



CWP-12941-2024

-1-

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

120

CWP-12941-2024

Date of Decision: 29.05.2024

MANJU RANI

...Petitioner(s)

Versus

**EDUCATIONAL TRIBUNAL FOR EDUCATIONAL INSTITUTION,
KAITHAL AND OTHERS**

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present:- Mr. R. K. Malik, Senior Advocate with
Mr. Anshul Labana, Advocate
for the petitioner.

TRIBHUVAN DAHIYA, J. (Oral)

The petition has been filed for setting aside the judgment, dated 01.05.2024, passed by the Educational Tribunal, whereby the petitioner's appeal against rejection of her candidature for the post of Assistant Professor English has been dismissed.

2. Facts of the case in brief are, the respondent-Management invited applications for the post of Assistant Professor English vide advertisement dated 27.04.2022. The petitioner applied for the same, but was not interviewed along with other candidates on 18.07.2022, as her candidature was rejected for want of requisite qualifications. She challenged the rejection by filing an appeal before the Education Tribunal which was dismissed, vide impugned judgment dated 01.05.2024, on the ground that the fourth



respondent-Director Higher Education had clearly stated that she had been disqualified at the initial stage itself as the degree submitted by her was contrary to qualifications mentioned in the application form. Further, it was also clarified that the selection in question had not been approved by the Vice Chancellor, and the sixth respondent was never appointed against the advertised post. Accordingly, it was held that in the absence of any order having been passed by the authorities concerned, there was no ground to entertain the petition.

3. Learned senior counsel has contended that rejection of the petitioner's candidature is arbitrary. The selected candidate obtained 40.77 marks, whereas the petitioner secured 41.60, despite having not been interviewed. Being more meritorious, she had a right to appointment irrespective of the interview marks.

4. Heard.

5. It is an undisputed fact on record that recommendation of the selection committee was not approved by the competent authority and the recommended candidate/sixth respondent was never appointed. Therefore, the petitioner's appeal for setting aside the selection, as also the order rejecting her candidature, was rightly dismissed as not maintainable. In the absence of selection having been approved or the recommended candidate having been appointed, no cause survives to the petitioner. The post is to be filled up afresh. As and when the Management decides to do that, it will be open for the petitioner to apply.



6. In view thereof, there is no ground to entertain the petition and it stands dismissed in *limine*.

(TRIBHUVAN DAHIYA)
JUDGE

29.05.2024
Aman Dua

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