

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-15324-2018 (O&M)

Reserved on 13.07.2023

Pronounced on 12.09.2023

Arvind Kadian

... Petitioner

VS.

HVPNL & Anr.

... Respondents

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Mr. RK Malik, Sr.Advocate with
Mr. Digvijay Singh, Advocate for the petitioner

Mr. Hitesh Pandit, Advocate for the respondents

Sandeep Moudgil, J.

(1) The petitioner seeks a writ of certiorari for quashing the office order No.74/EBG-3214 dated 08.03.2018 (Annexure P21) passed by the respondents vide which his representations dated 27.09.2017 and 16.01.2018 (Annexures P19 & P20, respectively) requesting withdrawal of his termination order issued by the respondent vide office order No.26/EBG-3214 dated 04.02.2003 (Annexure P7) and reinstatement in service with consequential benefits, has been rejected on the ground that the petitioner was not holding a valid degree of Bachelor of Technology/Electrical Engineering.

(2) The facts of the case are that the petitioner appeared in Common Engineering Entrance Test (CEET) conducted by Regional Engineering College, Kurukshetra for admission in Bachelor of Technology/Electrical Engineering Course. The petitioner passed the said entrance examination and got admission in Chhotu Ram State College of Engineering, Murthal, Sonipat. The petitioner after his admission in the aforesaid course passed the same.

(3) The erstwhile HSEB i.e. respondent-HVPNL issued an advertisement No.CRA-155 dated 26.12.1998 for the post of Assistant Engineer/Electrical (Trainee). The petitioner applied and was appointed to the post of Assistant Engineer/Electrical (Trainee) on 22.04.1999 (Annexure P-2). While working as Assistant Engineer/SCC at 132 KV Sub Station HVPNL Samalkha, on the basis of complaint made by Ajay Kumar and Manish Kumar alleging that the petitioner was not having valid Degree of Bachelor of Technology/Electrical Engineering at the time of his appointment, the petitioner was suspended vide Office Order No.86 dated 24.05.2002 (Annexure P-4). A show cause notice dated 29.07.2002 (Annexure P-5) was issued to which the petitioner submitted his reply dated 30.12.2002 (Annexure P-6) and thereafter, vide order dated 04.02.2003 (Annexure P7), the appointment of the petitioner was cancelled. The petitioner filed appeal against order dated 04.02.2003 on 10.03.2003 (Annexure P-8). The respondents vide letter dated 08.04.2003 (Annexure P-9) directed the petitioner to deposit an amount of Rs.4,90,585/- i.e. the amount paid to him in shape of pay and allowances during his service.

(4) The above complaint was got investigated through the Registrar, Maharishi Dayanand University, Rohtak and Guru Jambheshwar University, Hisar. The enquiry report dated 03.07.2011 was received from MDU vide which it was confirmed that the petitioner was not BE till date and he was reappearing in the 6th Semester as re-appear candidate in MDU Rohtak in the month of May, 2001 by availing mercy chance. Guru Jambheshwar University, Hisar informed that the petitioner had passed his BE 6th Semester exam held in December 1996 vide result notification dated 09.08.2001 due to re-evaluation

of his answer-book as he had re-appear in the paper of EE-316B of that examination. The petitioner requested for re-evaluation of paper EE-316B held in December, 1996. The re-evaluation was done by the University and result of BE 6th Semester examination held in December, 1996 under Roll No. 17578 vide notification dated 09.08.2001 and the revised marks of 6th Semester after re-evaluation were mentioned as 642. Resultantly, the petitioner was declared passed having 642 marks out of 1150. Despite the fact that the petitioner cleared all the examination and was entitled to a final degree, the University kept delaying it on one pretext or the other.

(5) Notwithstanding this, the appointment of the petitioner was cancelled by the respondent-Nigam vide order dated 04.02.2003 with the approval of Director/Technical, HVPNL on the ground that the petitioner was not qualified at the time of his appointment as Assistant Engineer on 17.05.1999.

(6) The petitioner submitted various representations and since no decision was taken on his representations, the aggrieved petitioner filed CWP No. 14388 of 2002. The respondent-University filed written statement on 11.11.2002 taking a plea that the petitioner is asking for issuance of final degree of BE Electrical and on scrutiny of record, the result of 4th and 7th semesters is found to have been tempered with. The petitioner filed CM No. 10286 of 2003 for amendment of writ petition seeking quashing of notifications dated 16.12.2002 i.e. all the 4 notifications whereby the result of the petitioner for 4th and 7th semester has been revised and the petitioner has been shown to have reappeared in one subject of 4th semester and marks of 7th semester has been reduced and also seeking a direction to the respondents to

issue the final Degree of Bachelor of Technology/Electrical Engineering. The said application was allowed to which the University filed written statement on 26.07.2003 (Annexure P-11).

(7) This Court allowed the writ petition filed by the petitioner vide order dated 06.02.2015 and quashed all the 4 notifications while holding that the petitioner had not been, at any time, put to notice to show cause against such a decision to make any alteration and revision and further directed the University to issue the degree/certificate in terms of the DMC issued already.

(8) Aggrieved against the said order, Guru Jambheshwar University and others filed LPA No. 1197 of 2015 and a Division Bench of this Court vide order dated 21.10.2016 (Annexure P-13) while acknowledging the piquant situation having arisen in the case, considered the original result sheet prepared by the university and the original result-cum-marks card and thus concluded that both the said documents are prepared in performance of official duties and none can be discarded. While directing the University to hold special examination, the Division Bench also directed to provisionally reinstate the petitioner. However, respondent No.1-HVPNL filed CM No. 1186 of 2017 in LPA No. 1197 of 2015 and the order dated 24.04.2017 qua reinstatement of petitioner was directed to be kept in abeyance (Annexure P-14).

(9) In pursuance to the Division Bench direction, the petitioner appeared in the examination and cleared the exam of Electronics-II. The LPA was disposed of vide order dated 28.07.2017 (Annexure P-15) with a direction that the certificate issued to the petitioner by University shall not be binding *ipso facto* on the HVPNL since the corporation is not party to the present proceedings and the service dispute between the petitioner.

(10) Thereafter, the Guru Jambheshwar University of Science and Technology, Hisar issued result-cum-detailed marks card to the petitioner dated 27.07.2017 (Annexure P-16) along with Degree of Bachelor of Technology/Electrical Engineering Degree awarded to petitioner (Annexure P-17). As a consequence to the above, the entire controversy was laid at rest.

(11) In these circumstances, the petitioner submitted representation dated 27.09.2017 to respondent No. 1 stating that he has been issued the degree clarifying that he has cleared his examination for the said BE degree in May, 1997 and requested that he be reinstated back into service. The said request of the petitioner was declined by the respondents vide order dated 08.03.2018 (Annexure P-21) on the ground that the petitioner was not having valid BE degree as on 30.11.1998 when he applied for the post of AE, therefore, his appointment has been rightly cancelled by the Nigam. Hence this writ petition.

(12) Learned counsel of the petitioner contended that the order dated 08.03.2018 suffers from patent perversity and illegality. The respondents passed order dated 08.03.2018 without appreciating the entire factual matrix of the case. In the impugned order dated 08.03.2018 (Annexure P-21), the respondents have stated that the petitioner had Reappear in Semester-6 in May, 2001 and result of re-evaluation was declared on 09.08.2001 and thus, he was not having valid BE Degree when he applied for the post of AE Electrical. It is worth mentioning that the petitioner appeared in Semester-6 under Roll No. 17578 in December, 1996 and the detailed marks cards was issued on 16.10.1997. The petitioner, on the strength of the DMC dated 16.10.1997 and DMCs of other 7 semesters was issued a provisional degree (Annexure P-1) which was submitted by him at the time of taking the appointment and now by

virtue of being issued degree (Annexure P-17) in Bachelor of Technology/Electrical Engineering for having passed the examinations conducted for the said degree in May, 1997, it is not open for the HVPNL. i.e. the respondent that the petitioner was not having a valid degree at the time of his appointment vide order dated 22.04.1999 (Annexure P-2). The entire controversy with regard to paper EE-316B of 6th Semester pertaining to it being declared reappeared and reevaluation has been put to rest by decision of CWP No. 14388 of 2002 and LPA No. 1197 of 2015 and subsequent issuance of degree which states that the petitioner passed the examination in May, 1997.

(13) It is further urged that petitioner appeared in Semester 6 examination in December, 1996 and he was declared passed. The petitioner was appointed in HVPNL vide order dated 22.04.1999 (Annexure P-2) and at that time the petitioner was neither having any reappear in 6th Semester examination of paper EE-316B. This fact is apparent from the detailed marks card as well as from the fact that the posting was issued to petitioner vide order dated 14.05.1999 (Annexure P-3) after verification of his detailed marks card as well as his provisional degree which stated that he has passed all 8 semesters including paper EE-316B of 6th Semester. The University vide order dated 01.05.2001 held that Paper EE-316 B of BE 6th Semester in which petitioner appeared in December, 1996 was cancelled and subsequently, vide letter no. 05.05.2001 the period of disqualification in relation to paper EE-316B of BE 6th Semester under Roll No. 1842 mentioned under the heading was reduced/revised punishment be read as May/June 1996 instead of December, 1996. Subsequently, it was found that the petitioner did not appear in paper EE316B of BE 6th Semester under Roll No. 1842 and rather appeared

under Roll No. 17578 and on finding so a corrigendum was issued to this effect and ultimately the net result was eventually converted into that of reappear. At this juncture the petitioner requested for re-evaluation vide representation in CWP No. 14388 of 2002 (Annexure P-10). On re-evaluation it was found that in Paper EE-316-B petitioner obtained 642 marks out of 1150 and was declared pass. Thus, it cannot be said that on date of appointment dated 22.04.1999 the petitioner was not having a valid degree. The consequence of the entire exercise is that on re-evaluation of examination pertaining to 6th semester which was conducted in December, 1996 the petitioner was found to have passed the examination and the University under the mistaken impression thought that the petitioner appeared in examination vide roll no. 1842 instead of 17578.

(14) Notice of motion was issued in this case on 16.07.2018 and thereafter, the respondents have filed their reply dated 25.03.2022 wherein a detailed reference to the factual backdrop, as referred to above, has been made while contending that the present petition is not maintainable since the petitioner was not possessing the requisite qualification as required for the appointment to the post of Assistant Engineer/Electrical. Moreover, the LPA Bench order shows that only a mercy chance to the petitioner was granted to qualify his reappear under the special chances so he could possess a degree, however, the Division Bench specifically observed that the certificate as issued by the University on clearing of the reappear by the petitioner in special examination would not be binding by itself on the Corporation.

(15) Learned counsel for the respondent retorted that the terms of the advertisement are sacrosanct and the same are binding and no one can deviate

from the terms of the advertisement. In the present case, on the date of filing of his application form and also on the date of his appointment, the petitioner was not possessing a valid degree in Bachelor of Technology/Electrical Engineering as required under the advertisement and that his subsequent clearance of the same under the orders of the Court, would not make him eligible and thus the action of the respondents cannot be faulted with.

(16) Replication has been filed by the petitioner to the written statement filed by the respondents wherein, the petitioner vehemently countered the submissions of the respondents that once the issue has been set to rest by the Division Bench and since the petitioner has qualified the special examination, which otherwise but for the mistake of the University, the petitioner was made to undertake the said examination and also when the petitioner qualified the special examination, which as per the direction of the Division Bench would relate back to the date when the petitioner originally appeared in the examination i.e. May, 1997, the respondents, at their own whims and fancies, cannot be permitted to rewrite and misinterpret the facts as per their own constricted understanding.

(17) Heard learned counsel for the parties and gone through the records.

(18) The petitioner got admission in Chhotu Ram State College of Engineering, Murthal in B.E. Course and passed various semester examinations under different roll numbers as detailed below:-

Sr.No.	Semester No.	Month of Examination	Date of issue of detailed marks

			certificates
14062	1 st	June 1994	08.12.1994
33106	2 nd	Dec, 1995	29.03.1996
30662	3 rd	Dec, 1995	10.04.1996
1206	4 th	May, 1996	26.03.1997
16102	5 th	Dec, 1996	24.04.1997
17578	6 th	Dec, 1996	16.10.1997
32826	7 th	May, 1997	04.12.1997
31742	8 th	May, 1997	10.12.1997

(19) It is on the basis of having passed all the 8 semesters, the petitioner was issued provisional certificate of B.E. by the University and as such, he became qualified and eligible to be selected for appointment as SDE in the respondent-Corporation. The UMC case was initiated against the petitioner in May, 1999 and eventually, the University authorities declared and notified the result of BE 6th semester held in Dec. 1996 under Roll No.17578 and the revised marks of 6th Semester were mentioned as 642 and resultantly, the petitioner was declared as passed. However, the final degree as not issued to the petitioner. Instead, 4 notifications dated 16.12.2002 were issued stating that the 4th Semester in which the petitioner appeared in May, 1996 and passed the same, has been revised and re-appear has been shown in Paper Electronics II of BE 4th Semester. The said notifications were supplied to the employer of the petitioner resulting into cancellation of appointment of the petitioner. The petitioner challenged the said notifications in CWP-14388-2002 and this Court vide order dated 06.02.2015 allowed the writ petition by observing as under:-

“3. Reply of the university states that tampering of the answer sheet in the 4th semester was noticed in the paper that the petitioner had been shown to have been awarded 61 marks in the result sheet. If the respondent was present in court I could have asked for appropriate proof for such assertion, especially when

the mistake was reported to have been noticed nearly 6 years after the initial declaration of the result. Even the copy of Annexure R/1 produced before the court vouching for the marks awarded as “2” to the petitioner for his roll no. 1206 does not, according to the petitioner, bear the seal of the Superintendent or the counter signatures of the person who had checked the results. I cannot merely place reliance on the defence taken by the university without appropriate substantiation for the same. I therefore, quash the decision contained in Annexures P/11 and P/12.

4. Annexure P/13 submitted along with the petition is the result notification for the 7th semester declared in the year 1996. He was reported to have failed previously but on his prayer for verification, it appears it was assessed that he has secured 474 marks out of 1500 which meant that he had more than 50% marks and hence ought to have been declared passed. Under Annexure P/14 the marks were again reduced from 747 out of 1050 to 642 out of 1050. The basis for such reduction especially after the correction was made on his application for appraisal, according to the petitioner, was not justified. What I find is justifiable ground for setting aside the decisions taken under Annexures P/11 and P/12 with regard to the fact that the petitioner had not been at any time put to notice to show cause against such a decision to make further revision, it should apply to the corrections through the decisions taken under Annexures P/13 and P/14 also.

5. The decisions brought through Annexures P/11 to P/14 are quashed and the respondents are directed to issue the degree certificate in terms of the DMC issued already, copy of which have been filed as Annexures P/15 to P/21.

6. The writ petition is allowed on the above terms.”

(20) The said decision of a Coordinate Bench of this Court was put to challenge by Guru Jambheshwar University in LPA No.1197 of 2015, wherein

the Division Bench of this Court in CM-2551-2015 in LPA No.1197 of 2015, vide order dated 21.10.2016 passed the following order:-

“A piquant situation has arisen in this case. As per the Resultcum-Details Marks Card issued to the respondent on 26.3.1997 by Guru Jambheshwar University, he qualified the subject of Electronics-II with 61 marks out of 100 in 4th semester examination of Bachelor of Engineering (Electrical) held in May 1996. However, when the respondent got employment and the employer Department sent his marks sheet for verification, the University found from the original result sheet, which was prepared manually, that the respondent had failed in Electronics-II paper as he got only 02 marks.

The answer sheet is not available as the same has been destroyed in due course of time.

On one hand, we have the original result sheet prepared by the University and on the other, the respondent relies upon the original resultcum-marks card. Both the documents are prepared in performance of official duties and none can be discarded.

In such a situation and on enquiry from learned counsel for the parties, we find that had the respondent been informed in the year 1996-97 that he had failed in the subject of Electronics-II, he would have got four chances to re-appear and clear that paper. Why should he be deprived of those opportunities for the entire fault of the University? Similarly the sanctity and purity of an examination must be respected to the hilt. If a candidate is assumed to have failed in one of the papers, it is not necessary for this Court to draw an inference and presume that he shall be deemed to have passed.

The appropriate recourse in such a situation would be that let the respondent be granted sufficient opportunities by the appellant University to re-appear in the subject of Electronics-II on the basis of same curriculum/syllabus to the extent it is

possible, as it was in force in the year 1996-97. For that purpose, the University may hold special examination first atleast after 4 months and if necessary, second three months thereafter. Once the respondent would qualify the above-stated paper, declaration of the result will relate back to the date when he originally appeared in such examination. Meanwhile, respondent No.1's employment on the basis of marks sheet dated 26.3.1997 cannot be harmed or allowed to be affected. We thus, direct the Managing Director of Haryana Vidyut Prasaran Nigam Limited (HVPN Ltd.) to provisionally reinstate the respondent forthwith subject to further directions. We are inclined to pass this order also for the reason that the respondent has succeeded before the learned Single Judge.

The date and venue of examination shall be conveyed to the respondent by the University directly as well as through his learned counsel.

List on 24.7.2017 for further consideration.”

(21) Thereafter, while disposing of the LPA, the Division Bench held as under:-

“3. Soon thereafter the erstwhile Haryana State Electricity Board (now HVPNL) filed CM-1186-87-LPA-2017 for impleading it as an intervenor as also for modification/recalling the last part of the above-reproduced order to the extent a direction was issued to allow respondent No.1 to continue in service. In the light of the averments made in the application, this Court, on 24.04.2017, directed that the direction contained in the order dated 21.10.2016 for reinstatement of respondent No.1 shall remain in abeyance.

4. It is now an admitted fact that pursuant to the order dated 21.10.2016, a special examination was conducted in which the first respondent has qualified in the subject of Electronics-II.

5. In this view of the matter, learned counsel for the appellant-University states that the requisite Degree Certificate along with detailed Marks Card shall be issued in favour of respondent No.1 and it will relate back to the date when he appeared in the examination.

6. The appeal is accordingly disposed of and the order of learned Single Judge is modified to the extent that let the needful be done within one month from the date of receipt of certified copy of this order. However, the certificate to be issued by the appellant-University shall not be binding ipso facto on the HVPNL as the said Corporation is not a party to these proceedings and the service dispute between respondent No.1 and the said Corporation is not the subject matter of adjudication here. Suffice it to observe that the first respondent shall be at liberty to have recourse to the remedy as may be available in law to seek redressal of his grievances against HVPNL.

7. Ordered accordingly.

(22) A bare reading of the observations made the Division Bench would show that a piquant situation had arisen where as per the Result-cum-Details Marks Card issued to the respondent on 26.3.1997 by Guru Jambheshwar University, the petitioner stood qualified in the subject of Electronics-II with 61 marks out of 100 in 4th semester examination of Bachelor of Technology/Electrical Engineering held in May 1996. However, when the respondent got employment and the employer Department sent his marks sheet for verification, the University found from the original result sheet, which was prepared manually, that the respondent had failed in Electronics-II paper as he got only 02 marks. Both the original result sheet and the original result-cum-marks are the documents prepared by the University in performance of official duties and none can be discarded. Meaning thereby that

the mistake/error, if any, was at the behest of the University and the petitioner, at any rate, cannot be held liable for the lapse on the part of the University and the petitioner cannot be held responsible for this entire trouble in which he was put to and was tested on a wrong premise for last more than 2 decades.

(23) It was due to keeping in mind the fact that the petitioner should not be deprived of those opportunities for the entire fault of the University but at the same time, to maintain the sanctity and purity of an examination, the Division Bench granted sufficient opportunities to the petitioner to re-appear in the subject of Electronics-II on the basis of same curriculum/syllabus to the extent it is possible, as it was in force in the year 1996-97 by directing the University to hold special examination first atleast after 4 months and if necessary, second three months thereafter and on qualification of the said examination, the Division Bench unambiguously held that the same “**will relate back to the date when he originally appeared in such examination**”.

Meaning thereby that having qualified the Electronics-II examination, the petitioner would be deemed to have acquired the degree of Bachelor of Technology/Electrical Engineering in the year 1997, which qualification shall be liable to be considered, for all intents and purposes, w.e.f. the date of issuance of the Degree certificate along with detailed marks card i.e. May, 1997.

(24) As per the advertisement, the essential qualification for appointment to the post of Assistant Engineer/Electrical was that a candidate should be a Graduate with 60% and above marks in Electrical Engineering on 30.11.1998. In the present case, the petitioner has qualified Bachelor of Technology/Electrical Engineering w.e.f. May, 1997, apparently, the petitioner

was very much qualified and eligible to apply for the post of Assistant Engineer/Electrical since the cut off date of eligibility is 30.11.1998 i.e. much after the petitioner acquired the requisite Degree.

(25) The petitioner is a man who not only wrongly and illegally lost his job in HVPNL but was also termed as a student who passed examination by way of unfair means, but at the same time is also facing the ordeal during the period he was thrown out of service for no fault on his part. At this juncture when the entire controversy has been put to rest, the petitioner deserves to be reinstated.

(26) The Supreme Court in **Dolly Chhanda Vs. Chairman, Jee and others, (2005) 9 SCC 779** while observing that depending upon the facts of a case, there can be some relaxation in the matter of submission of proof and it will not be proper to apply any rigid principle as it pertains in the domain of procedure, held as under:-

“The general rule is that while applying for any course of study or a post, a person must possess the eligibility qualification on the last date fixed for such purpose either in the admission brochure or in application form, as the case may be, unless there is an express provision to the contrary. There can be no relaxation in this regard i.e. in the matter of holding the requisite eligibility qualification by the date fixed. This has to be established by producing the necessary certificates, degrees or marksheets. Similarly, in order to avail of the benefit of reservation or weightage etc. necessary certificates have to be produced. These are documents in the nature of proof of holding of particular qualification or percentage of marks secured or entitlement for benefit of reservation. Depending upon the facts of a case, there can be some relaxation in the matter of submission of proof and it will not be proper to apply any rigid principle as it

pertains in the domain of procedure. Every infraction of the rule relating to submission of proof need not necessarily result in rejection of candidature.”

(27) In **Charles K. Skaria & Ors. v. Dr. C. Mathew & Ors. 1980 (2) SCC 752**, the Supreme Court laid stress to the essence and not the substance and highlighted the fact that much of hardship and harassment in administration flows from over-emphasis on the external rather than the essential. It further held that:-

“To make mandatory the date of acquiring the additional qualification before the last date for application makes sense. But if it is unshakeably shown that the qualification has been acquired before the relevant date, as is the case here, to invalidate this merit factor because proof, though indubitable, was adduced a few days later but before the selection or in a manner not mentioned in the prospectus, but still above-board, is to make procedure not the handmaid but the mistress and form not as subservient to substance but as superior to the essence.

It is notorious that this formalistic, ritualistic, approach is unrealistic and is unwittingly traumatic, unjust and subversive of the purpose of the exercise. This way of viewing problems dehumanizes the administrative, judicial and even legislative processes in the wider perspective of law for man and not man for law. Much of hardship and harassment in administration flows from over-emphasis on the external rather than the essential. We think the government and the selection committee rightly treated as directory (not mandatory) the mode of proving the holding of diplomas and as mandatory the actual possession of the diploma. In actual life, we know how exasperatingly dilatory it is to get copies of degrees, decrees and deeds, not to speak of other authenticated documents like mark-lists from universities, why,

even bail orders from courts and government orders from public offices.”

(28) A Division Bench of this Court in **CWP No. 18731 of 2007 (Abhijeet Partap Singh Chaudhary v. Punjab University, Chandigarh and others)**, decided on 14.2.2008, observed that a candidate cannot be made to suffer on account of lapse on the part of the educational institute in declaring the result of re-evaluation. It was also a case where on account of delay in declaration of result of re-evaluation, a candidate could not seek admission in the next higher class. It was directed therein that besides granting him admission in the next higher class, the University shall arrange for extra classes, if required. The relevant observations are extracted below:

"So, accepting the above observation, we are of the considered view that the petitioner cannot be allowed to suffer on account of lapse on the part of the University in delaying the result of re-evaluation. Therefore, we accept this petition and direct the respondent-University to allow the petitioner to join classes on 6th Semester forthwith. The respondents shall arrange for extra classes so as to complete the syllabus of fifth semester. The petitioner shall be allowed to appear in the examination of fifth and sixth Semesters and the remaining uncleared papers of third semester and fourth semesters in accordance with the Rules of the University."

(29) The impugned order is violative of the principles of natural justice as well as of Article 311(2) of the Constitution of India and is *non est*. The impugned action of the respondents has taken away the valuable right of livelihood of the petitioner without any valid and genuine ground. The said decision of the respondents is whimsical, unfair and visits the petitioner with civil consequences by snatching his livelihood.

(30) Though partly ends of justice would be deemed to have been met to the petitioner by giving him the benefit of degree as the same has been acquired in the year 1997 as if the same has been acquired in May, 1997 but substantial justice would be incomplete if that degree is not made of any good for the petitioner who has lost his job under wrong pretext for no fault on his but at the end of superficial mess created by the University itself and to achieve this object, this Court deems it fit to direct the respondents to reinstate the petitioner in service from the date his services were wrongfully dispensed with.

(31) Accordingly, this writ petition is allowed and the respondents are directed to reinstate the petitioner in service with immediate effect from the date his appointment was cancelled i.e. 04.02.2003 along with all consequential benefits including arrears of pay, promotions, seniority and annual increment along with interest at the rate of 6% per annum from 04.02.2003 to till the date of realization.

(32) The aforesaid arrears and other pecuniary benefits would be paid to the petitioner within one month from the date of receipt of certified copy of this order failing which the rate of interest, on such benefits, would be assessed @ 12% p.a.

12.09.2023

V.Vishal

(Sandeep Moudgil)

Judge

1. Whether speaking/reasoned?

Yes/No

2. Whether reportable?

Yes/No