

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CWP No.13626 of 2016
Date of decision : 20.02.2023**

Rajiv SharmaPetitioner

Versus

Panjab University and others ...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Sameer Sachdeva, Advocate
for the petitioner.

Mr. Arun K. Bakshi, Advocate
for respondent No.1.

Mr. Rajesh Mehta, Addl. A.G., Punjab
for respondent No.2.

Respondents No.3 and 4 proceeded ex parte
vide order dated 9th of January, 2018.

PANKAJ JAIN, J.

Petitioner has approached this Court seeking writ in the nature of mandamus in the form of directions to the respondents to select and appoint the petitioner as Assistant Professor in Computer Science with respondent No.3 being more meritorious than private respondent No.4.

2. The petitioner participated in the recruitment to the post of Assistant Professor (Computer Science) lying vacant in respondent No.3 pursuant to Advertisement dated 21st of May, 2016 (Annexure P-8). Petitioner claims to have secured 46 marks as against 26 by the

private respondent and yet ignored for appointment. Petitioner apprehended that he has been ignored owing to suspicion w.r.t. his Ph.D. degree from CMJ University, Shillong, Meghalaya. In pleadings petitioner claimed that candidates from CMJ University, Meghalaya stand duly recruited by the Panjab University and the CMJ University is duly approved and recognized by UGC. Thus, he has been wrongly ignored.

3. While issuing notice of motion on 14th of July, 2016, this Court observed as under :-

“Petitioner has competed for the solitary post of Assistant Professor to be filled up on contract basis for three years and his grievance is that inspite of much higher merit than respondent no.4, his claim is being ignored merely on the ground that his Ph.D. Degree from CMJ University, Shillong, Meghalaya is not a recognised degree.

It is contended that the said University is duly recognised by UGC vide Annexure P-2.

Notice of motion for 18.10.2016.

Dasti as well.

Appointment, if any, will be subject to decision of the present writ petition.”

4. Written Statement has been filed on behalf of respondent No.1. Along with written statement templates for API score for academic record & research performance etc. pertaining to the selection in question has also been placed before this Court as Annexure R-1/1. A perusal thereof shows that the petitioner was

awarded full 15 marks for his Ph.D. and thus apprehension raised by him in the writ petition w.r.t. having been wrongly ignored for want of Ph.D. Degree from a recognized university is totally misplaced.

5. At this stage, Mr. Sachdeva tried to argue that the petitioner has been wrongly awarded only 2 marks for Teaching Experience/Post Doctoral Fellowship whereas he was entitled for 5 marks. Though the said fact is not part of pleadings. However, even if the same is taken to be so the same would not bring the desired result for the petitioner. The selected candidate secured 39.90 marks out of 100 whereas the petitioner secured 36.22 marks. Apart from that this also needs to be noticed that the written statement on behalf of the respondents was filed on 23rd of April, 2018. On that day this fact came to the knowledge of the petitioner yet no effort was made to amend the writ petition.

6. In view of the aforesaid fact, finding no merits in the present writ petition, the same is ordered to be dismissed.

February 20, 2023

Dpr

(PANKAJ JAIN)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No