



CM-17468-CWP-2024 in/&
RA-CW-55-2023 (O&M) in
CWP-3256-2018 -1-

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

106+281

CM-12693-CWP-2023 in/&
RA-CW-55-2023 (O&M)
CWP-3256-2018
Date of Decision :19.11.2024

Shruti Chopra

...Petitioner

Versus

Guru Angad Dev Veterinary and Animal
Science University, Ludhiana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Gursher Singh Bhandal, Advocate
for the applicant-respondents No.1 to 3.

Mr. K.S. Dadwal, Advocate for non-applicant/petitioner.

Mr. Vishal Gupta, Advocate for respondent No.4.

* * *

Harsimran Singh Sethi, J. (Oral)

CM-12693-CWP-2023

As prayed for, application is allowed.

CM-3642-CWP-2023

The present application has been filed for condonation of delay
of 49 days in filing the present review application.

Notice of the application was issued to the
non-applicant/petitioner.

Keeping in view the averments made in the application which
are duly supported by an affidavit as well as the reply filed, the application is
allowed. Delay of 49 days in filing the present review application is
condoned.



**CM-17468-CWP-2024 in/&
RA-CW-55-2023 (O&M) in
CWP-3256-2018**

-2-

RA-CW-55-2023 (O&M)

Present review petition has been filed for the review of the order dated 05.12.2022 passed by the Coordinate Bench of this Court by which, the writ petition has been allowed and a direction has been given to the respondents to appoint the petitioner on the post of Assistant professor (Livestock Economics) in pursuance to advertisement dated 20.08.2017 (Annexure P/1).

Learned counsel appearing for the review-applicant submits that claim of the petitioner has been allowed by Coordinate Bench of this Court by holding that the rules of the game have been changed during the selection process so as to incorporate the minimum requirement of 50% marks in the interview to be eligible to be selected, which criteria never existed at the time when the advertisement was issued.

Learned counsel for the review-applicant further submits that the findings recorded by the Coordinate Bench that there was no requirement of 50% marks in the interview to be eligible at the time of issuance of advertisement and the same should be ignored, is contrary to the decision of the Academic Council dated 20.08.2015, appended with the review petition as Annexure A-2 wherein, the requirement of 50% marks in the interview has been approved by the highest authority i.e. Academic Council, which decision was implemented while finalizing the selection in question.

Learned counsel for the review-applicant further submits that even the Selection Committee while recommending the names of the candidates adhered to the said criteria by putting “astricks” against the names of the candidates, who failed to secure 50% marks in interview so as



**CM-17468-CWP-2024 in/& -3-
RA-CW-55-2023 (O&M) in
CWP-3256-2018**

to be eligible for selection in question.

Learned counsel for the review-applicant further submits that there was no change of criteria at any stage and the said criteria of minimum 50% marks in interview was formulated by Academic Council as far back as on 20.08.2015 whereas, the advertisement in question was issued on 20.08.2017 i.e. after a period of two years, due to which fact, the judgment of the Coordinate Bench of this Court dated 05.12.2022 needs to be reviewed.

Learned counsel appearing for the petitioner submits that there was no criteria of 50% marks to be obtained in the interview to be eligible for selection as the same was a “Practice” which was being followed without there being any specific regulation or decision taken by the competent authority and hence, the judgment of the learned Single Judge dated 05.12.2022 needs to be upheld by dismissing the present review petition.

Learned counsel appearing for respondent No.4 submits that though, he was proceeded ex-parte but keeping in view the fact that as the petitioner has already been appointed as per the direction given in the order sought to be reviewed, there is a likelihood that the services of the respondent No.4 will be terminated so as to accommodate the petitioner, which will cause prejudice to respondent No.4, who is in service from the last seven years.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Prima facie, there is a merit in the contentions raised by the learned counsel for the review-applicant. The Academic Council, which is a



**CM-17468-CWP-2024 in/&
RA-CW-55-2023 (O&M) in
CWP-3256-2018**

-4-

highest body to prescribe a criteria for selection, had already taken a decision dated 20.08.2015 so as to prescribe 50% marks to be obtained in the interview so as to be eligible for selection. The said criteria remained in operation even on the date when the advertisement dated 20.08.2017 (Annexure P/1) was issued in pursuance to which the petitioner is claiming benefit of appointment. Once, a criteria was already in place and the Selection Committee has only followed the said criteria, which existed on the date of advertisement, it cannot be said that rules of the game were changed after the advertisement so as to oust the petitioner from the zone of consideration.

Keeping in view the said fact the findings recorded by the learned Single Judge in order dated 05.12.2022 that the rules of the games were changed after issuance of the advertisement is not correct and the said portion of the findings cannot be sustained and the same is accordingly modified.

The factual position which existed as of now is that both the petitioner as well as respondent No.4 have already been appointed in pursuance to the judgment given by the Coordinate Bench of this Court. Once, the appointments have already been made, the feasibility of adjustment of both petitioner as well as respondent No.4 is to be adopted as throwing them out from service at this stage will cause more prejudice to both of them. The petitioner has already been appointed in pursuance to the direction given and respondent No.4 is working for the last seven years.

Learned counsel for the review-applicant after seeking instructions submits that appropriate adjustment of both petitioner as well as

**CM-17468-CWP-2024 in/& -5-
RA-CW-55-2023 (O&M) in
CWP-3256-2018**

respondent No.4 on the post in question will be done keeping in view the exceptional circumstances of the present case and prays that the same will not be treated as precedent.

Ordered accordingly.

It is directed that for all intent and purposes, the respondent No.4 shall remain senior to the petitioner in the cadre in question.

The present review petition is disposed of in above terms.

Civil miscellaneous application, if any, is also disposed of.

November 19, 2024
aarti

(HARSIMRAN SINGH SETHI)
JUDGE

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