

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

Letters Patent Appeal No. 1598 of 2018 (O&M)

Date of Decision: 12.10.2018

Dr. Sanjay Tiwari

.....Appellant

versus

Central University of Haryana, Jant Pali, Mahendergarh, Haryana through its
Registrar and others

.....Respondents

**CORAM: HON'BLE MR.JUSTICE KRISHNA MURARI, CHIEF JUSTICE
 HON'BLE MR. JUSTICE ARUN PALLI, JUDGE**

Present : Mr. Ajay Vijarania, Advocate, for the appellant.

KRISHNA MURARI, C.J.(oral)

CM No. 4243-LPA of 2018

Heard. For the reasons mentioned in the application, delay of 15 days in filing the appeal is condoned. Application stands disposed of.

LPA No. 1598 of 2018

This intra-court appeal filed under Clause X of the Letters Patent is directed against the judgment and order dated 31.07.2018 passed by the learned Single Judge vacating interim order passed in favour of the petitioners in the writ petition.

2. Appellant-petitioner by filing the writ petition had challenged the advertisement issued by the appellant university mainly on the ground that the university had not followed any rule, objective or reasonable method to prepare the roster while applying reservation. Learned Single Judge, while entertaining the writ petition, stayed the recruitment process on 04.10.2017.

The respondent-university filed written statement especially pleading that 83 vacancies were advertised in different subjects and there is only one regular Associate Professor teaching in the university and the stay in the recruitment process is having adverse impact on the career of the students enrolled in the university in different subjects. A reference was also made to a letter issued by the Joint Secretary directing the Registrars of all the Central/State/Deemed Universities to postpone the recruitment process till further orders as they have filed some review petition before the Hon'ble Apex Court.

3. It is pertinent to mention at this stage that a statement was made on behalf of the University that the result of the selection and appointment on the post of Associate Professor(s)/Professor(s) will be carried out by taking the department as a unit of reservation and not the university. This stand taken by the University before the learned Single Judge was inconsonance with the Division Bench judgment rendered by Allahabad High Court in ***Vivekanand Tiwari and another v. Union of India and others 2017(6) ALL.L.J. 722***, which was upheld by the Supreme Court by disposal of the Special Leave Petition filed against the said judgment. The sole ground on which the said vacation application was being opposed was that a review application has since been filed in the Hon'ble Supreme Court on the basis of which a letter dated 19.07.2018 has been issued requiring to postpone the recruitment process, as such, it was not desirable to go on with the selection process. However, the learned Single Judge finding that the situation in the respondent-university was alarming as there were 83 vacancies of Associate Professor(s)/Professor(s) in the University to be filled in which would have a serious impact upon the careers of the students as also the image of the institution, proceeded to vacate the interim order.

Learned Single Judge also took care to adjust equities between the parties and the appointments made under the impugned advertisement were made subject to the result of not only the pending writ petition but as well as the pending review application before the Hon’ble Supreme Court.

4. Once the rights of the applicant-petitioner have already been protected by the learned Single Judge by making the appointments subject to the result of the writ petition as well as the pending review application and the fact that there were 83 vacancies in the university which was hampering the career of the students, we see no good ground to interfere in the impugned order.

5. Appeal accordingly fails and stands dismissed.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

12.10.2018
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Whether speaking/reasoned	√Yes/No
Whether reportable	Yes/No√