

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-24385-2018

Date of decision: 18.12.2018

Harish Chugh

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Vinod Bhardwaj, Advocate for the petitioner.

Ritu Bahri, J. (Oral).

The petitioner is seeking quashing of the selection made on the post of Director on 22.02.2013 of respondent No. 5. The proceedings of the Selection Committee has been placed on record as Annexure P-1.

The facts of the case are that the advertisement was published on 22.08.2012 (Annexure P-2) in Tribune newspaper and another one on 26.12.2012 in Times of India newspaper (Annexure P-3). The interview was held on 22.02.2013 Friday at 05:00 p.m. and the members of expert panel i.e. Professor Anil Vohra, Professor Dinesh Aggarwal and Professor B. Prashad participated from the University and their signatures were taken at a later point of time. In fact these persons were not on leave as per the RTI information given on 27.04.2017 (Annexure P-4) with respect to Professor Anil Vohra and Professor Dinesh Aggarwal. As per the proceedings of the Selection Committee (Annexure P-1), the teaching experience of respondent No. 5-Dr. Krishan Kumar Paliwal has been mentioned as 11 years and 6 months and further 6 years experience in Industry/Army.

Learned counsel for the petitioner has argued that as per the experience certificate dated 07.07.2006 (Annexure P-6), respondent No. 5 had been working as Assistant Professor in Electronics and Communication Engineering Department from August 2001 to July 2006 in Muzaffarnagar Engineering College and during this period, he was doing M.Tech on regular basis from JNV Jodhpur and as per the experience certificate dated 20.12.2010 (Annexure P-7), he had been Associate Professor in Galgotias College of Engineering and Technology from 01.08.2006 to 06.01.2010 and as Professor from 07.01.2010 to 12.08.2010 and as Professor and Head of the Department from 13.08.2010 to 20.12.2010 and from January, 2007 to May, 2010, he was doing his Ph.D. from MNIT, Jaipur (on regular basis). Hence, his learning and working experience is overlapping. He further argued that experience certificates submitted by respondents No. 5 are Annexure P-8 and P-9 as both the experience certificates are from March 1996 to March 2001. The Selection Committee has not evaluated these experience certificates (Annexures P-8 and P-9) which are not as per the norms of the University and even these certificates are overlapping. The petitioner made a complaint in the CM window on 27.06.2017 (Annexure P-10). The respondent No. 4 gave a reply on 09.09.2017 (Annexure P-11) and respondent No. 3-University gave a formal reply on 16.04.2018 (Annexure P-12).

Learned counsel for the petitioner has vehemently argued that as per the reply given by respondent No. 4 (Annexure P-11) and by respondent No. 3 (Annexure P-12), selection of respondent No. 5 is not as per the criteria set out in the advertisement dated 22.08.2012 (Annexure P-

2) as the experience is overlapping and no justification has been given as to how overlapping the learning with services have been accepted?

At the outset, as per the reply given to the petitioner by respondent No. 4 i.e. Panipat Institute of Engineering & Technology (Annexure P-11), respondent No. 5-Dr. K. K. Paliwal possesses 17 years of experience as below:

Name of Institute	From	To	Experience		
			Years	Months	Days
Indian Army	8-5-1995	8-3-2001	5	10	1
MEC	1-8-2001	6-9-2002	1	1	6
ME (JNVU)*	7-9-2002	24-9-2004	2	0	18
MEC	27-9-2004	31-7-2006	1	10	5
GCET	1-8-2006	2-1-2007		5	2
PhD (MNIT)	3-1-2007	25-12-2009	2	11	23
GCET	7-1-2010	20-12-2010		11	14
NCIT	24-12-2010	14-7-2012	1	6	21
MIET	16-7-2012	31-1-2013		6	16
Total (till Feb 2013 Excluding ME			10	60	88
Total (T+Ind + R)			17	3	16

As per certificate issued by HoD of JNVU, respondent No. 5-Dr. K.K. Paliwal had to get classes for 8-10 hours of teaching load per week. The selection of respondent No. 5 has been made by the expert committee which included three experts at the time of interview at 05:00 p.m. These three experts, after doing their work in the University, met in the institute at 05:00 p.m. and they were not required to take any leave from the University. Hence, the information given under RTI with respect to Professor Anil Vohra and Professor Dinesh Kumar (Annexure P-4) is

correct. The interview was conducted by 5:00 p.m. These persons are in the University and they did not take leave as per Annexure P-4 and P-5 and the selection process has not been vitiated. In the similar manner, it has been reiterated in the reply filed by Kurukshetra University (Annexure P-12) that the interview was held on Friday at 5:00 pm keeping in view the convenience and availability of senior Professor from the University and the assessment of experience certificates is to be done by the Selection Committee and not by the University. However a perusal of Annexure P-11 further shows that services of the present petitioner-Mr. Harish Chugh were terminated from the institute on 10.06.2016 and he has a biased and revengeful attitude against Dr. K.K. Paliwal. The selection of respondent No. 5 was made in the year 2013 as per the Selection Committee report dated 22.02.2013 (Annexure P-1) and the present writ petition has been filed on 11.09.2018 i.e. after a gap of more than 5 years. The petitioner has started pursuing complaint against appointment of respondent No. 5 while making a complaint on 27.06.2017 (Annexure P-10). Even this complaint has been made after a gap of more than 4 years.

After going through the contents of the writ petition and replies (Annexure P-11 and P-12), the selection does not call for any interference as respondent No. 5 had 17 years, 3 months and 16 days experience. Moreover, the petitioner has filed this writ as writ of co-warranto challenging the appointment of respondent No. 5. Even writ of co-warranto is not maintainable after a gap of more than 5 years.

Dismissed.

(RITU BAHRI)

18.12.2018

JUDGE

Divyanshi

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No