

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

LPA-891-2017 (O&M)

Date of Decision:04.02.2020

Dr. Santosh Sangwan

...Appellant

Versus

Dr. Poonam and others

...Respondents

**CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH
HON'BLE MR. JUSTICE SANT PARKASH**

Present: Mr. R.K. Malik, Senior Advocate with
Mr.Sunil Hooda, Advocate and
Mr.Gunjan Mehra, Advocate for the appellant.

Ms. Alka Chatrath, Advocate for respondent No.1.

Mr.B.S.Walia, Advocate for respondent No.2.

Mr.Sapan Dhir, Advocate
for the applicant in CM-749-CM-2018.

JASWANT SINGH, J. (ORAL)

CM-748-LPA-2018

The application is allowed, subject to just exceptions.

Main appeal

The present intra Court appeal under clause X of the Letters Patent is directed against the judgment dated 17.05.2017 passed by the learned Single Judge, whereby the writ petition filed by private respondent No.2- Dr. Poonam was allowed and while setting aside the selection and appointment of the appellant by way of direct recruitment to the post of Assistant Professor, Human Development and Family Studies (for short 'HDFS') Further direction was to resume the selection process from the stage of interview by re-conducting the same.

In brief, the admitted facts are that respondent No.2-Chaudhary Charan Singh Haryana Agricultural University Hisar (for short 'the University') vide an advertisement dated 17.08.2009 invited applications for various posts including solitary post of Assistant Professor (HDFS). The result was declared on 29.06.2010, whereby the appellant was shown to be selected candidate and thereafter was issued appointment letter for the aforesaid post of Assistant Professor (HDFS). An unsuccessful candidate-Poonam (respondent herein) filed CWP No.15950 of 2010 assailing the appointment of the appellant on various grounds.

The learned Single Judge, while rejecting all the usual contentions, found merit in the plea that Selection Committee, at the time of conducting interview, was aware of the marks awarded to each of the candidates in respect of qualifications academic + additional, experience, academic awards, publications etc. and thereby Selection Committee members were in a position to influence/tilt the final result in favour or against a candidate by modulating the award of the marks at the time of interview. The learned Single Judge found that the process, thus, was not transparent and thereby proceeded to quash the selection and appointment of the appellant while directing re-conduct of the process from the stage of interview by not disclosing the previous awarded marks of the candidates based on the criteria.

Hence, the present appeal.

It is relevant to mention here that after passing of the aforesaid judgment, an administrative order was passed on 06.07.2017 by the University, whereby services of appellant-Dr. Santosh Sangwan were terminated.

The LPA Bench vide interim order dated 12.07.2017 stayed the aforesaid termination order resulting into the appellant continuing on the post of Assistant Professor (HDFS) till her attaining the age of superannuation of 60 years as on 31.08.2019.

It is conceded that pursuant to the directions contained in the impugned judgment dated 17.05.2017, a fresh interview was conducted on 18.07.2017, however, the result of the same was kept in a sealed cover in spite of no Court order warranting such an action. It is also a conceded fact that the appellant Dr. Santosh Sangwan did not participate in the re-conducted interview held on 18.07.2017.

Civil Misc. No.749 of 2018 stands filed under Order 1 Rule 10 of the Code of Civil Procedure for impleading the applicant-Dr. Anju Aneja as party respondent No.12 and seeking a direction for declaration of the final result after re-conduct of the interview.

In view of the aforesaid subsequent developments, Mr. R.K. Malik, Senior Advocate submits that the appellant having been permitted to work as Assistant Professor (HDMS) for more than nine (09) years and retire alongwith release of the retiral benefits, on attaining the age of superannuation, the present application (CM-749-2018) as well as appeal have been rendered infructuous.

Learned counsel for the University does not seriously contest the aforesaid factual aspect and, thus, has no objection to the appeal being disposed of as infructuous with natural consequence of the University proceeding to declare the result and finalise the selection and appointment of the candidates to the post of Assistant Professor (HDFS) pursuant to the advertisement dated 17.08.2009.

In view of the above, the application for impleadment as well as appeal are disposed of, as infructuous. The respondent-University is directed to finalise the recruitment process, in terms of the judgment passed by the learned Single Judge within one month from receipt of certified copy of this order.

(JASWANT SINGH)
JUDGE

(SANT PARKASH)
JUDGE

04.02.2020
mks

Whether speaking/reasoned:	Yes / No
Whether Reportable:	Yes / No