

Sr. No.204

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

CWP No.7679 of 2013 (O&M)

Date of Decision: 27.11.2019

Dr. Gurwinder Singh Bhalla

... Petitioner

Versus

Guru Nanak Dev University, Amritsar and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. D.S.Patwalia, Sr. Advocate with
Mr. A.S.Chadha, Advocate,
for the petitioner.

Mr. Parveen K. Kataria, Advocate,
for the respondents.

ARUN MONGA, J.(ORAL)

1. *Inter alia*, issuance of a writ in the nature of certiorari seeking to quash order dated 26.03.2013 (Annexure P-11) passed by the Registrar of the respondent-GNDU has been sought.

2. While issuing notice of motion, vide interim order dated 10.04.2013, operation of the order under challenge (Annexure P-11) was stayed.

3. Vide order assailed herein, the petitioner was demoted from the post of Professor to Lecturer. At the very threshold, Mr. D.S.Patwalia, learned Senior Counsel assisted by Mr. A.S.Chadha, Advocate for the petitioner argues that the order is ex-facie nonest, to say the least, as the same has been passed by the Registrar, who is not the competent authority under the University Calendar, Volume I, which governs the service

conditions of the petitioner. He relies on Statute 37 read with Section 39 wherein it is clearly envisaged that in the case of University Faculty falling in Class-A i.e. Professor, the appointing/competent authority is the Syndicate of the University and without there being a specific agenda and the resolution of the Syndicate resolving to demote the petitioner, no order could have been passed.

4. Having perused the relevant provisions of the Calendar *ibid* vis-a-vis the contents of the impugned order and also the contentions of learned counsel representing the respondent-University, I am of the view that impugned order lacks the mandate of the Syndicate inasmuch as neither any resolution nor any agenda item thereof has been mentioned vide which the Syndicate resolved to demote the petitioner and authorized the Registrar to convey the same to the petitioner.

5. A specific query was posed by the Court as to how in the concluding part of the impugned order, the Registrar has stated that Syndicate in its meeting held on 13.03.2013 decided that the petitioner be demoted without mentioning any agenda item or the resolution passed thereof.

6. No explanation worthy of being plausible has been rendered. There is nothing on record to show that Syndicate indeed passed any such resolution.

7. As against this, in the impugned order itself, on other matters which were of much lesser importance, specific agenda item numbers and the decisions taken thereon by the syndicate in

the meeting have been specifically stated. Illustratively, the matter of issuance of show-cause-notice to the petitioner vide item No.93 in Syndicate meeting dated 25.06.2012; dropping the decision to hold inquiry against the petitioner vide agenda item No.77 dated 27.09.2011 but there is a stoic silence with regard to the agenda item number when it comes to take the decision to demote the petitioner.

8. In the premise, the order passed by the Registrar is ex-facie lacking mandate of Syndicate as envisaged under the University Calendar and, therefore, does not stand scrutiny of law and is set aside.

9. It is, however, made clear that the competent authority of the University shall be at liberty to pass fresh orders in accordance with law, by following the procedure as envisaged under the University Calendar.

10. Disposed of in above terms.

27.11.2019

vandana

**(ARUN MONGA)
JUDGE**

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No