

CWP-8900-2017 (O&M)

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

CWP-8900-2017 (O&M)

Date of decision : 15.10.2019

Rajpal Singh

... Petitioner

Versus

B.P.S. Mahila Vishwavidyalaya and another

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Yesh Paal Malik, Advocate
for the petitioner.

Mr. Tribhuvan Dahiya, Advocate
for the respondent.

AMIT RAWAL, J. (ORAL)

The petitioner has approached this Court seeking following
reliefs:-

“Civil Writ Petition under Articles 226/227 of the Constitution of India praying for issuance of a writ in the nature of certiorari; or any other appropriate writ, for quashing the advertisement dated 04.03.2017 (Annexure P-6), issued by the respondent/University, pertaining to the vacancy of single posts of Deputy Medical Superintendent, in violation of M.D. University Rules, as 75% of posts are to be filled by promotion (reproduced in para No.11 of this writ petition); as well as it may also be inferred from Haryana Government instructions dated 14.03.2008 (Annexure P11); and also that of mandamus, directing the respondents to promote the petitioner as Deputy Medical Superintendent as he is the senior most Ayurveda Medical Officer in the respondent University; And/or any other writ, order of directions which this Hon'ble Court may deem fit and appropriate under the peculiar facts and circumstances of the case.”

As regards one prayer, Mr. Dahiya, learned counsel appearing on behalf of the respondent/University submits that advertisement for filling up the Deputy Medical Superintendent has already been withdrawn.

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Mr. Malik, learned counsel appearing on behalf of the petitioner submits that the case of petitioner, in such circumstances, is required to be considered for promotion as he fulfils all requisite conditions.

This Court also raised certain queries with regard to applicability of Rule of Adoption of Maharishi Dayanand University Calendar. Reference was given to the notification dated 15.12.2008. I am of the view that until and unless, petitioner submits a detailed representation by taking the aid of the Rules, entitling him to the promotion, grievance of petitioner cannot be redressed at the drop of a hat.

Faced with the aforesaid situation, learned counsel for the petitioner submits that he may be granted liberty to make a detailed representation, though representation dated 10.04.2017 (Annexure P-7), had already been submitted.

In view of above, the petitioner is granted liberty to make representation within a period of one week from the date of receipt of certified copy of this order and in case, representation is made, the respondent/University shall decide the same within a period of two months thereafter, by passing a speaking order thereon, much less, after affording opportunity of hearing to petitioner.

With the aforesaid observations, the present writ petition stands disposed of.

15.10.2019
Yogesh Sharma

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned **Yes/ No**

Whether Reportable **Yes/ No**