

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

**CWP-1516-2024 (O&M)
Decided on: March 06, 2024**

Dr. Shivaji Pandey

...Petitioner

Versus

Panjab University, Chandigarh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Presence: Mr. Rajat Mor, Advocate,
for the petitioner.

Mr. Akshay Goel, Advocate,
for the respondents.

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SANJAY VASHISTH, J.

1. Petitioner – Dr. Shivaji Pandey, has approached this Court by filing CWP No. 1516 of 2024, under Article 226 of the Constitution of India, seeking quashing of impugned advertisement/notice dated 09.01.2024 (P-4), whereby applications were invited by the Department of Sanskrit, Panjab University, Chandigarh, for the post of Guest Faculty (specialization in Literature and Literary Criticism) for Even Semester, January, 2024 onwards. Petitioner has also challenged letter/order dated 18.01.2024 (Annexure P-7), vide which his request for extension on the post of Guest Faculty has been rejected.

2. Vide order dated 23.01.2024, while issuing notice of motion in the writ petition for 05.07.2024, a direction was issued to respondent No. 3, not to terminate the services of the petitioner by appointing another contractual/temporary employee, on the post where he is working, till the

next date of hearing.

3. Subsequently, the petitioner filed an application under Order VI Rule 17 read with Section 151 CPC, bearing CM No. 3729-CWP of 2024, seeking permission to amend the writ petition, which came up for hearing before this Court on 04.03.2024, and the following order was passed:-

“ *Notice in the application.*

On asking of the Court, Mr. Akshay Goel, Advocate, accepts notice on behalf of the respondents and prays for some time to seek clarification about the letter dated 23.02.2024, now sought to be impugned by way of amendment of the present writ petition.

For the said purpose, adjourned to 06.03.2024.

To be taken up at 2.00 P.M.”

4. Today, Mr. Akshay Goel, Advocate, while appearing on behalf of the respondents submits that he has no objection in allowing the prayer made by the petitioner for amendment of the writ petition. However, he suggests that the best course would be, if the petitioner is permitted to withdraw the application for amendment, as well as main writ petition filed by him, and to file an exhaustive petition on the same cause of action, by incorporating therein all the factual matrix and events, which have taken place after filing of CWP No. 1516 of 2024.

5. Mr. Rajat Mor, learned counsel for the petitioner, is not averse to the above suggestion made by Mr. Akshay Goel, learned counsel for the respondents.

6. I have considered the prayer made in the application for amendment of the writ petition, as also the suggestion given by learned

counsel for the respondents, and of the considered view that instead of allowing the application for amendment, i.e. CM-3729-CWP-2024, it would be better to relegate the petitioner to the remedy of filing a fresh petition, on the same cause of action, by pleading all the subsequent events which have taken place after filing of CWP-1516-2024.

7. Accordingly, with the consent of learned counsel for the parties, hearing of main petition, i.e. CWP-1516-2024, which is posted for 05.07.2024, is preponed for today itself and the same is taken on Board, so that the same can be disposed of in view of the stand taken by learned counsel for the parties, as noticed above.

8. In view of above, CWP No. 1516 of 2024 and Civil Miscellaneous Application No. 3729-CWP of 2024, are disposed of as withdrawn, with liberty to the petitioner to file an exhaustive writ petition afresh, on the same cause of action, as well as by pleading all the facts/events, which have taken place after filing of CWP No. 1516 of 2024.

(SANJAY VASHISTH)
JUDGE

March 06, 2024
Pkapoor

Whether speaking/reasoned?	✓ Yes / No
Whether reportable?	Yes / No ✓