

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of decision : 18.09.2019

1. LPA-1547-2019 (O&M)

Panjab University and others

.... Appellants

Versus

Emanual Nahar and others

... Respondents

2. LPA-1548-2019 (O&M)

Panjab University and others

.... Appellants

Versus

Professor Keshav Malhotra and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE RAKESH KUMAR JAIN
HON'BLE MR. JUSTICE ARUN KUMAR TYAGI**

Present: Mr. Puneet Bali, Sr. Advocate, and
Mr. Chetan Mittal, Sr. Advocate, with
Mr. Pankaj Jain, Advocate,
Mr. Anil Mehta, Advocate,
for the appellants.

Mr. Gurminder Singh, Sr. Advocate, with
Mr. Gurnoor Singh, Advocate,
for the respondents.

RAKESH KUMAR JAIN, J (ORAL)

This order shall dispose two appeals involving the identical issues. However, for the sake of convenience, facts are being extracted from LPA-1547-2019. This appeal is against the interim order dated 02.09.2019.

In brief, the respondent No.4 has filed the writ petition bearing No.23372 of 2019 in which the following prayers are made:-

“(ii) summon the proceedings of the Senate held on 22.08.2019 and after perusal thereof, quash the

decision of the Respondent-University, whereby the recommendations of the Syndicate dated 28.05.2019 (Annexure P-11) has been rejected and the petitioner has not been granted extension for a period of one year as Dean of Student Welfare and to further quash the impugned order dated 22.08.2019 (Annexure P-15).

- (iii) direct the Respondent-University to consider and decide on the recommendation of the Syndicate dated 22.05.2019 by putting the resolution for voting before the Senate in terms of Regulation 20 of Chapter II(A)(i) of the Panjab University Act, 1947.
- (iv) stay the operation of the impugned order dated 22.08.2019 (Annexure P-15) and proceedings during the pendency of present proceedings.

The case setup by respondent No.4 is that the Syndicate, in its meeting held on 28.05.2019, has passed the following resolution:-

“RESOLVED: That Professor Emanuel Nahar, Dean Student Welfare, Professor Neena Caplash, Dean Student Welfare (Women) and Professor Ranjan Kumar, Associate Dean, Student Welfare, be given extension in their term of appointment for one more year i.e. up to 31.05.2020 and till this recommendation of the Syndicate is considered by the Senate; all the said incumbents would continue as such.

The Vice Chancellor expressed his strong reservation to the above mentioned resolution since he has not recommended the names of Professor Emanuel Nahar, Dean Student Welfare, Professor Neena Caplash, Dean Student Welfare (Women) and Professor Ranjan Kumar, Associate Dean, Student Welfare, for extension in their aforesaid term of appointment i.e. 31.05.2020.”

The said resolution was kept as agenda item No.C-7 in the meeting of the Senate, which was held on 22.08.2019 and read as under:-

“Extension in term of appointment of Dean student welfare, Dean Student Welfare (women), Associate Dean Student welfare upto 31.05.2020 or till recommendation of the Syndicate considered by the Senate. The Vice-Chancellor expressed his strong reservation as he has not recommended the names for these posts.”

In the meeting of the senate, 48 Senators were in favour of respondent No.4 but the Vice Chancellor had allegedly refused to put the matter to vote. The said letter which is a part of this pleadings as annexure P-14 is also reproduced as under:-

“Agenda Item No.C-7:

Resolved to approve the recommendations of the Syndicate in its meeting held on 28.05.2019 vide para 16 that Professor Emanuel Nahar, Dean Student Welfare, Professor Neena Caplash (Dean, Student Welfare, women) and Professor Ranjan Kumar, Associate Dean, Student Welfare be given extension in their term for one more year i.e. Upto 31.05.2020. As the Vice Chancellor refused to put the matter to vote, it is being submitted by the following fellows:-

1. Sd/- Navdeep Goyal 2. Sd/- Dalip Kumar 3. Sd/- Ronki Ram 4. Sd/- Rajat Sandhir 5. Sd/- J.K. Goswamy 6. Sd/- IPS Sidhu 7. Sd/- Jarnail Singh 8. Sd/- Keshav Malhotra 9. Sd/- Rajesh Gill 10. Sd/- 11. Sd/- Gurdip Singh 12. Sd/- Prabjit Singh 13. Sd/- Vipul Narang 14. Sd/- Paramjit Singh 15. Sd/- Sandeep 16. Sd/- R.K. Mahajan 17. Sd/- B.C. Josi

18. Sd/- Naresh Gaur 19. Sd/- Parveen Goyal 20. Sd/-
 22. Sd/- 23. Sd/- Anu Chatrath 24. Sd/- Iqbal Sandhu
 25. Sd/- Ram Rajput 26. Sd/- Harish Batra 27. Sd/-
 28. R.K. Mahjan 29. Sd/- Inderjit Kaur 30. Sd/- S.K.
 Sharma 31. Sd/- Narinder Singh 32. Sd/- H.S. Dutt
 33. Jagdeep Kumar 34. K.K. Sharma 35. Sd/- 36. Sd/-
 37. Sd/- Pawan K. Bansal 38. Sd/- 39. Dr. Sarabjit
 Kaur 40. Sd/- Bharat Bhushan 41. Sd/- Amar Singh
 42. Sd/- Ashok Goyal 43. Sd/- Rajinder Singh 44. Sd/-
 45. Sd/- Raj Kumar MLA 46. Sd/- Dr. Indu Malhotra
 47. Sd/- Surinder Kaur 48. Sd/- I.S. Chadha

Received

Sd/- 22.08.2019.”

However, an office order was issued on 22.08.2019 itself, as per which the Vice Chancellor had ordered that the charge of the Dean Student Welfare (Men) shall be held by Professor Jagat Bhushan Principal-cum-Professor, Dr. H.S. Judge Institute of Dental Sciences & Hospital, Panjab University in place of Professor Emanuel Nahar, University School of Open learning, Panjab University with immediate effect till further orders and till the time Professor Jagat Bhushan remains on leave, the said charge will be held by Professor Hemant Batra, the officiating Principal, Dr. H.S. Judge, Institute of Dental Sciences & Hospital. It is also mentioned therein that the said decision has been taken by Vice Chancellor in terms of the decision taken in the Senate meeting (Agenda Item No.C-7) held on 22.08.2019.

The learned Single Judge vide his impugned order dated 02.09.2019 issued the following interim directions:

- (i) Respondents are directed to restore status qua ante as it existed a day prior to the date of meeting of Senate, i.e.

22.08.2019 by forthwith allowing the petitioner to continue as DSW.

- (ii) Till further orders the decision to implement the impugned order dated 22.08.2019 (Annexure P-15) shall be kept at abeyance by the respondents.
- (iii) The respondents are further directed to take appropriate steps to convene a meeting of the Senate within a period of seven days as per Regulation 7 to consider the recommendations / proceedings dated 28.5.2019 (Annexure P-11) of the Syndicate and put the matter to vote, if need be, to decide on the said recommendation, in accordance with law.”

The aforesaid interim directions are under challenge in this appeal, *inter alia*, on the ground that the interim directions are in the nature of deciding the writ petition on merits.

After lengthy arguments, the learned senior counsel appearing on both sides have suggested that let there be a fresh meeting of the Senate to re-consider the agenda item C-7 after setting aside the order dated 22.08.2019 (Annexure P-15) and till the Senate takes a decision on the recommendation of the Syndicate, the senior most Professor of the University may be appointed as Dean Student Welfare (Men).

We have heard learned counsel for the parties and in view of the peculiar facts and circumstances, these appeals are disposed of with a direction to the Panjab University, Chandigarh to convene a meeting of the Senate after issuing 7 days notice to all the Senators. The meeting be convened on 28.09.2019 at 11.00 a.m. in the office of the Senate of the Panjab University to consider the agenda item No. C-7 of the meeting dated 22.08.2019 and the entire proceedings of the meeting shall be videographed as was done earlier.

We may also add that we have not commented on the merits of the case and all the questions, raised in this appeal, shall remain open.

**(RAKESH KUMAR JAIN)
JUDGE**

**(ARUN KUMAR TYAGI)
JUDGE**

18.09.2019
Dinesh

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No