

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

CWP-26848-2021

Date of decision: 23.12.2021

Dr. Gurdeep Singh Kalyan

...Petitioner

V/S

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Harneet Singh Oberoi, Advocate,
for the petitioner.

Mr. Rohit Arya, DAG, Haryana.

ARUN MONGA, J. (ORAL)

Petitioner herein *inter alia* seeks issuance of a writ in the nature of mandamus directing the respondents to consider his application for the post of Director at Directorate of Medical Education and Research, Haryana.

2. It is stated in the petition that the petitioner is Head of Department, Department of Anatomy, Government Medical College, Patiala and is serving Government of Punjab as Medical Officer PCMS-I, since 16.09.1991. Further, during service with Government of Punjab, petitioner has served at various posts and remained as a Lecturer and Senior Lecturer from 1992 to 1998, whereas the present petitioner became Assistant Professor as on 06.08.1998 and remained as Assistant Professor till 06.05.2004. The petitioner became Associate Professor in the Department of Anatomy on 07.05.2004 and remained as such till 04.05.2008. Thereafter, he was promoted as Professor Anatomy on 05.05.2008 and served at Government Medical College as HOD till 17.10.2013. Thereafter, petitioner gained charge of Joint Director, Research and Medical Education, Punjab from 17.10.2013 till 18.03.2019. Petitioner asserts that he was also given

additional charge of Director, Research and Medical Education from 17.10.2014 till 09.02.2015 and from 11.08.2017 till 12.01.2018. In the aforesaid premise, learned counsel for the petitioner contends that petitioner has a great track record and will surely be selected for the post of Director, Research and Medical Education, Haryana if given a reasonable chance given his exceptional background.

3. Learned counsel for the petitioner submits that petitioner applied for the post of Director at Directorate of Medical Education and Research, Haryana on 10.09.2021. The petitioner did not find his name in the list of interview dated 13.12.2021 issued by the Department. He submits that qua his aforesaid grievance, petitioner submitted a representation in the shape of email dated 20.12.2021 (Annexure P-12) but to no avail. Hence, the instant petition.

4. On advance service, learned State counsel appears and opposes issuance of notice of motion and submits that competent authority shall take decision either way, on the pending representation of the petitioner, in due course.

5. Learned counsel for the petitioner also agrees that let a final decision be taken, by the competent authority on the pending representation dated 20.12.2021 (Annexure P-12).

6. Given the nature of order being passed, there is no necessity to seek return by any of the respondents as no further proceedings and/or pleadings are required.

7. Without commenting on the merits of the case, the writ petition is disposed of with a direction to the competent authority to look into the grievance of the petitioner as per representation dated 20.12.2021 (Annexure

P12) and also by keeping in view the contentions raised in the present petition by treating the same as supplementary representation and take a decision, in accordance with law, as expeditiously as possible. However, until a speaking order is passed and keeping in view the fact that the selection process for the post in question is still under way, petitioner shall be allowed to participate provisionally in the interview/selection process.

8. Needless to say if any adverse order is passed, petitioner is at liberty to challenge the same. Conversely, a favourable order is passed, benefit thereof be accorded to the petitioner.

9. Learned State counsel is requested to convey the instant order telephonically to the competent authority.

10. The copy of instant order be given *dasti* under the signatures of Bench Secretary of this Court.

11. Disposed of accordingly.

23.12.2021
vandana

(ARUN MONGA)
JUDGE

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