

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Letters Patent Appeal No. 482 of 2022 (O&M)

Date of Decision: 14.12.2023

Monika Bahri and others

.....Appellants

versus

Panjab University and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI, ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE AMAN CHAUDHARY, JUDGE

Present : Mr. Dinesh Kumar, Advocate, for the appellants.
Mr. Subhash Ahuja, Advocate, for respondents No.1 and 2.
Mr. Mohinder S.Nain, Advocate, for respondent No.3.

RITU BAHRI, ACTING CHIEF JUSTICE (oral)**CM No. 1142-LPA-2022**

For the reasons mentioned in the application, delay of 160 days in filing the appeal is condoned. Application stands allowed.

Main appeal

The appellants are aggrieved with the direction issued by the learned Single Judge vide judgment dated 07.12.2019 whereby the writ petition filed by respondent No.3- Narinder Singh had been allowed and a direction has been given to the respondent-University to award 1 mark to the petitioner (now respondent No.3) for work experience of 4-9 months, afford opportunity of hearing to all the stake holders including the petitioner (now respondent No.3) likely to be affected by change of merit, re-determine their merit and pass consequential appropriate order.

2. A perusal of the judgment passed by the learned Single Judge shows that the petitioner (now respondent No.3) after appointment gave a representation dated 03.02.2014 that he has not been given any mark for his experience. Thereafter, respondent No.3 got information under the Right to Information Act on 27.06.2017 (Annexure P-7) wherein the break-up of awards to be given commensurate with the work experience was disclosed. Thereafter, respondent No.3 made another representation on 10.07.2017 (Annexure P-8) for awarding him one mark for the experience he got at the

time of appointment and he had not been awarded any mark as per the

criteria reflected in Annexure P-7 dated 27.06.2017. Immediately, thereafter respondent No.3 filed a writ petition before the learned Single Judge which was allowed on 07.12.2019.

3. It was not the case of the respondent-University before the learned Single Judge that the break-up of marks to be given vide Annexure P-7 dated 27.06.2017 was not correct. In paragraph-9 of the judgment, learned Single Judge has specifically observed that the application of respondent No.3 was routed through proper channel and he was entitled to be given one mark for work experience regardless of the No Objection Certificate as he had completed 7 months and 5 days as on the last date which was extended vide corrigendum contained at Annexure P-2. Respondent No.3 had completed 7 months and 5 days work experience as per Annexure P-2. Since the application of respondent No.3 has been moved through proper channel, he had a right to be given one mark on the basis of work experience and it was the duty of the respondent-University to follow the criteria of awarding mark as per Annexure P-7.

4. As far as the grievance of the appellants is concerned that they have not been heard before awarding of one mark, this Court has given a patience hearing to learned counsel for the appellants in this appeal and therefore, opportunity of hearing has exhausted before this Court. Had it been a case of wrong facts reflected in the Letters Patent Appeal, we would have interfered in the judgment rendered by the learned Single Judge. Accordingly, the appeal filed by the appellants is dismissed.

Since the main appeal has been dismissed, all the pending applications, if any, stand disposed of.

(RITU BAHRI)
ACTING CHIEF JUSTICE

(AMAN CHAUDHARY)
JUDGE

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