

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CM Nos.10373, 10387 & 10388-CWP of 2021 in/and
CWP No.14427 of 2021
Date of Decision:06.08.2021**

Dr. Gurvinder Kour

...Petitioner

Versus

Panjab University and others

....Respondents

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: - Mr.Ranjit Singh Kalra, Advocate, for the petitioner.

Mr.Subhash Ahuja, Advocate, for the respondents.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

LISA GILL. J.

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

CM No.10387-CWP of 2021

Exemption from filing certified copy of Annexure P-24 is granted. Photocopy thereof is taken on record subject to just exceptions.

Application is disposed of.

CM No.10388-CWP of 2021

Annexure P-24 is taken on record subject to just exceptions.

Application is disposed of.

CM No.10373-CWP of 2021

Prayer in this application is for modification in the order dated 02.08.2021. Application is allowed as prayed for.

Accordingly, second & third line of para No.2 of page No.1 of the said order be read as 'She was reflected as a voter in the voter list for the year 2012' instead of 'She had participated in the election in the years 2012 and 2016'.

CWP No.14427 of 2021 (O&M)

Prayer in this writ petition is for quashing of orders dated 01.10.2020 (Annexure P-12), 25.06.2021 (Annexure P-17) and election schedule issued on 20.7.2021 (Annexure P-18) to the extent that three ordinary fellows are to be elected by Principals of Technical and Professional Colleges.

Petitioner claimed to be entitled to vote in the election and she was illegally not reflected in the voter list.

Following order was passed on 02.08.2021, while issuing notice of motion: -

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

It is submitted that petitioner's appointment as Principal in Baba Kundan Rural College of Education was confirmed on 16.03.2010 w.e.f. 22.08.2009. Thereafter, her appointment as Principal of GHG College of Education, Raikot was approved on 29.03.2011 w.e.f. 17.05.2010. Petitioner's appointment as Principal of Guru Gobind Singh College of Education was approved on 11.08.2020 w.e.f. 28.02.2015. Petitioner's name, it is stated, figured in the provisional voter list of technical and professional colleges. Petitioner was then reflected as a 'voter not yet confirmed' in the list of voters dated 20.07.2020. She immediately represented to the authorities but

when her representation was not being considered, she approached this Court by way of filing CWP-9235-2021 which was disposed of on 03.05.2021 directing the competent authority to decide petitioner's representation by passing a speaking order and well before the issuance of fresh schedule of senate elections. Vide order dated 22/25.06.2021, petitioner's claim was rejected on the ground that her claim for appointment as Principal was approved on 11.08.2020 i.e. after the release of the final voter list i.e. on 20.07.2020.

Learned counsel for the petitioner argues that petitioner's appointment as Principal of other colleges was approved since 2009. She was reflected as a voter in the voter list for the year 2012. Moreover, it is specifically stated in order dated 11.08.2020 that petitioner's appointment is approved w.e.f. 28.02.2015, therefore, rejection of her claim is absolutely illegal as approval of her appointment would necessarily relate back to 28.02.2015. Learned counsel further argues that decision in CWP-13384-2020 is not applicable in this case as the petitioner therein Dr. Rajiv Kumar, was admittedly not even a Principal of the College on the last date of receipt of claims. It is further submitted that as per Election schedule, election is to be held on 03.08.2021 i.e. tomorrow. Manifest injustice shall be caused to the petitioner in case she is not permitted to cast her vote for election of ordinary fellows for three seats.

Notice of motion.

Mr. Subhash Ahuja, Advocate appears on behalf of the respondents and accepts notice on their behalf and submits that reply shall be filed by him within two days.

At his request, adjourned to 06.08.2021.

Reply be filed by 04.08.2021.

In the meantime, petitioner be permitted to cast her vote provisionally and the same be kept in a sealed cover. Result be produced in a sealed cover on 06.08.2021 before this Court. It is made clear that liberty as afforded to the petitioner does not vest her with any right or equity.

Copy of this order be given under the signatures of the Special Secretary of this Court.”

In compliance of order dated 02.08.2021, result has been produced in a sealed cover. Before opening of the same, learned counsel for the petitioner submits that in case two of the four candidates have secured 12 or more votes in terms of Regulation 40 Chapter-II (B), Punjab University Calendar Volume-I then adjudication of this writ petition would be rendered academic.

The result produced in a sealed cover has been opened, perusal of which reveals that two of the four candidates have secured over 12 votes.

Keeping in view the result as above and specific stand of learned counsel for the petitioner, adjudication of this writ petition is rendered academic and no further orders are called for.

Liberty is afforded to the respondent/University to declare the result, which is being returned in a sealed cover. Vote of the petitioner produced in sealed cover has not been opened and is being returned as it is.

Writ petition is disposed of accordingly.

(LISA GILL)
JUDGE

06.08.2021

Vivek

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No

