

Sr. No.214

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

**CWP No.5628 of 2015 (O&M)
Date of Decision: 12.07.2019**

Ravinder Singh Bhatia

... Petitioner

Versus

Director National Institute of Technology Kurukshetra and another

... Respondents

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Prateek, Advocate,
for the petitioner.

Mr. A.S.Virk, Advocate,
for the respondents.

ARUN MONGA, J.

1. Petitioner has impugned the order dated 18.03.2015 (Annexure P-3) for the change of the Head of the Electrical Engineering Department of National Institute of Technology, Kurukshetra (for short hereafter 'NIT') and for the appointment of respondent No.3-Dr. G.L.Pahuja as the Head of the said Department in place of the petitioner. He seeks a mandamus for his reinstatement on the said position.

2. It is the case of the petitioner that he had been appointed as Head of the Electrical Engineering Department of NIT for a period of two years from 30.07.2013 vide order dated 29.07.2013 (Annexure P-2). However, before expiry of his tenure of two years, he was illegally removed from the said position on 18.03.2015 and replaced by respondent No.3.

3. The respondents contested the case/claim of the petitioner on various counts.

4. I have perused the record and heard learned counsel for the parties. In my opinion, the impugned order does not call for any interference from this Court in exercise of its extraordinary writ jurisdiction for the reasons given hereunder.

5. Order dated 29.07.2013 (Annexure P-2) for the petitioner's appointment as Head of the Department itself shows that his appointment was for a period of two years or till further orders, whichever was earlier. Its text clearly shows that the term of the petitioner's appointment as Head of Department could be terminated even before expiry of two years. The petitioner did not disclose in the body of the writ petition that as per order dated 29.07.2013 (Annexure P-2), the term of his appointment as Head of Department could be terminated even before expiry of two years. Thus, he has tried to suppress a material aspect of the case to mislead the Court into entertaining the petition. That itself disentitles him to the discretion of the Court.

6. There is no challenge in the case to the text in the petitioner's appointment order dated 29.07.2013 (Annexure P-2) to the effect that the term of his appointment as Head of Department could be terminated even before expiry of two years. So long as the said condition in the appointment letter stands, it seems that the petitioner is bound by the same and the competent authority was within its rights to terminate the appointment of the petitioner as Head of Department before expiry of two years from 30.07.2013.

7. The petitioner had accepted the appointment as Head of Department knowing fully well that his appointment as such could be terminated even before the expiry of two years. This being the position, I am unable to accept the contention that before expiry of two years from 30.07.2013, the petitioner could not be removed from the position of the Head of Department in view of the Section 20 sub-sections (2) of the First Statute of the National Institutes Technology providing for a two year term for such appointment.

8. Petitioner still retains his position as Professor in the NIT. With the efflux of time, even his two years' term as Head of Department from 30.07.2013 would have expired on 29.07.2015. Since then much water has flown under the bridge. Several new developments must have taken place giving rise to rights and interests of some other persons also who are not before the Court. On this account also, at this stage, it would not be appropriate to disturb the existing position once again by reinstatement of the petitioner as Head of Department for a short spell equivalent to the period from 18.03.2015 to 29.07.2015, by which his term fell short of two years.

9. As a result, the petition is dismissed. No order as to costs.

(ARUN MONGA)
JUDGE

12.07.2019
vandana

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No