



CWP-557-2024 (O&M)

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

**CWP-557-2024 (O&M)
Date of Decision: 18.05.2024**

VIPIN

...Petitioner

Vs.

MAHARISHI DAYANAND UNIVERSITY ROHTAK AND ANOTHER

...Respondents

CORAM:- HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Sajjan Singh, Advocate for the petitioner.

Mr. Amit Rao, Advocate for

Mr. Anurag Goyal, Advocate for the respondents.

TRIBHUVAN DAHIYA, J. (Oral)

The petition has been filed, *inter alia*, seeking a writ of *mandamus* directing the respondents to re-engage the petitioner as guest/contractual faculty in the Department of Physical Education.

2. Learned counsel for the petitioner contends that the petitioner worked as guest/contractual faculty (Assistant Professor) in the Department of Physical Education from 27.08.2014 to 31.05.2020. She was relieved because National Council for Teacher Education (in short 'NCTE') had withdrawn recognition for two of the programmes being run in the Department, B.P.Ed. and M.P.Ed., from the Session 2019-20. However, later NCTE has given recognition to the programmes from the Session 2022-2023 onwards. In the changed circumstances, an emergent meeting of the Department Committee was held on 20.07.2023, and keeping in view the petitioner's good service record, teaching workload and shortage of faculty, it was recommended to re-engage her as per latest guidelines of

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the University; minutes of the meeting are annexed as Annexure P-6 to the petition. Accordingly, the petitioner deserves to be re-engaged in the light of the recommendations made by the Committee.

3. Learned counsel for the University, on the contrary, contends that on receiving communication from the Directorate of Higher Education regarding filling up of vacant posts, three regular posts of Assistant Professor in the Department were advertised vide advertisement no. PR-08 of 2024, Annexure R2/8. Therefore, no decision on the Committee's recommendation was taken, and the case was closed. He does not dispute that there are seven vacant posts in the Department (four budgeted and three under self-finance scheme), and the advertisement in question has been issued only for three posts.

4. Heard.

5. Undisputedly, keeping in view the petitioner's past experience, good service record and the need to have a female teacher, the Department Committee has recommended her for re-engagement vide minutes of the meeting dated 20.07.2023. The recommendation was not considered only on account of the decision taken to fill up three vacant posts in the Department by appointing regular teachers, for which advertisement was also issued. However, out of four budgeted posts, the University has advertised only three and one is vacant, apart from three other posts under self-finance scheme. Besides, as evident from the office order dated 21.02.2022, Annexure R2/5, the Department had to associate regular faculty from other Departments to teach the subjects for B.P.Ed. and M.P.Ed programmes. Accordingly, there was unmet workload for these programmes for which the petitioner's name was duly recommended by the Committee, but the competent authority did not apply mind to the recommendation despite the posts being vacant.

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7. In this background, the petition is disposed of with a direction to the University to consider the Department Committee recommendation, dated 20.07.2023, and take a decision as to whether any guest faculty needs to be engaged in the Department as of now. In case yes, due procedure as prescribed under the rules be followed before engaging anyone.

(TRIBHUVAN DAHIYA)
JUDGE

18.05.2024

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