



CWP-2300-2024

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

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CWP-2300-2024

Date of decision: 21.10.2024

LOVLISH SHARMA

....PETITIONER

Vs.

PANJAB UNIVERSITY AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Ranjivan Singh, Advocate and
Mr. Risham Raag Singh, Advocate
for the petitioner.

Mr. Subhash Ahuja, Advocate
for respondent Nos. 1 to 4.

JAGMOHAN BANSAL, J (ORAL)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of orders dated 13.12.2023 (Annexures P-13 and P-14) whereby respondent Nos. 5 and 6 have been re-appointed as Junior Engineer (Civil).

2. Mr. Ranjivan Singh, Advocate submits that respondent-University, ignoring merit of the petitioner, appointed respondent Nos. 5 and 6 on the post of Junior Engineer (Civil) vide orders dated 13.12.2023. The tenure of respondent Nos. 5 and 6 expired on 11.09.2024 and respondent-University by order dated 11.09.2024 has extended their tenure from 13.09.2024 to 12.03.2025. The petitioner worked with respondent-University on contractual basis till 26.10.2022. No inquiry or other proceedings on the said date were pending against him. Inquiry, on the basis of a complaint, was initiated in November' 2022 and respondent-University attempted to hold him guilty of



demanding bribe. No action was taken against him which could deprive him of the opportunity to work as Junior Engineer (Civil) with respondent-University.

3. Per contra, Mr. Subhash Ahuja, Advocate submits that act and conduct of petitioner during his tenure till 26.10.2022 was doubtful. There was a complaint against him and on the basis of the complaint, an inquiry was conducted by Chief Vigilance Officer of the University. It was revealed that petitioner was in the habit of demanding bribe from workers supplied by Contractors. The act of petitioner was serious and matter was put up before Syndicate. As petitioner on the date of consideration of agenda by syndicate was not employee of the University, thus, no action was taken against him.

4. I have heard the arguments of both sides and with the able assistance of learned counsels perused the record.

5. The petitioner was never appointed as a regular employee and till October' 2022 he worked as a contractual employee. He, at present is claiming that he should be appointed as contractual employee and appointment of respondent Nos. 5 and 6 is bad in the eye of law. The petitioner has no vested or fundamental right to claim any post. He has right to be considered but cannot ask the University to appoint him. This Court can intervene, if there is violation of any mandatory provision or the action of University is arbitrary. The University with respect to previous employment of petitioner conducted an inquiry and found him guilty. The matter was even referred to Chandigarh Police, though, no action has been taken by police, yet this Court, cannot ask University to appoint him on the post of Junior Engineer (Civil) when Chief Vigilance Officer of University has found him guilty of demanding bribe. It is prerogative of an employer to select its employee(s). Once there is doubt about the integrity of petitioner, this Court cannot ask respondent-University to



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appoint him, especially when relationship of employer and employee is of good faith.

6. In the wake of above discussion and findings, this Court is of the considered opinion that the present petition deserves to be dismissed and accordingly dismissed.

21.10.2024
manoj

[JAGMOHAN BANSAL]
JUDGE

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