

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

**Civil Writ Petition No. 28226 of 2018 (O&M)
Date of Decision: 14.12.2018**

Dr. Jatinder Garg

..... Petitioner

Versus

Guru Ravidas Ayurved University, Hoshiarpur
through its Registrar and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Chetan Mittal, Senior Advocate, assisted by
Mr. Anil Rana and Ms. Shifali Goyal, Advocates
for the petitioner.

Mr. R. Kartikey, Advocate
for the respondents-University.

JASWANT SINGH, J. (ORAL)

Petitioner (*Dr. Jatinder Garg*) was serving as “Registrar” of Guru Ravidas Ayurved University, Hoshiarpur. By filing the present petition, he has challenged the two (02) orders dated 22.10.2018 (**Annexures P-10 & P-12**), whereby his initial appointment itself has been held to be against rules and the consequent order relieving him from the charge of Registrar.

This Court, while issuing notice of motion on 13.11.2018 passed the following order:-

“ *It is submitted that the petitioner (Dr. Jatinder Garg) fulfills the prescribed qualifications for the post of Registrar as per the guidelines of University Grants Commission (UGC), New Delhi. While working as Registrar of a constituent college of the erstwhile Punjab Technical University, Jalandhar (renamed as Inder Kumar Gujral, Punjab Technical University), the petitioner was selected and appointed as Registrar of Guru Ravidas Ayurved*

University, Hoshiarpur, vide order dated 21.07.2016 (**Annexure P-7**).

In the instant petition, the petitioner has challenged to the order at **Annexure P-10** (..../10/2018/Undated), whereby his appointment has been held to be illegal; **as also** the order dated 22.10.2018 (**Annexure P-12**), whereby he has been directed to hand over the charge of the Registrar.

It is submitted that the respondent-University had itself mixed up the procedure of recruitment for the post of the Registrar under the Act, and the petitioner, after consideration of rival claims, was selected and offered appointment without there being any concealment on his part.

Learned Senior Counsel for the petitioner, for the time being, restricts his claim for permitting his client to resign from the post to have an honourable exit and also protect his future prospects, as concededly, no fault can be attributed on part of the petitioner.

Notice of motion for **22.11.2018**.

At this stage, Mr. R. Kartikeya, Panel Counsel for the respondents-University, accepts notice on behalf of all the respondents.

In the meanwhile, “**Status Quo**”, as existing today, shall be **maintained**.

To be taken up in **Urgent List**. ”

On the next date of hearing on 22.11.2018, the following order was passed:-

“ Counsel for the respondent/University states that the University in principle has agreed to the proposal discussed on the previous date of hearing. He further submits that the petitioner is yet to submit his resignation.

In response, counsel for the petitioner prays for a short accommodation and, on instructions from his client who is present in the Court, states that the petitioner would present himself in the office of Registrar of the University on any working day during the next week and hand over

whatever records are in his possession and also tender his unconditional resignation.

List for further consideration on 14.12.2018.

It is hoped that before the next date of hearing, the University resolves the issue.

Be shown in urgent list. ”

At the time of hearing today, counsel for the respondents- University states that a fresh order dated 05.12.2018 has been passed, substituting the original order dated 22.10.2018 **(P-10)**, whereby resignation instead of termination has been accepted by the University. He further states that the experience certificate shall be issued at the earliest, whereas the other admissible benefits shall be released on completion of the formalities.

Learned Senior Counsel for the petitioner states that upon the deemed relieving w.e.f. 22.10.2018, the petitioner had joined his previous employer (as was on deputation with the present University) on 05.11.2018.

It is obvious that the gap in service w.e.f. 22.10.2018 till joining on 05.11.2018 will have to be dealt with in accordance with rules by the previous/parent employer.

In view of the aforesaid agreed stand, nothing more survives for adjudication in the present writ petition and the same has become infructuous.

“Dismissed as Infructuous”.

December 14, 2018

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**(JASWANT SINGH)
JUDGE**

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>