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

CWP No.21413 of 2021(O&M)

Date of Decision:02.11.2021

Manoj Kumar

.....Petitioner

Vs

Panjab University, Chandigarh and others **.....Respondents**

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr. Sunil K. Nehra, Advocate
for the petitioner.

Mr. Indresh Goel, Advocate
for respondents No.1 to 3.

Mr. Keshav Gupta, Advocate
for respondent No.4.

RAJ MOHAN SINGH, J. (Oral)

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

CM No.16351 of 2020

This is an application under Section 151 C.P.C for placing on record communication dated 28.10.2021 received by the petitioner from the office of Registrar-cum-Returning Officer, Panjab University.

Notice in the application.

There is no objection on behalf of learned counsel for the respondents for placing on record additional information.

In view of above, application is allowed. Communication dated 28.10.2021 is taken on record subject to all just exceptions.

Main case

On 25.10.2021, following order was passed:-

“The case has been taken up for hearing through video conferencing.

Learned counsel for the petitioner contends that respondent No.4 was not eligible to contest the election for the post of Senator as he was dismissed from the service on 23.06.2021. On the date of election i.e. 18.08.2021, respondent No.4 was not even a Professor/Associate Professor or Assistant Professor. Election result has not been notified so far.

Learned counsel for the petitioner further submits that there is no provision under the Act suggesting any other mode to challenge such type of situation. He refers to Section 13(6) of Panjab University Act of 1947. He further submits that in case of present election dispute, representation has already been sent to Chancellor, who in turn has referred the same to Vice Chancellor and the Vice Chancellor has not taken any such decision so far.

Notice of motion for 27.10.2021.

Notice re:stay as well.

Service through dasti process only.”

As per additional information, vide order dated 16.07.2021, University through Registrar has directed the

management of private college to withdraw the order of removal of respondent No.4 from service and he be reinstated immediately. College has not withdrawn the order of removal so far, rather the college has preferred CWP No.13568 of 2021, which is still pending in the High Court.

Learned counsel for the petitioner submits that since the Chancellor has already referred the issue to the office of Vice Chancellor/Appropriate Authority and Vice Chancellor/Appropriate Authority would be the ultimate authority to pass appropriate order in this regard and this petition can be disposed of at this stage, giving liberty to the petitioner to assail the order, if any, passed by the Vice Chancellor/Appropriate Authority against the interest of the petitioner. Learned counsel further submits that office of Vice Chancellor/Appropriate Authority be requested to pass appropriate order within 10 days.

Learned counsel for the parties agree to the aforesaid proposal and request the Court that the aforesaid arrangement will be made at this stage.

In view of consensus arrived at between the parties, this petition is disposed of. Office of Vice Chancellor/Appropriate Authority, Panjab University, Chandigarh is requested to pass appropriate order on the reference made by Chancellor to its

office on the subject in issue at the earliest preferably within
three weeks.

02.11.2021
Prince

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No