

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

LPA No.1886 of 2016
Decided on : 13.02.2019

Kirandeep Kaur

..... Appellant

Versus

State of Punjab and ors.

..... Respondents

**CORAM : HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

Present : Ms. Sandeep Kaur, Advocate for
Mr. G.S.Nahel, Advocate
for the appellant.

Mr. Pankaj Gupta, Addl. AG, Punjab.

Mr. Ajaivir Singh, Advocate
for respondent No.2.

Mr. C.S.Singhal, Advocate for
Mr. B.S.Bhinder, Advocate for respondent No.3.

Manjari Nehru Kaul, J.

CM-3893-LPA-2016

This is an application filed for condonation of delay of 13 days in re-filing the appeal.

For the reasons mentioned in the application, delay of 13 days in re-filing the appeal is condoned.

CM stands disposed of.

CM-3894-LPA-2016

This is an application filed for condonation of delay of 31 days in filing the appeal. The application is duly supported by an affidavit of the appellant.

For the reasons mentioned in the application, delay of 31 days in filing the appeal is condoned.

CM stands disposed of.

LPA-1886-2016

In this intra Court appeal filed under Clause X of Letters Patent, the appellant assails the order dated 16.05.2016 passed by learned Single Judge.

2. Brief chronology of events, facts and circumstances leading to filing of the present appeal are that the appellant applied for the post of Assistant Professor, Religious/Sikh Studies in the General Category seat pursuant to advertisement No.1370 dated 30.01.2010 in Punjabi University, Patiala where she was placed at serial No.1 in the list of short-listed candidates. Though the respondent-University called the applicant for interview but it was respondent No.3-Raminderjeet Kaur, who was finally selected on the said post. Aggrieved by the selection, the appellant approached this Court by filing a writ petition.

3. The learned Single Judge dismissed the said petition by concluding that the appellant was working on the same post of Assistant Professor and was In-charge of the Department of Religious and Civilizational Studies in Sri Guru Granth Sahib World University, Fatehgarh Sahib, Punjab.

4. The appellant has laid a challenge to the said order on the ground that the prayer of the appellant regarding the challenge to the appointment of respondent No.3 has not been touched at all by the learned Single Judge and the writ petition has been dismissed on the ground that the appellant is already working on the same post at Sri Guru Granth Sahib World University, Fatehgarh Sahib.

5. We have heard learned counsel for the parties and perused the

material available on record.

6. Learned counsel for the appellant has not been able to persuade us that the arguments in respect to challenge qua selection and appointment of respondent No.3 -Raminderjeet Kaur was ever pressed during the course of hearing and despite that, the writ petition was dismissed.

7. Moreover, a perusal of the impugned order does not even obliquely reveal that challenge to the appointment of respondent No.3 was ever pressed on the grounds, which are being pressed in the instant appeal, were ever raised during the course of hearing before the learned Single Judge. In the absence of any material on record to the above effect, it can safely be presumed that the appellant was in fact satisfied, after she was appointed on a similar post in another University. If the appellant has any grouse, then the grounds, which are being raised in the present appeal and may have been pressed before the learned Single Judge, but were not decided, the appellant still has the remedy to approach the learned Single Judge in that regard.

8. In the light of aforementioned discussion, no interference is warranted by this Court and accordingly, the present appeal is dismissed.

(AJAY KUMAR MITTAL)
JUDGE

(MANJARI NEHRU KAUL)
JUDGE

13.02.2019
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Whether speaking/reasoned: Yes/No

Whether reportable : Yes/No