

CWP-19971-2013 (O&M)

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

**CWP-19971-2013 (O&M)
Date of Decision: March 07, 2019**

Bas Kaur

... Petitioner

vs.

**Chaudhary Charan Singh Haryana Agricultural University and Anr
.. Respondents**

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Sanjiv Gupta, Advocate with
Mr. N.S.Choudhary, Advocate
for the petitioner.

Ms. Aashna Gill, Advocate for
Mr. Aman Pal, Advocate
for the respondents.

ARUN MONGA, J

The present writ petition has been filed for issuance of a writ in the nature of *mandamus* seeking directions to the respondents to consider the claim of the petitioner on the post of Assistant Professor, published vide advertisement No. 1/2012 (Annexure P1).

2. The petitioner states that she is Msc., Phd in Sociology and has also qualified National Eligibility Test (NET) and is fully eligible to be considered for the post of Assistant Professor (Sociology). Accordingly, she applied for the same per advertisement issued by the respondent-University. Pursuant to her application, the petitioner was called for interview but after recording her presence, she was told to go back. The petitioner later applied for information under RTI. Vide RTI information dated 30.07.2013 (Annexure P6), she was conveyed that due to poor response, only one candidate was

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found to be eligible for the post of Assistant Professor (Sociology) at the time of interview, therefore, Vice Chancellor, being Chairman of the Selection Committee, cancelled the interview.

3. In the written statement filed by the University, the stand has been taken that since there was only single candidate for interview to the appointment of Assistant Professor in Sociology, therefore, the Vice Chancellor, had rightly cancelled the interview, being the Chairman of the Selection Committee, as well as, being the Appointing Authority for the said post. The cancellation of the selection process for the post of Assistant Professor has been justified on the ground that mere eligibility for any post does not give right to any candidate to seek appointment on the post without the recommendation of the Selection Committee.

4. I have gone through the pleadings filed before this Court and have also heard the rival contention of learned counsels for the parties.

5. Learned counsel for the petitioner has drawn my attention to order dated 10.09.2013 passed in present writ proceedings before this Court, wherein, his submissions were noted that apart from faculty of Sociology, similar situation existed in other faculties i.e. Mechanical Engineering, Civil Engineering, Electrical Engineering, Vegetable Botanist, Agro-forestry and Agriculture Business Management etc. He contends that in those cases, candidates were duly interviewed, despite their being poor response and in many of those cases, there was only single candidate, as in the case of petitioner. He, therefore, contends that the petitioner has been unduly discriminated as she ought to have been atleast interviewed. The action of the respondents in cancelling of selection process is arbitrary and unjustified particularly, in view of the fact that the petitioner is not only duly eligible and

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qualified but is already working on contract basis with the respondent-University since year 2009, without any break.

6. Per contra, learned counsel appearing for respondent-University has argued that the Vice Chancellor, being the Chairman of the Selection Committee, is fully empowered to postpone/cancel the selection process in the event of the Selection Committee/Vice Chancellor not being satisfied with the response to the advertisement for selection of any post in the University. She has placed reliance on the powers conferred on the Chairman of the Selection Committee (Vice Chancellor), as contained in the University Calendar. The relevant Sub-section 3 (V) of Section 4 of the University Calendar is extracted herein below:-

“The Chairman of the Committee with the help of a Screening Committee appointed by him shall scrutinize all the applications, suggestions and recommendations received and prepare a list of the candidates, who shall be either called for interview or considered in absentia.”

7. A perusal of the above reflects that once the selection process has been advertised, there is no power conferred on the Vice Chancellor to cancel the same, particularly, when the candidates have been called for interview. In fact, to the contrary, the provision, as rightly contended by learned counsel for the respondent(s), envisages that even if a candidate does not appear for interview, he/she can be considered in absentia and the Selection Committee is empowered to recommend the case of a candidate in absentia.

8. In view of my discussion above and the reasoning contained therein, the present petition is allowed to the limited extent that respondent-University is directed to interview the petitioner for appointment on the post of Assistant Professor (Sociology), vide advertisement No. 1/2012. In case she is

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found fit and meritorious, respondents may then proceed in accordance with law. It is, however, made clear that the direction of this Court shall not be construed, in any manner, as an expression of opinion on the merits of the candidate for the purpose of her selection.

March 07, 2019
smriti

(ARUN MONGA)
JUDGE

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