

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

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**CWP No.7016 of 2024
Date of Decision : 22.3.2024**

*Dr. Rajesh Thakur**..... Petitioner**versus**State of Haryana and others**..... Respondents*

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Surender Pal, Advocate, for the petitioner

Ms. Tanushree Gupta, DAG, Haryana

Mr. Puneet Gupta, Advocate, for respondent no.2 to 5

TRIBHUVAN DAHIYA J.:

The petition has been filed, *inter alia*, seeking a writ of *certiorari* setting aside the order dated 20.11.2023, Annexure P-12, whereby the fifth respondent has been appointed as Chairperson, Department of Bio and Nano-Technology in the respondent-University for three years. Further, a direction has been sought to appoint the petitioner as Chairperson of the Department.

2. Learned counsel for the petitioner contends that the petitioner was promoted as Associate Professor in the Department with effect from 11.9.2018, and the fifth respondent, who has been appointed Chairperson of the Department vide the impugned order, was so promoted with effect from 1.11.2019; therefore, he is petitioner's junior, and could not have been appointed the Chairperson. He further contends that the petitioner's immediate senior Dr. Sandeep Kumar, Associate Professor, was earlier

appointed as Chairperson of the Department vide order dated 4.9.2020. He left the University in February 2023; accordingly, the petitioner being the senior most amongst Associate Professors after him, is entitled to be so appointed in terms of proviso to Statute 18 (1) of the Statutes framed under the Guru Jambheshwar University of Science and Technology, Hisar Act, 1995 (in short 'the Act'). The Chairpersonship can come to the fifth respondent only after completion of full chain of cycle amongst Associate Professors in the order of seniority.

3. *Per contra*, learned counsel for the University, appearing on advance notice, contends that the impugned order has been passed in accordance with Statute 18, as the fifth respondent, who is working as Professor in the Department, has a right to be appointed in terms thereof. He further submits that the petitioner also applied for promotion as Professor under the Career Advancement Scheme (CAS) along with the fifth respondent, but was not recommended by the Selection Committee in its meeting held on 28.9.2023 which was conveyed to him vide letter dated 11.1.2024, Annexure P-19. He can now be reassessed for promotion after minimum of one year therefrom. The petitioner challenged the University's action in not promoting him by filing a petition, CWP No.27760 of 2023, which was dismissed as withdrawn with liberty to file a fresh one with better particulars, vide order dated 10.1.2024, Annexure P-18. However, it has not been filed afresh.

4. Heard.

5. Indisputably, the petitioner is working as Associate Professor in the Department of Bio and Nano-Technology; and the fifth respondent is working as Professor there. His appointment as Chairperson for a period

of three years vide impugned order dated 20.11.2023, has been challenged by placing reliance upon the proviso to Statute 18 (1), which reads as under:

18 (1) Each teaching Department shall have a Chairperson who shall be appointed by the Vice-Chancellor for a period of 3 years by rotation; provided that Chairpersonship shall rotate among Professors and Associate Professors on seniority basis.

Provided further that if a Professor/Associate Professor/Reader, who has availed one full term of chairpersonship then he/she will be eligible for appointment of Chairperson on rotation only after completion of full chain of cycle in order of Seniority.

18 (2) and (3) xxx xxx xxx

6. Statute 18 prescribes that Chairperson in the Department will be appointed by the Vice-Chancellor for a period of three years by rotation from amongst Professors and Associate Professors as per seniority. Proviso thereto states, if a Professor/Associate Professor has availed one full term as Chairperson, he/she will be eligible for appointment again only after completion of full chain of cycle in order of seniority. Accordingly, the proviso comes into operation only to consider eligibility of a Professor/Associate Professor/ Reader who has has been Chairperson for one full term. Such a person can be appointed as Chairperson again only after completion of full chain of cycle in order of seniority. Concededly, the fifth respondent has never been appointed Chairperson of the Department prior to his appointment by the impugned order. Therefore, the proviso has no application to the case as his is not an appointment for a second term. Besides, there cannot be any seniority dispute between the petitioner and the fifth respondent as the two belong to separate cadres; the petitioner is Associate Professor and the fifth

respondent a Professor, which is a promotion post for Associate Professor.

7. In view thereof, there is no merit in the petition, and it stands dismissed.

(TRIBHUVAN DAHIYA)
JUDGE

22.3.2024
Ashwani

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