

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

214

CWP-13900-2019 (O&M)
Date of Decision: 04.04.2024

Dr. Vishav Raj

...Petitioner(s)

Versus

Chaudhary Charan Singh Haryana Agricultural University

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present:- Mr. Rahul Bansal, Advocate for
Mr. D.R. Bansal, Advocate for the petitioner

Mr. Shreenath A. Khemka, Advocate for the respondent

TRIBHUVAN DAHIYA, J. (Oral)

The petition has been filed, *inter alia*, seeking a writ of *mandamus* directing the respondent to promote the petitioner as Professor under Career Advancement Scheme (hereinafter referred to as 'CAS') with effect from 09.04.2001, from the date his juniors were so promoted, with all consequential benefits.

2. Briefly, as per facts apparent on record, the petitioner was working as Associate Professor in the University, and became due for promotion as Professor under CAS on 09.04.2001. He was, accordingly, considered by the selection committee but could not be promoted for want of essential requirement. Clause 6.4 (v) under Chapter VII of the University

Statutes, framed under the Chaudhary Charan Singh Haryana Agricultural University Act, 1970, prescribes eligibility for career advancement of Associate Professors/equivalents as Professors/equivalents. The requirement which could not be fulfilled by the petitioner is as under:

- v) after promotion as Assoc. Prof./equiv., participated in at least two refresher courses/summer institutes of not less than 3-4 weeks duration each but in all not less than 7 weeks (49 days) such course should not normally be less than 10 days.

Since the petitioner had not participated in at least two refresher courses/summer institutes of not less than three-four weeks' duration each, he was not considered eligible for promotion.

3. Learned counsel for the University contends that for want of mandatory requirement, the petitioner could not have been considered for promotion. As of now, he stands superannuated from service in 2012 without participating in refresher courses/summer institutes of less than three-four weeks' duration, needed for being eligible for promotion. Therefore, the requirement cannot be completed. He further contends that no Associate Professor has been promoted as Professor under CAS by relaxing this requirement. There were eight Associate Professors who were given promotion under CAS on an undertaking to complete the refresher courses/summer institutes before 2010; five of them completed before the deadline and their promotion was confirmed, rest three left the University before the cut-off date. Accordingly, there is no substance in the contention of learned counsel for the petitioner that similarly situated persons were granted

promotion as Professor despite their not having participated in refresher courses/summer institutes.

4. Learned counsel for the petitioner is not in a position to dispute the facts aforestated.

5. Since the petitioner did not possess the essential requirement to be considered for promotion as Professor, no exception can be taken to the University’s decision in not doing so.

6. Dismissed.

7. Pending application(s), if any, shall also stand disposed of as having been rendered infructuous.

(TRIBHUVAN DAHIYA)
JUDGE

04.04.2024
Payal

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>