

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CWP No.13634 of 2019 (O&M)

Date of Decision.15.02.2023

Vineet Kumar Goel

...Petitioner

Vs

Guru Jambheshwar University of Science & Technology, Hisar and others

...Respondents

CORAM:HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Kuldeep Singh, Advocate
for the petitioner.

Mr. Anant Kataria, DAG, Haryana.

Mr. Puneet Gupta, Advocate
for respondents No.1 and 2.

None for respondent NO.3.

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JAISHREE THAKUR J. (ORAL)

The present writ petition has been filed under Article 226/227 of the Constitution of India praying for issuance of a writ in the nature of Certiorari to quash final result/selection list for the post of Dean of Colleges (Annexure P-5) and further to quash appointment of respondent No.3, who had been selected on the post of Dean of Colleges.

Learned counsel appearing on behalf of the petitioner would contend that appointment of respondent No.3 on the post of Dean of Colleges is illegal and arbitrary, as the petitioner, who had secured maximum marks in academic record i.e. 30 out of 30 marks, had been given less marks in assessment of Domain Knowledge and Interview in order to appoint respondent No.3. It is also contended that respondent No.3 himself was Member Secretary of the Selection Committee and therefore, the selection process cannot be said to be fair and transparent. Even the

Selection Committee was not validly constituted as no Professor from the respondent-University was included in the said Committee. It is also contended that for the post of Dean of Colleges, a candidate must have Grade Pay of Rs.10,000/- on the post of Professor whereas respondent No.3 was working as Associate Professor having Grade Pay of Rs.9000/-. Respondent No.3 had been allowed to join within 10 days after Model Code of Conduct was over.

Per contra, learned counsel appearing for respondents No.1 and 2 would submit that respondent No.3 has expired and this Court vide order dated 16.12.2019 while recording the said fact dismissed the writ petition qua challenge to selection of respondent No.3 on the post of Dean of Colleges. Only prayer Nos.(iii) and (iv) sought in the writ petition survived for consideration i.e. to issue direction to official respondents to consider case of the petitioner for the post of Dean of Colleges in General Category. It is contended that petitioner cannot be appointed on the post of Dean of Colleges as in lieu of selection process, said post already stands consumed by joining of respondent No.3. Moreover, petitioner stood at Sr. No.3 in the merit list and therefore, in any eventuality, candidate at Sr. No.2 in the merit list would be entitled for appointment on the post of Dean of Colleges.

I have heard learned counsel for the parties and have perused pleadings of the case. Admittedly, respondent No.3, whose selection on the post of Dean of Colleges was under challenge, has already expired. Therefore, the post stands consumed as respondent No.3 had joined on the said post. Moreover, petitioner herein stood at Sr. No.3 in the merit list and therefore, in any circumstances cannot be offered appointment, as candidate

at Sr. No.2 in the merit list would be entitled for the same. Since the post already stands consumed in lieu of the selection process, the same can be filled up only way of fresh selection process, therefore, prayers sought in the writ petition cannot be acceded to.

In view of the aforesaid facts and circumstances, nothing survives for consideration in the instant writ petition. Consequently, the same is dismissed being devoid of merit.

(JAISHREE THAKUR)
JUDGE

February 15, 2023
Pankaj*

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