

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

206 - CWP-29721-2019 (O&M)

Date of Decision: 05.03.2021

Pratibha

... Petitioner

VS.

Chaudhary Ranbir Singh University, Jind

... Respondent

CORAM: HON'BLE MR.JUSTICE GIRISH AGNIHOTRI

Present: Mr. MM Pandey, Advocate for
Mr. Rakesh Sobti, Advocate for the petitioner

Mr. Rajesh K Sheoran, Advocate for the respondent

GIRISH AGNIHOTRI, J. (Oral)

The matter has been taken up through video conferencing on account of restrictions due to outbreak of COVID-19 pandemic.

Petitioner-Pratibha stated to be aged 43years has filed the present writ petition seeking the following prayers:-

“Petition under Articles 226/227 of the Constitution of India for the issuance of an appropriate writ, order or direction, especially a writ in the nature of Certiorari quashing the Condition No.4 of the advt. No.8/2019 dated 12.09.2019 (P-6) i.e. ‘These teaching posts advertised earlier stands withdrawn. The eligible candidates who wish to apply again are required to apply afresh with the revised application processing fee. Those candidates who applied earlier may claim for refund of fee to the Assistant Registrar (Establishment), Chaudhary Ranbir Singh University, Jind with a valid proof latest by October 31, 2019 for these advertised posts’ by ignoring the fact on record that the same very posts of Assistant Professor (English) were earlier advertised by the respondent University vide Advt. No.1/2018 dated 23.05.2018 in which the petitioner applied and participated in the selection process being fully eligible and now

the respondent University without assigning any reason has withdrawn the earlier advt. No.1/2018 dated 23.05.2018 and issued a new Advt. No.8/2019 dated 12.09.2019 for the same very posts and in the new advt. No.8/2019, the respondent university in an illegal manner added a condition No.4 and as per the condition No.4, the petitioner could not be able to apply afresh being over-age is illegal, arbitrary, discriminatory and also in violation of law laid down by the Hon'ble High Court and Hon'ble Supreme Court of India.

It is further prayed that a writ in the nature of mandamus may kindly be issued directing the respondent to relax the condition in the Advt. No.8/2019 dated 12.09.2019 by adding the condition that 'a candidate who applied to the earlier advt. need not to apply afresh' and further allow the petitioner to participate in the selection process for the post of Assistant Professor (English) on her earlier application for submitted in pursuant to earlier Advt. No.1/2018 dated 23.05.2018 being fully eligible.

It is further prayed that a direction may kindly be issued to the respondent University to relax the age of the petitioner keeping in view the fact that the petitioner earlier applied to the advt. No.1/2018 dated 23.05.2018 for the post of Assistant Professor (English) and duly participated to the selection process being fully eligible but the same advt. No.1/2018 dated 23.05.2018 has now been stands withdrawn by the respondent University without assigning any reason and issued a new advt. No.8/2019 dated 12.09.2019 for the same very posts of condition No.4, the petitioner could not be able to apply afresh being over age for the post in question.

It is further prayed that the manual application form of the petitioner may kindly be accepted provisionally and allow her to participate in the Selection process for the post of Assistant Professor (English) in pursuant to advt. No.8/2019 dated 12.09.2019 during the pendency of the present petition."

Record shows that vide order dated 16.10.2019 passed by this Court, notice of motion was issued and the following order was passed:-

“Inter-alia contends that an advertisement dated 23.05.2018 (Annexure P-1) was published by Chaudhary Ranbir Singh University, Jind, for appointment of Professor, Associate Professor and Assistant Professor in various departments. Petitioner being eligible applied for the post of Assistant Professor (English) and submitted all the other degrees. Vide Annexure P-5, it was informed that interviews for the posts of Assistant Professor in English scheduled for February 25 and 26, 2019 were postponed. The respondent issued a fresh Advertisement dated 12.09.2019 (Annexure P-6) and as per condition No.4, she cannot apply afresh as she is not falling within the zone of age.

Notice of motion for 10.12.2019.

Learned counsel for the petitioner submits that petitioner would be applying afresh and her candidature may be considered as per previous application form submitted and may be interviewed provisionally.

The petitioner is allowed to manually apply and if such application is filed before the cut off date, the respondents shall accept the application for the purpose of selection process. As and when the result is prepared, the same shall be kept in a sealed cover and would be produced in court on the next date of hearing.

October 16, 2019 **(Amit Rawal)**
Judge”

A short reply has been filed on behalf of the respondents. In para 6 thereof, it has been, inter alia, submitted as under:-

“That the petitioner has applied for the post of Assistant Professor against the Advt. No.08/2019 has vide control No.802677 and submitted the hard copy of the online filled application form with enclosures before the last date of

submission. Her eligibility status was also communicated to the candidate through registered e-mail ID 18.02.2020. Therefore the present writ petition has become infructuous.”

In view of the above, both the counsel submit that the present petition has become infructuous and no further order is required to be passed since substantial relief already stands granted.

Accordingly, the writ petition is disposed of as having become infructuous.

05.03.2021

Vvishal

(Girish Agnihotri)
Judge

1. Whether speaking/reasoned?
2. Whether reportable?

Yes/No
Yes/No