

CWP-13369-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CWP-13369-2024

Date of Decision: 15.07.2024

Dr. Pardeep Kumar

...Petitioner(s)

Versus

State of Haryana and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present:- Mr. Dalbir Singh, Advocate for the petitioner

TRIBHUVAN DAHIYA, J. (Oral)

The petition has been filed, *inter alia*, seeking a writ of *mandamus* directing the respondent University as well as the College Management to grant approval to appoint the petitioner to the post of Assistant Professor (History), since he was placed at number two in the merit list dated 18.05.2018, Annexure P-9.

2. Learned counsel for the petitioner has contended that after drawing the merit list, wherein the petitioner was placed at number two, a complaint was received by the government regarding wrong preparation of merit list. Accordingly, a direction was issued, vide communication dated 14.12.2018, Annexure P-10, to the College Principal to prepare a new merit list by adhering to the selection criteria issued by the Department dated 14.03.2017, and correcting the marks awarded for teaching experience of all the candidates, keeping all other marks including those of interview unchanged. Thereupon, the revised selection proceedings were to be sent again for *de novo* approval to the Department as well as the University concerned. Complying with the direction, the merit list was re-drawn, but the petitioner still remained at the second position. The re-drawn merit list was

approved by the authorities, and vide office order dated 11.02.2019, Annexure P-15, the College Management was directed to initiate the process of issuing appointment letters to the selected/approved candidates.

3. It is further contended that the post is still lying vacant, and nobody has been appointed despite the directions. The petitioner's representation alleging irregularities in the selection has not been acted upon by the Department, and he has been conveyed by the College Principal, vide email Annexure P-27, that proceedings of the selection committee meeting held on 11.08.2023 have been submitted to the University as per its instructions, and no action is pending at the College level. In these circumstances, it has been claimed that the petitioner has a right to be considered for appointment on the post on the basis of merit drawn.

4. As apparent on record, the selection took place on 18.05.2018 by drawing the merit list, wherein the petitioner was placed at number two as a general category candidate. The complaints regarding improper drawing of the merit list were acted upon, leading to drawing of a fresh list, which however did not change the petitioner's merit position. Merely because it is claimed that the post is still lying vacant, though the fact has not been established on record, is no ground to consider the petitioner for appointment, as the select/merit list will not be valid as on date. Besides, the petition, which has been filed after inordinate delay of about five years, cannot be entertained.

5. Dismissed in *limine*.

(TRIBHUVAN DAHIYA)
JUDGE

15.07.2024
Payal

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No