mor, Advocate
 for the petitioner.

 Mr. Subhash Ahuja, Advocate
 for the respondent-University.

RITU BAHRI,J.(ORAL)

Prayer in this petition is for issuance of a writ in the nature of mandamus to allow the petitioner to continue as Guest Faculty till regular appointments are made.

The facts not in dispute between the parties are that the petitioner was selected as a Guest Faculty (non-NET qualified) in Physical Education in the Panjab University Constituent College, Dharamkot, District Moga. Pursuant to the advertisement (Annexure P-1) an appointment letter dated 27.09.2016 (Annexure P-2) was issued to him for one semester. On completion of the first semester, again the petitioner was issued the appointment letter for the next semester and re-appointment letter dated 16.02.2017 (Annexure P-3) was issued to the petitioner. Thereafter, the respondent-University/college issued fresh advertisement (Annexure P-4) on 25.07.2017 and walk-in-interviews were held on 02.08.2017.

The grievance of the petitioner is that the respondent was in process of replacing him with non-NET qualified person as a Guest

Faculty in Physical Education.

On notice, written statement was filed by the respondents taking a stand that the petitioner was not eligible for the post but he was appointed as Guest Faculty (as a very special case as non-NET qualified) in response to the advertisement (Annexure P-1). It was further stated that he was not going to be replaced by any unqualified candidate.

An affidavit of Dr. Kuldeep Singh, Principal of Panjab University-respondent was filed on 14.11.2017 and it was clarified that pursuant to advertisement dated 25.07.2017, walk-in-interviews for Guest Faculty in Physical Education were held on 02.08.2017 by the Selection Committee constituted for the said purpose.

The selections have been approved by the Vice-Chancellor for appointment as per order dated 06.11.2017 (Annexure RA-1). Dr. Parwinder Singh, who has been approved for appointment in place of Sh. Raja Singh, writ petitioner, is duly qualified as he possesses the qualification of M.A.(Phy. Education) and Ph.D. in Physical Education (notified in May 2017). Along with this affidavit, selection list has also been placed on record as Annexure PA-1. Perusal of this selection list shows that Dr. Parwinder Singh is at serial No.9 and has been selected for Physical Education and name of the petitioner in the waiting list (Annexure P-13) is at serial No.6.

Pursuant to the orders dated 25.10.2017, counter affidavit has been filed by Dr. Parminder Singh. In para 5 of this affidavit, it has been clarified that the petitioner is non-NET qualified and Dr. Parwinder Singh who possesses the qualification of M.A. (Physical Education) and Ph. D.,

has been selected as Guest Faculty in Physical Education and has not been issued appointment letter due to pendency of the adverse remarks of the Court. It is further stated that one Ms. Amanpreet Kaur is working in Panjab University Constituent College, Patto Hira Singh, Nihal Singh Wala, Moga and she is coming for temporary help of the students of this college vide letter dated 12.10.2017 (Annexure RA-3).

Counsel for the petitioner states that even though in the affidavit, it is stated that Dr. Parwinder Singh has been selected, there was no bar to quash his appointment letter and in case Dr. Parwinder Singh does not join after issuance of the appointment letter, the petitioner preferably will have to join as Guest Faculty.

Since the selection list is already part of the record and name of Dr. Parwinder Singh is at Sr. No.9. as he is fully qualified to be appointed as Guest Faculty, the present writ petition is dismissed. However, in case, after issuance of appointment letter to Dr. Parwinder Singh, he does not join, the respondent shall issue appointment letter to the petitioner within a period of 07 days.

Dismissed.

02.07.2018
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(RITU BAHRI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No