

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

CWP-4701-2013 (O&M)  
Date of decision : 29.08.2018

Dr. Mukand Lal

...Petitioner(s)

Versus

Punjabi University and others

...Respondent(s)

**CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN**

Present: Mr. Ashok Goel, Advocate,  
for the petitioner.

Mr. Vishal Khatri, Advocate,  
for Mr. Vipul Jindal, Advocate,  
for respondent Nos.1 and 2.

Mr. P.S. Dhaliwal, Advocate,  
for respondent No.3.

**JITENDRA CHAUHAN, J.**

Prayer in the instant petition is for issuance of a writ in the nature of Certiorari for quashing the appointment of respondent No.3 as Principal of the University College, Dhilwan.

Learned counsel contends that the petitioner being fully eligible and qualified, was selected against the post in question. However, appointment letter was not issued on account of a complaint lodged by some residents of village Lashkari Patti Sahena, District Barnala, wherein, the petitioner was described as 'fanatic'.

On the other hand, learned counsel for the respondent-University submits that the candidature of the petitioner was inadvertently

considered under the instructions issued by the University dated 12.04.2004 (Annexure P-7), not applicable to the selection in question. However, the case of the petitioner was subsequently considered in view of the instructions dated 30.06.2010 (Annexure R-2) issued by the University Grants Commission, which stand adopted by the University, whereby, at least, 55% marks from a recognized university have been prescribed. The petitioner has scored 54.8% marks in the M.A. As against the selected candidate who has 57.5% marks and M.Phil. Grade A with Ph.D. On behalf of the University, it is further asserted that the University reserves the right not to fill up the post and number of posts may also vary as clearly indicated in the advertisement itself (Annexure P-4).

Heard.

On 17.09.2015, this Court passed the following order:-

*“Though, as per learned counsel for the petitioner, the advertisement for the post of Principal of University College, Dhilwan (Barnala), does not stipulate that a minimum of 55% marks is required to be possessed by a candidate applying for the said post, learned counsel for respondent No. 3 has specifically raised this issue in the Court.*

*The University itself has not taken that stand. The only stand taken by the University, for non-appointment of the petitioner, despite his selection pursuant to an advertisement dated 15.07.2012, is because of “complaints received” (reference para 7 of the reply filed by University, on the merits of the petition). However, only a single complaint (in vernacular), has been produced in Court today, from the records, by learned counsel for respondents No. 1 and 2, which is*

*that of the Gram Panchayat of Village Lashkari Patti Sahena, District Barnala, to the effect that the Panchayat has come to know "from reliable sources" that the petitioner is a person of "fanatic/rigid ideology" and as such he should not be appointed. On a specific query, it has been stated that other than this complaint, there is no other complaint received against the petitioner and there is nothing at all on record, to substantiate even that vague allegation in the complaint.*

*Though, on the basis of this, the petition may deserve to be allowed; however, since learned counsel for respondent No. 3 has specifically raised the issue of the petitioner not meeting with the eligibility conditions prescribed for the post, the respondent-University is directed to place on record, before the next date of hearing, the eligibility conditions and qualifications required to be possessed, for appointment to the post of Principal, in a college run by the University.*

*Both, the University Grants Commissions' guidelines/ notifications on the issue, as were prevalent on 15.07.2012, as also the University's' own prescribed conditions for such appointment, be placed on record. Further, if the UGC guidelines were not considered to be mandatory, then whether or not they were adopted by the competent body of the respondent-University, be also brought out in an affidavit to be filed by the Registrar of the respondent-University. If the affidavit of the Registrar of the respondent-University is not filed, at least 3 days before the date of hearing, the Registrar shall appear in person on the next date. Adjourned to 05.10.2015."*

In compliance of the said order, the respondents have filed

affidavit (Annexure R-1) stating therein that the respondent-University had followed UGC Guidelines dated 30.06.2010 (Annexure R-2) for the purposes of appointment to the post in question.

Relevant extract of guidelines (Annexure R-2) reads thus:-

***“4.2.0PRINCIPAL***

*i A Master's Degree with at least 55% marks (or an equivalent grade in a point scale wherever grading system is followed) by a recognized University.*

*ii to iv XX XX XX”*

Admittedly, the petitioner does not possess 55% marks in his Master's Degree, thus, is ineligible for appointment to the post in question.

Dismissed.

**29.08.2018**  
***atulsethi***

**(JITENDRA CHAUHAN)**  
**JUDGE**

Whether speaking / reasoned : Yes No

Whether Reportable : Yes No