

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-5308-2019 (O&M)
Date of Decision: 27.02.2019

Dr. Ashok Kumar Makkar

--Petitioner

Versus

State of Haryana & others

--Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Sunil Kumar Nehra, Advocate for the petitioner.

TEJINDER SINGH DHINDSA.J (Oral)

Petitioner seeks a Mandamus to refrain the Ch. Devi Lal University, Sirsa from holding a meeting of the Executive Council scheduled for today i.e. 27.2.2019.

The entire case projected on behalf of the petitioner is that an emergent meeting of the Executive Council has been called for 27.2.2019 and in which 68 agenda items have been circulated and which would be duly deliberated upon. It is sought to be impressed that composition of the Executive Council is not complete and as such, eligible members are being deprived of their legitimate rights. As per counsel the teaching faculty would not be duly represented in such Executive Council meeting scheduled for today i.e. 27.2.2019. It is vehemently argued that even if the meeting was to proceed further, directions be issued to the respondent-university to refrain from implementing any decision that may be taken during the course of deliberations.

Having heard counsel for the petitioner at length, this Court is of the considered view that the prayer made in the instant petition cannot be accepted as the same is not well founded.

Counsel has not been able to demonstrate by referring to any of the provisions under the Ch. Devi Lal University Sirsa Act, 2003 which may be construed as an impediment as regards the scheduled meeting of the Executive Council for 27.2.2019. During the course of hearing counsel has adverted to the Ch. Devi Lal University Calendar, 2011, Vol. III containing rules and regulations and as per Rule 3 contained in Chapter VII, 2/5th of the Members of the Executive Council would form the quorum.

It is not even the case made out on behalf of the petitioner that the quorum is not complete in so far as the meeting of the Executive Council i.e. to be held today i.e. 27.2.2019.

At this stage, counsel would interject and invite this Court's attention to the averments contained in para 4 of the writ petition. In para 4 it has been pleaded that the Vice Chancellor of the respondent-university in the garb of the emergent meeting scheduled for 27.2.2019 wants to extend favours to some of the employees, who are close to him. In this regard agenda item no.37 is adverted to.

Even such submission is being noticed only to be rejected. Such submission at best voices an apprehension that certain decisions would be taken in such meeting and which would be in the nature of extending certain benefits in an arbitrary and illegal fashion. Such a submission is clearly premature as no decision as of date has been taken. It would always be open for the petitioner to assail any decision that may be taken by the Executive Council in the meeting being held today i.e. 27.2.2019 if so advised and on grounds that may be available in accordance with law.

Petition is dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

27.02.2019

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Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No