

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.2675 of 2021 (O&M)

Date of Decision:19.03.2021

Bajesh Kumar

.....Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Mohit Garg, Advocate
for the petitioner.

Ms. Upasana Dhawan, AAG., Haryana
for respondents no.1 and 4.

Mr. B.R.Mahajan, Sr. Advocate
with Mr. Bhuwan Vats, Advocate
Mr. Vinod Bhardwaj, Advocate
for respondents no.2 and 3.

LISA GILL, J(Oral).

This matter is being taken up for hearing through video conferencing due to outbreak of the pandemic, COVID-19.

Petitioner had applied for the post of Assistant Professor, with the respondent-University in the discipline of '*Dharamshastra*', pursuant to advertisement dated 6.2.2020.

Grievance raised in this writ petition is that advertisement dated 06.02.2020, Annexure P-1, has been issued in contravention of the UGC Recommendations of 2010, which have been adopted by the respondent-State. It is contended that it is not open to the respondent-University to follow UGC Recommendations of 2018 till their adoption by the State. It is further the case of the petitioner that in case, UGC Recommendations of

2010 were followed by the respondent-University, the petitioner would have a better chance of selection.

Contention on behalf of the petitioner while issuing notice of motion is reproduced as under:-

“It is submitted that advertisement dated 06.02.2020, Annexure P-1, has been issued in contravention of UGC Recommendations of 2010, which have been adopted by the respondent-State. It is further submitted that it is incumbent upon the respondent-University to follow the UGC Recommendations which are adopted by the State and it is not open to the University to follow UGC Recommendations of 2018 without the same being adopted by the State of Haryana. Learned counsel further refers to communication dated 28.12.2020 of Director General Higher Education, Haryana, Shiksha Sadan, Sector-5, Panchkula addressed to The Chairman, Haryana Public Service Commission, Panchkula, Vice Chancellors of all State Universities in the State and Principals of all the Aided Colleges in the State, directing all Higher Education Institutions and HPSC to follow existing rules and eligibility criteria for filling up vacant teaching/ academic posts till UGC Regulations 2018 are adopted by the State.”

A short reply by way of affidavit dated 16.03.2021 of Deputy Registrar, Dr. Ravi Bhushan, on behalf of respondent no.2-University has been filed, wherein it is stated that recruitment to the post of Assistant Professor in some of the subjects including ‘*Dharamshastra*’ for which the petitioner has applied, has been cancelled in view of the administrative reasons and Government Instructions vide order dated 12.03.2021, which is attached as Annexure R-2.

In this view of the matter, no further order is required to be passed in the present writ petition as adjudication on the question raised would be purely academic at this stage.

Needless to say, question whether it is open or not to the respondent-University to follow particular UGC Recommendations without its adoption by the State of Haryana, shall remain open for adjudication in appropriate proceedings.

Writ petition is accordingly disposed of.

19.03.2021

s.khan

Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No.

[LISA GILL]

Judge