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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CM-20723-CWP-2022 in/and
CWP-26786-2021 (O&M)
Date of Decision: 17.02.2023

Dr. RAJESH KUMAR MALIK
Vs.
UNION OF INDIA AND ORS

.. Petitioner

..Respondents

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Satnam Sishodia, Advocate for
Mr. Ramesh Malik, Advocate for the petitioner.
Mr. Puneet Gupta, Advocate and
Mr. Ravindra Singh, Advocate
for applicant-respondent No.3.
Mr. Jagbir Singh, Advocate
for the respondent No.4.

...

Manoj Bajaj, J. (Oral)

CM-20722-CWP-2022

Application is allowed, as prayed for .

CM-20723-CWP-2022

Learned counsel for respondent No.3-applicant has moved this application for disposal of the main writ petition, which is fixed for 17.03.2023, on the ground that the grievance raised by the petitioner/non-applicant stands redressed through order dated 19.12.2022 (Annexure A-4), whereby upon completion of probation period, the petitioner has been confirmed unconditionally to the post of Professor, Department of Law in an absolute manner.

Notice in the application.

At this stage, Mr. Satnam Sishodia, Advocate for Ramesh Malik, Advocate accepts notice on behalf of non-applicant/petitioner and does not oppose the prayer for disposal of the main writ petition.

Upon oral request of the learned counsel for the parties, the date of hearing is preponed to today.

CWP-26786-2021 (O&M)

Petitioner has filed this writ petition to seek a writ of Certiorari for setting aside the impugned order dated 20.09.2021 (Annexure P-5) passed by Central University Haryana, Mahendergarh (respondent No.3) whereby his service has been confirmed conditionally. Further prayer is for issuance of a writ in the nature of Mandamus directing the respondent No.4 not to proceed in view of the termination of lien and the petitioner's lien on the said post be maintained.

Today, Mr. Puneet Gupta, learned counsel for respondent No.3 submits that pursuant to the advertisement dated 06.07.2017 published by Central University of Haryana for filling up various posts of Assistant Professors, Associate Professors and Professors in different Departments, the petitioner had applied for the post of Professor, Department of Law, but the said advertisement was challenged in CWP-22610 of 2017, CWP-1513 of 2018 and CWP-10765 of 2017, wherein the Writ Court through interim directions ordered that the declaration of result of interviews shall be subject to the outcome of CWP-22610-2017, "*Dr. Manoj Kumar and others Vs. Central University of Haryana and others*".

According to him, the petitioner was appointed through appointment letter dated 10.08.2018 (Annexure P-3), who by accepting the terms and conditions joined the said post and later, the service of the petitioner was confirmed w.e.f. 15.08.2019, subject to the outcome of CWP-22610 of 2017, CWP-1513 of 2018 and CWP-10765 of 2017. As a

consequence, the respondent No.4 terminated the lien of the petitioner on

the ground that the petitioner stands confirmed by respondent No.3. He has pointed out that since the confirmation of the petitioner was conditional, therefore, the above writ petition was filed in order to maintain the lien with the respondent No.4.

Mr. Puneet Gupta, learned counsel has drawn the attention of the Court to the subsequent order dated 19.12.2022 (Annexure A-4) to contend that the condition in the earlier order dated 20.09.2021 (Annexure P-5) confirming the service of the petitioner subject to the outcome of CWP-22610 of 2017, CWP-1513 of 2018 and CWP-10765 of 2017 stands modified by deleting the said condition, and it is further notified that the confirmation of the petitioner is now not subject to the result of the above pending writ petitions.

Learned counsel further states that out of the above mentioned three writ petitions, CWP-1513 of 2018 and CWP-10765 of 2017 have already been dismissed as infructuous and with this modification and development, the grievance of the petitioner stands redressed.

The above position is not disputed by learned counsel for the petitioner, who states that indeed the claim of the petitioner made in this writ petition stands satisfied.

In view of the above, nothing survives for adjudication in this petition.

Resultantly, the writ petition is disposed of as infructuous.

17.02.2023
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE