

**In the High Court of Punjab and Haryana at Chandigarh**

**241**

**CWP-26816-2018 (O & M)**

**Date of Decision: May 25, 2022**

**SUMAN**

**.....PETITIONER**

**VERSUS**

**STATE OF HARYANA AND ORS**

**....RESPONDENTS**

**CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL**

Present: Mr.R.S.Kundu, Advocate for the petitioner.

Mr. Kapil Bansal, DAG, Haryana.

Mr. Ajay Kumar Gupta, Advocate for respondent No.3 and 4.

Mr. Sachin Sharma, Advocate for

Mr. Rakesh Gupta, Advocate for respondents No.5 and 6.

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**ANUPINDER SINGH GREWAL, J (ORAL)**

The petitioner has impugned the order dated 13.07.2018 (Annexure P-6) passed by respondent No.4 and letters dated 31.05.2018 and 07.08.2003 (Annexures P-4 & P-3) respectively passed by respondent No.2 whereby the petitioner has been declined appointment to the post of Assistant Professor Physical Education. She has further sought a direction to the respondents to appoint her on the post of Assistant Professor Physical Education.

Learned counsel for the petitioner submits that the petitioner, who was duly selected/recommended by the selection committee and was at serial No.1 in the selection list for the post of Assistant Professor Physical Education, has been arbitrarily declined appointment on the ground that a minimum of three candidates should have been interviewed against one post although six candidates including the petitioner had been called for the interview but the four other candidates did not appear for the same.

Learned counsel for respondents, however, submits that the petitioner was called for the interview along with five other candidates but out of them, four have not appeared and in terms of the communication sent by the Director General Higher Education, Haryana (respondent No.2) dated 31.05.2018 (Annexure P-4), there should be a minimum of three candidates, who were interviewed against one post, for the selection to be valid.

Heard.

The petitioner is stated to have applied for the post of Assistant Professor Physical Education in pursuance to the advertisement issued by respondent No.5/College on 05.06.2017. Six candidates including the petitioner are stated to have applied for the post of Assistant Professor Physical Education and were called for the interview on 28.11.2017/29.11.2017 but other four candidates did not appear in the interview. Although the petitioner appeared in the interview with one more candidate (waiting list) and was duly recommended for the post of Assistant Professor Physical Education by the selection committee but the appointment has not been offered to her on the purported ground that there were only two candidates who appeared in the interview. On a query of this Court as to whether there are any rules/executive instructions/guidelines which stipulates that a minimum of three candidates should be present for the interview against one post, learned counsel for the respondents has not been able to point out to any such rules/instructions. The communication which has been sent by the Director General Higher Education, Haryana dated 31.05.2018 (Annexure P-4) for having a minimum of three candidates for interview against one post cannot come in the way of appointment of the petitioner who has been duly recommended by the selection committee. It is not the case of the respondents that the petitioner was in any

manner not qualified for the post of Assistant Professor Physical Education against five other candidates who had also applied in response to the advertisement against one post but ultimately it was the petitioner who had been selected/recommended by the selection committee.

In view of the above, the action of the respondents in denying the appointment to petitioner to the post of Assistant Professor Physical Education despite the recommendation of the selection committee is unsustainable. Consequently, the petition is allowed and the impugned letters/orders dated 13.07.2018 and 31.05.2018 (Annexures P-6 and P-4) respectively are set aside. Respondents No.2 and 4 are directed to appoint the petitioner to the post of Assistant Professor Physical Education within a period of one month from the date of receipt of certified copy of this order.

**(ANUPINDER SINGH GREWAL)**  
**JUDGE**

**May 25, 2022**  
**A.Kaundal**

|                            |   |        |
|----------------------------|---|--------|
| Whether speaking/ reasoned | : | Yes/No |
| Whether Reportable         | : | Yes/No |