

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Letters Patent Appeal No. 787 of 2022 (O&M)
Date of decision:- 14.09.2022

Dr. Jaspreet Kaur and anotherAppellants
Versus

Dr. B.R.Ambedkar National Institute of Technology, Jalandhar and others
...Respondents

**CORAM: HON'BLE MR. JUSTICE RAVI SHANKER JHA, CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI, JUDGE.**

Present:- Mr. Amit Jhanji, Senior Advocate with
Mr. Abhishek K.Premi, Advocate, for the appellants.

Mr. Vivek Singla, Advocate, for the respondents.

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RAVI SHANKER JHA, CHIEF JUSTICE (oral)

This appeal has been filed by the appellants being aggrieved by an order and judgment dated 21.07.2022 passed by the learned Single Judge whereby the petition filed by the petitioners-appellants has been dismissed.

Learned senior counsel appearing for the appellants submits that the petition has been decided by taking into consideration the prayer made by the petitioners in the original petition seeking completion of the selection process for the post of Professor, Pay Level 14-A, undertaken and initiated vide advertisement No.11/219 (Annexure P-3). He submits that the appellants-petitioners had moved an application seeking amendment in the petition, which was granted. Resultantly, the prayers made in the original petition were deleted/substituted and by way of amendment, they prayed to quash the decision taken by the Board of Governors of the respondent-institute in its 42nd meeting held on 25.01.2021 (P-10). Learned senior

counsel for the appellants further submits that this aspect has not even been considered or dealt with by the learned Single Judge and therefore, the impugned order deserves to be set-aside and the matter be remitted for a decision afresh.

Learned counsel appearing for the contesting respondents does not dispute the aforesaid factual position.

From a perusal of the impugned order passed by the learned Single Judge, it appears that the matter was decided as regards the reliefs prayed for in the original petition: to issue a mandamus directing the respondents to complete the selection process to the post of Professor initiated vide advertisement No. 11/219 (P-3). Indisputably, as indicated earlier, the petition was subsequently amended and pursuant to the amendment granted by the Court, the appellants-petitioners had prayed for the following reliefs:-

- i) Issue a writ in the nature of certiorari quashing the decision taken by the Board of Governors in its 42nd meeting held on 25.01.2021 (Annexure P-10) and directions be issued to issue appointment letters to the selected candidates as per the recommendations of the selection committee;
- ii) Issue any other writ, order or direction which this Hon'ble Court may deem fit and appropriate in the facts and circumstances of the present case;
- iii) With further prayer to issue interim direction to stay the operation of decision dated 25.01.2021 taken in the meeting of the Board of Governors (Annexure P-10) during the pendency of the present writ petition;
- iv) Exempt the petitioners from issuing prior notice to the respondents;
- v) Filing of certified copies of the Annexures be dispensed with; and
- vi) Writ petition be allowed with costs."

From a perusal of the impugned order and judgment, it is apparent that while deciding the matter, the issue raised in the amended petition and the reliefs prayed for were not even considered and adjudicated upon by the learned Single Judge. The position, which the learned counsel for the respondents fairly concedes.

In the circumstances, the appeal is allowed and the impugned order dated 21.07.2022 is set aside and the matter is remitted to the writ Court for decision afresh. The petition is accordingly restored to its original number.

It is, however, made clear that this Court has not expressed any opinion on the merits of the case.

Pending applications, if any, also stand disposed of.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

14.09.2022
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Whetherspeaking/reasoned	Yes/No
Whetherreportable	Yes/No