

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-8596-2019 (O&M)

Date of Decision: February 12, 2021

ASHOK KUMAR

..... PETITIONER(s)

Versus

CHAUDHARY BANSI LAL UNIVERSITY BHIWANI AND OTHERS

..... RESPONDENT(s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Sardavinder Goyal, Advocate for the petitioner.

Mr. Sunil Kumar Dhanda, Advocate for
Mr. Deepak Manchanda, Advocate
for respondent nos.1 and 2.

Ms. Upasna Dhawan, A.A.G., Haryana
for respondent no.3.

Mr. Nishant Arya, Advocate
for respondent no.4.

Mr. Vineet Jakhar, Advocate
for respondent no.5.

LISA GILL, J.

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

Prayer in this writ petition is for quashing of impugned letter dated 08.02.2019 (Annexure P-4), whereby nomination of respondent no.5 has been accepted for election as Teaching Member of Academic Council as well as quashing of impugned notification dated 28.02.2019 (Annexure P-7) to the extent of declaring respondent no.5 as an elected member of the Academic Council of the respondent University.

It is pleaded that as per Clause 14(II)(iv) of Chaudhary Bansi Lal University Act, 2014, it is only members of Regular Teaching Faculty who are entitled to participate in the election process for the post of teaching member of the Academic Council whereas respondent no.5, it is submitted, is a Librarian and is thus an academic non-vocational member of the JVMGRR College, Charkhi Dadri. The petitioner at the time of filing of the writ petition was working as Assistant Professor with the Department of Geography at JVMGRR College, Charkhi Dadri.

Learned counsel for respondents no.1, 2, 4 and 5 inform that the present writ petition is rendered infructuous as petitioner is no longer on the faculty of JVMGRR College, Charkhi Dadri and his lien has come to an end on 23.12.2020. A copy of an application for lien dated 20.12.2019, submitted by the petitioner to the Principal, JVMGRR College as well as communication dated 04.02.2020, issued by the Principal, JVMGRR College, Charkhi Dadri to the petitioner has been circulated on the Whatsapp group created for the purpose of video conferencing. Petitioner in his application dated 20.12.2019 has informed that he applied for the post of Assistant Professor in Government of Haryana through proper channel and he was selected on the said post. He sought approval for lien for one year from the date of his joining. As per communication dated 04.02.2020, request for grant of lien was considered by the Governing Body of the college. Extra ordinary leave without pay for one year alongwith lien against the post of Assistant Professor of Geography was sanctioned w.e.f. 24.12.2019 to 23.12.2020 subject to the condition that the petitioner would be bound to follow all rules framed by the Director General Higher

Education Haryana, Panchkula. A print out of documents dated 20.12.2019 and 24.02.2020 be taken and be attached with this file.

Learned counsel for the petitioner is unable to deny that the petitioner's lien has indeed come to an end on 23.12.2020 and he no longer remains on the faculty of JVMGRR College, Charkhi Dadri and is presently working with the State Government, though his appeal against order dated 04.02.2020 is pending with respondent no.3.

In this view of the matter, present writ petition is indeed rendered infructuous and is disposed of accordingly.

The question raised for consideration in this writ petition, needless to say, is kept open, to be adjudicated upon in appropriate proceedings.

12.02.2021

Sunil

(LISA GILL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No