

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

LPA-440-2020(O&M)
Date of decision : 21.07.2020

Dr.Hans Raj Ranga

... Appellant

Versus

Dr.Anand Rai Bansal and others

... Respondents

CORAM: *HON'BLE MR. JUSTICE RAJIV SHARMA*
HON'BLE MR.JUSTICE HARINDER SINGH SIDHU

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

Mr.Arvind Maudgil, Advocate
for the caveators-respondents No.1 to 4.

Mr.Nilesh Bhardwaj, Advocate
for respondent no.6.

Mr.Lokesh Sinhal, Addl.A.G. Haryana.

RAJIV SHARMA, J.

This case has been taken up for hearing through video conferencing.

The learned Single Judge disposed of the CWP no.1402 of 2018 on 15.10.2019. The operative portion of the judgment reads as under:-

“At this stage, Mr. Patwalia, handed over the information dated 19.09.2016, received from the University, under the Right to Information Act, whereby his client was informed regarding joining and relieving of two aforementioned doctors, but the record of the same, according to the information, though is not

available.

The aforementioned information could not be rebutted by Mr. Goyat, in the absence of any instruction from the University. Be that as it may, I am of the view that since the dispute has arisen for fixing of the roster point either to be 6th or 8th, particularly when this Court cannot assume the role of an expert as it is within the domain of the concerned Department of the University to implement the reservation policy promulgated from time to time or in vogue, in the letter and spirit. Keeping view of the aforementioned facts, without commenting upon the merit and demerit of the matter, I deem it appropriate to dispose of the writ petitions with a direction to the Vice Chancellor, Pt. B.D. Sharma University of Health Sciences, Rohtak, to constitute a Committee consisting of three members i.e. i) Vice Chancellor, Pt. B.D. Sharma University of Health Sciences, Rohtak; ii) Additional Chief Secretary, Department of Medical Education and Research or his nominee; and iii) any nominee nominated by the Vice Chancellor, Bhagat Phool Singh Mahila Vishwavidyalaya, Khanpur Kalan, Sonipat. The said Committee will fix particular time and place for adjudication of the issue, by affording an opportunity of hearing to the petitioners or respondent No.3, or any other affected party i.e. Petitioner in CWP-16761-2018,

who is also aggrieved for non-filling up the post of Assistant Professor under Physically Handicapped Quota, uninfluenced with the reply or any other stand taken in the pending or the previous writ petition. The parties shall be at liberty to refer to any document and address the arguments, in support of their respective cases.

Let this exercise be done within a period of two months from the date of receipt of certified copy of this order.

In case, decision is taken in favour of either of the parties, necessary action, as it exists today, as a corollary, be taken.

It is made clear that interim order dated 03.04.2018 in CWP No.1402 of 2018 is ordered to be maintained till such decision is taken by the Committee.”

In sequel thereto, the Committee was constituted and the parties have made the representations before this Committee. The Committee has made recommendations to the Executive Council of the respondent University. One of the parties have filed COCP bearing no.1076 of 2019. It was disposed of on 10.07.2020 permitting the parties to make further representations before the Executive Council.

Learned counsel for respondent nos.1 to 4 has vehemently argued that ample opportunity of hearing was not afforded to his clients. They had made representations before the members of the Committee. The Committee has declined the same as mentioned at page 22 of the paper

book. Learned counsel for respondent nos.1 to 4 has stated that respondent nos.1 to 4 also made representation to respondent no.5. Respondent no.5 was not the member of the Committee. The learned Single Judge could not enlarge scope of the order dated 15.10.2019 while granting another opportunity to the parties to make representation before the Executive Council. The order would lead to prolixity of litigation.

Consequently, the LPA is allowed. The order dated 10.07.2020 is set aside. The Executive Council is directed to decide the matter now within a period of four weeks from today. The direction issued would be implemented by the respondent-University in letter and spirit to put a quietus to the litigation.

(RAJIV SHARMA)
JUDGE

(HARINDER SINGH SIDHU)
JUDGE

July 21, 2020.
Davinder Kumar

Whether speaking / reasoned

Yes/No

Whether reportable

Yes/No