

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

CWP No.17373 of 2018 (O&M)

Date of Decision.24.01.2023

Pooja Sharma

...Petitioner

Vs

Kurukshetra University and others

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Ashutosh Kaushik, Advocate
for the petitioner.

Mr. A.S. Virk, Advocate
for respondents No.1 to 3.

None for respondents No.4 and 5.

Mr. Kapil Bansal, DAG, Haryana.

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JAISHREE THAKUR J. (ORAL)

The petitioner herein is seeking a writ in the nature of certiorari for quashing the impugned order/letter dated 05.07.2018 (Annexure P-8) issued by the respondent-University vide which the approval granted in favour of the petitioner for the post of Librarian has been withdrawn with immediate effect without issuing any notice to the petitioner.

Learned counsel appearing for the petitioner would contend that the respondent-College had issued an advertisement on 18.06.2017 whereby one post of Librarian was advertised. The petitioner having necessary qualification had applied for the said post. The qualification as required for the post of Librarian was not specifically prescribed, however, the advertisement mentioned to the Regulations of the University Grants Commission, which prescribed that with respect to qualification for the post of College Librarian, UGC Regulations, 2009 were to be applicable. The

petitioner, who was fully eligible to apply under the UGC Regulations, 2009, was duly appointed, however, the said appointment was sought to be nullified on the ground that a clarification dated 06.07.2015 had been issued by the UGC under which the petitioner would become ineligible. It is further submitted that similarly situated candidates, who were eligible for appointment with the University based on the Regulations of 2009, were appointed. However, on account of subsequent clarifications, which were issued in 2015, their appointments were sought to be cancelled, which led to filing of writ petitions. One such candidate, who had been offered appointment namely Rajiv Kumar Gaba approached this Court by way of filing CWP No.17392 of 2018 wherein it has been held that withdrawal of appointment based on the clarification dated 06.07.2015 would not be sustainable as the same cannot be read retrospectively. It is contended that case of the petitioner is squarely covered by the judgment rendered in CWP No.17392 of 2018.

Learned counsel appearing on behalf of the respondent-University would submit that the University took the proposed action of withdrawing the appointments offered on the clarification as issued by the UGC on 06.07.2015 and therefore, it cannot be faulted for the same.

I have heard learned counsel for the parties and have gone through the pleadings of the case with their assistance as well as judgment rendered in CWP No.17392 of 2018 and find that the same would cover the issue in hand. The petitioner, who was eligible for appointment based on the qualification as prescribed by UGC Regulations, 2009 cannot be non-suited on the basis of subsequent clarification.

Consequently, the instant writ petition is allowed and the impugned order dated 05.07.2018 is set aside.

(JAISHREE THAKUR)
JUDGE

January 24, 2023
Pankaj*

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