

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

LPA-62-2018 (O&M)
Date of Decision: January 30, 2019

Shiv Kumar

...Appellant

Versus

Vice-Chancellor, Panjab University and others

...Respondents

CORAM: HON'BLE MR. JUSTICE KRISHNA MURARI,
CHIEF JUSTICE.

HON'BLE MR. JUSTICE ARUN PALLI, JUDGE.

Present: Mr. D.S. Patwalia, Senior Advocate, with
Mr. Gaurav Rana, Advocate,
for the appellant.

Ms. Alka Chatrath, Advocate,
for respondent Nos. 1 and 2.

KRISHNA MURARI, C.J. (ORAL)

The writ petition filed by respondent No. 3 herein was
disposed of by making the following observations:

*“ Resultantly, keeping in view the above, this
Court is of the opinion that the present writ petition is liable
to be allowed. Accordingly, necessary directions are issued
to the respondent-University to issue appointment letter to
the petitioner within a period of one month from today and
seek necessary concurrence required of the competent
authorities. In case the said concurrence is not received in
favour of the petitioner, the appointment of respondent No. 3
shall stand quashed and the petitioner will be appointed*

against the said respondent being higher in merit and the said respondent having been wrongly granted the benefit of 10 marks.”

Learned counsel appearing for the University, on the basis of the instructions, states that vide letter dated 30.07.2018, concurrence has been received from the Ministry of Human Resource Development, Department of Higher Education, Government of India, New Delhi, regarding filling up of one post of Assistant Professor out of 27 posts for which the approval was earlier granted vide letter dated 08.01.2018. She further states that in pursuance of the letters dated 08.01.2018 and 30.07.2018, received from the Ministry of Human Resource Development, the respondent University has also issued an order dated 28.09.2018 with regard to adjustment/appointment of the writ petitioner (respondent No. 3 herein), against one vacant post out of 27 posts of Assistant Professor, in the Department of Library Information & Science, Panjab University. Thus, the appellant herein, who had filed this appeal only under an apprehension that in case the concurrence is not received, his appointment shall stand quashed pursuant to the impugned order dated 20.12.2017, passed by the learned Single Judge, is now left with no grievance or cause.

Learned Senior counsel representing the appellant has not disputed the above position, however, he has pointed out that certain observations have been made in the impugned order and judgment dated 20.12.2017, passed by the learned Single Judge, in respect of the educational qualifications of the appellant, which issue is liable to be left

open and to be adjudicated upon in any other proceedings, before an appropriate forum at any subsequent time should the need arises.

In view of above, this appeal is rendered infructuous and the same stands disposed of accordingly. We are not inclined to enter into the issue of educational qualifications of the appellant at this stage, accordingly those questions are left open.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

January 30, 2019

Pk Kapoor

Whether Speaking/Reasoned: YES / NO
Whether Reportable: YES / NO