

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

**COCP-3119-2019 (O&M)
Date of decision: 24.02.2023**

Sardool Singh Ghuman

... Petitioner

Vs.

Shailender Jain and another

... Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. K.S. Boparai, Advocate
for the petitioner.

Mr. Vivek Singla, Advocate
for the respondent.

ARVIND SINGH SANGWAN, J. (ORAL)

The petitioner alleges violation of the order dated 26.03.2019 passed in CWP-18722-2013.

Learned counsel for the petitioner submits that while disposing of the writ petition, an undertaking was given by learned counsel for the respondents that in case the petitioner (petitioner No.1 therein) applies for promotion to the post of Professor, he can be considered at par to other petitioners therein and if found fit, he will be granted seniority with all consequential benefits.

Reply by way of affidavit of Registrar, Sant Longowal Institute of

Engineering and Technology, Longowal, Sangrur is on record and in its para No.6, it is stated as under: -

“That the committee constituted to scrutinize the application of the petitioner, opined vide its minutes dated 11.07.2019 that the date of eligibility of the petitioner has been worked out to 05.11.2013 as per UGC norms whereas the petitioner has given his date of eligibility as 01.01.2009 and as there is no data available with the application from 2009 to 2013, therefore, the application of the petitioner cannot be screened. It has been further observed in the minutes of meeting that the petitioner has written that fresh academic and research information updated till his date of application was appended. However, the committee did not find any academic or research information beyond the year 2009. The minutes of meeting recorded on 11.07.2019 are reproduced herein below:

“The committee has gone through the contents and the rules and regulations contained in the IOL No.SLIET/Admn./1622 dated 24.06.2019 received from Registrar. As per that, the date of eligibility of Dr. S.S. Ghuman for promotion as Professor under CAS has been worked out to be 05.11.2013. However, Dr. Ghuman in his application dated 15.04.2019 has submitted information as on the then last date of application ascertaining his date of eligibility as on 01.01.2009. Hence, it is not possible to screen the application of Dr. Ghuman due to non-availability of data from 02.01.2009 to 05.11.2013.

It may be noted that Dr. Ghuman has written in his application that fresh academic and research information updated till his date of application was also appended with

the application for information, but the committee did not find any academic/research information beyond the year 2009.”

In pursuant to this, the petitioner was issued a letter dated 06.08.2019 (Annexure P-3). It is the case of the petitioner himself that he has not responded to letter dated 06.08.2019. It is humbly submitted that the candidature of a candidate can only be considered on the basis of the application/credentials made available by the said candidate. In the absence of the application/credentials such as research/academic activities etc., neither the institute nor the committee can grant the desired relief of promotion. The petitioner have applied only twice i.e. for the first time in the year 2011 and for the second time, in the year 2019 only (in response to court decision), whereas there were four advertisement issued, in the year 2011, 2014, 2018 and fourth in 2021.”

In view of the above, no willful disobedience is made out.

Dismissed.

[ARVIND SINGH SANGWAN]
JUDGE

24.02.2023
vishnu

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No