

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 5223 of 2019**

Dr. Arti Singh W/o Shri Satyendra Singh Aged About 44 Years R/o
Devbhawan, Rajiv Vihar, Loyolla, School, Road, Village, Lingiyadih, District
Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Petitioner**Versus**

1. Guru Ghasidas Vishwavidyalaya Through Vice - Chancellor, Koni, Bilaspur,
District Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh
2. Registrar Guru Ghasidas Vishwavidyalaya, Koni, Bilaspur, District Bilaspur
Chhattisgarh., District : Bilaspur, Chhattisgarh
3. University Grants Commission Bahadur Shah Zafar, Marg, New Delhi.,
District : New Delhi, Delhi
4. Secretary, Department Of Higher Education, Ministry Of Human Resources
Development, Government Of India, Shastri Bhawan, New Delhi., District :
New Delhi, Delhi
5. Secretary, Department Of Personnel, And Training Ministry Of Personnel,
Public Grievance And Pensions Government Of India, North Block New
Delhi., District : New Delhi, Delhi

---- Respondents

For Petitioner	:	Mr. Sangharsh Pandey, Advocate
For Respondent No. 3	:	Mr. R. K. Gupta, Advocate
For Respondent No. 1 & 2	:	Mr. D. K. Tiwari, under instruction from Mr. Bhupendra Singh, Advocates
For Respondent No. 4 & 5	:	Mr. Neeraj Choubey, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****17/07/2019**

1. The challenge in the present writ petition is to the quashment of the
entire advertisement dated 03.06.2019 floated by the respondent No.
1 University.
2. Grievance of the petitioner is that the petitioner had applied for the
post of Assistant Professor in HRDC from the previous advertisement

that was published by the respondents on 29.07.2016. The recruitment process initiated from the said advertisement dated 29.07.2016 had not been finalized when the respondents had now issued another rolling advertisement on 03.06.2019 (Annexure P-3). According to the petitioner as per the subsequent advertisement he has to apply again for the post for which he had already applied in the previous advertisement dated 29.07.2016. This, according to the petitioner is bad in law and is contravention to the norms, regulations and guidelines framed by the UGC.

3. Further contention of the petitioner is that the impugned advertisement is also bad in law for the reason the respondents have vide the fresh rolling advertisement that has been published have applied the benefits of reservation arising out of the 103rd amendment to the Constitution of India thereby, reserving the percentage of seats to the Economically Weaker Section (EWS). This again according to the petitioner is in contravention to the various judgment of the Supreme Court passed time and again and also the interim protection granted by the Supreme Court under similar circumstances in couple of writ petitions.
4. According to the petitioner since the fresh advertisement dated 03.06.2019 is a rolling advertisement in continuation of the previous advertisement dated 29.07.2016, the benefit of reservation arising out of the 103rd amendment to the Constitution of India could not have been applied by the institution as the benefit of the amendment cannot be given retrospective effect and it would only have a prospective effect and thereby the advertisement is bad in law.
5. Perusal of the record would show that petitioner infact had applied for the post of Assistant Professor under the subject – HRDC. The total

number of posts advertised for the said post is one. The post was exclusively for the UR category.

6. Today when the matter was heard, counsel appearing for the University entered appearance and showed corrigendum that is issued by the University on 15.07.2019 whereby it has been reflected that the post for HRDC would not be affected by the reservation policy given to the Economically Weaker Section and that the said post would be filled up exclusively from among the meritorious candidates without applying any reservation.
7. Perusal of the subsequent advertisement dated 03.06.2019 would reveal that though the candidates, who had applied in the previous advertisement have been asked to apply again, but they have been exempted from the application fees subject to the candidates furnishing the details of the earlier application and the details of the fees earlier submitted, which in the opinion of this Court cannot be said to be an irregularity. It is only a procedure, which has been adopted by the State and in the process they have protected the interest of the candidates, who had applied in the previous advertisement.
8. Given the factual submission by the counsel for the University and taking note of the corrigendum dated 15.07.2019, this Court is of the opinion that as of now the grievance of the petitioner for the post for which the petitioner has applied stands redressed.
9. Though, counsel for the petitioner tried to challenge entire the recruitment process including the other posts advertised on the ground of University applying the benefit of 103rd amendment to the Constitution of India for the other post. At this juncture, this Court is of the opinion that since for the post for which the petitioner has applied

since there is a categorical statement by the University that it would not be affected by the 103rd amendment to the Constitution. Further since the petitioner has not applied for any other post and the petition being only on behalf of the sole petitioner she should not have any grievance as of now. Therefore, at this juncture the petitioner cannot be permitted to challenge the recruitment process for the other subjects for which the petitioner has not applied.

10. The writ petition accordingly stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

Rohit