

102-1

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-15164-2014 (O&M)
DECIDED ON: 01.05.2024

BALWINDER SINGHPETITIONER

VERSUS

PANJAB UNIVERSITY, CHANDIGARH AND OTHERS
.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH.

Present: Mr. Jagdish Manchanda, Advocate,
for the petitioner(s).

Ms. Alka Chatrath, Advocate, and
Ms. Neha Singh, Advocate,
for respondent No.1 – Panjab University.

Mr. Jasdev Singh Mehndiratta, Advocate, and
Mr. Divyanshu Kaushik, Advocate,
for respondent Nos.2 to 4.

SANJAY VASHISTH, J (ORAL)

1. After hearing arguments on the previous date of hearing i.e.
on 23.04.2024, following order was passed by this Court:-

“215 CWP-15164-2014 (O&M)
BALWINDER SINGH
V/S
PANJAB UNIVERSITY, CHANDIGARH
AND ORS.
WITH CWP-24824-2016

Present: Mr. Jagdish manchanda, Advocate and
Mr. Ravi Gakhar, Advocate
for the petitioner(s) (in CWP-15164-2014).
None for the petitioner(s) (in CWP-24824-
2016).
Ms. Alka Chatrath, Advocate and
Ms. Neha Singh, Advocate

*for respondent No.1 – Panjab University,
Chandigarh
(in CWP-15164-2014).*

*Mr. Jasdev Singh Mehndiratta, Advocate
and Mr. Divyanshu Kaushik, Advocate
for respondents No.2 to 4
(in CWP-15164-2014).*

1. *Petitioner – Balwinder Singh, has filed present writ petition (CWP-15164-2014), for quashing of of selection process and appointment of respondent No.2 Gaurav Rattan, Assistant Professor in Chemical Engineering, respondent No.3 – Surinder Singh, Assistant Professor in Chemical Engineering and respondent No.4 – Sonia Sharma, Assistant Professor in Chemical Engineering, appointed by respondent No.1 (Panjab University, Chandigarh).*

Besides, petitioner prayed for issuance of a writ of Mandamus, for directing respondent No.1 to consider him for the purpose of appointment on the post of Assistant Professor in Chemical Engineering, University Institute of Chemical Engineering and Technology, Panjab University, Chandigarh.

2. *The basic allegation of the petitioner is that he has been awarded low marks while preparing the result, whereas, beneficiaries i.e. private respondents No.2 to 4 have been awarded higher marks arbitrarily.*

3. *Counsel for respondent No.1 – Panjab University and counsel appearing for private respondents No.2 to 4, jointly submit that in fact, petitioner has scored very low marks and for examining the record, the chart in that regard has already been appended with the writ petition as Annexure P-5 by the petitioner himself. For convenience, said chart is reproduced here-under:-*

“API score for Academic Record & Research Performance etc. of the candidates who appeared for the interview for the post of Assistant Professor (Gen.-4) at University Institute of Engineering and Technology (Advt. No.13/2010), held on 27.10.12 at 9.30 AM in the office of the Vice-Chancellor, Panjab University, Chandigarh.

Name of Candidates	Academic Record & Research Performance 50%							Assessment of Domain Knowledge & Teaching Skills 30%	Interview 20%	Final Score (Total Weightage 100)	Remarks
	Academic Record				Research Performance						
	Bachelor's Degree	Master's Degree	M.Phil	Ph.D.	Publications*/P atents% (AS per UGC Guidelines)	UGC NET	Teaching Experience/P ost-doctoral fellowship from a public funding agency **	Teaching Skills including Presentation directly relevant to the subject appearing for interview			
	5	10	5	15	15	10	10	10	20	100	
Mr. Amit Keshav	67.30%	3.36	72.50%	7.25		15	15		6	--	A
Mrs. Amandeep Kaur D/o Sh. Amar Singh	68.940%	3.44	77.92%	7.79					4	04	26.23
Mrs. Amandeep Kaur D/o Sh. Darshan Lal	72.03%	3.60	73.00%	7.30			2.25			03	21.15
Dr. Baljinder Kaur Gill	74.09%	3.70	77.40%	7.74		15	11		10	07	71.44
Mr. Balwinder Singh	55.90%	2.79	60.25%	6.02					1	04	21.81

Ms. Bhanu Kiran	69.88%	3.49	76.40%	7.64 G			1.0			04	07	23.13	
Ms. Chetna	CGPA	5.86	CGPA%	7.01			3.8		2	--	--	A	
Mr. Gaurav Rattan	81.25%	4.06	76.13%	7.61		15				07	17	50.67	
Mr. Harikesh Bahadur Gupta	63.60%	3.18	76.50%	7.65						--	--	A	
Ms. Navneet Kaur D/o Sh. Kashmir Singh	71.05%	3.55	62.58%	7.026.20						04	06	19.75	
Ms. Navneet Kaur D/o Sh. Gurbachan Singh	69.92%	3.49	70.27%	7.02						--	--	A	
Ms. Neha Saharan	81.50%	4.07	77.31%	7.73					2	--	--	A	
Ms. Navneet Kaur	75.70%	3.78	82.68%	8.26					2	05	07	26.04	
Mr. Parminder Singh	63.62%	3.18	81.32%	8.13					4	06	08	29.31	
Mr. Pardeep Kumar										--	--	A	
Mr. Ritesh Mittal	77.32%	3.85	75.28%	7.52						--	--	A	
Mr. Renu Gupta	77.12%	3.85	75.50%	7.55			3.70		10	--	--	A	
Ms. Richa Aggarwal	64.90%	3.24	84.10%	8.41			0.06		10	05	08	25.71	
Ms. Ramanpreet Kaur	71.80%	3.59	76.51%	7.65			0.05			--	--	A	
Ms. Rupinder Kaur	Grade	4.76	Grade	9.47						--	--	A	
Mr. Rakesh Kumar Sharma	66.56%	3.32	62.05%	6.20					3	--	--	A	

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I attest to the accuracy and
authenticity of the e-filed
Punjab & Haryana High Court,
Chandigarh

Mr. Surinder Singh	78.89%	3.94	72.87%	7.28					7	08	16	42.22	
Ms. Sonia Sharma	70.00%	3.50	84.00v	8.40					2	08	16	37.9	
Dr. Sunanda	69.44%	3.47	Grade	8.77					6	05	07	30.24	
Mr. Sanjeev Kumar Ahuja	61.89%	3.09	67.35%	6.73			5.10		10	04	05	33.92	
Mr. Suresh Kumar Patel	68.59%	3.42	79.00%	7.90						--	--	A	
Ms. Suchita Kohli	74.55%	3.72	72.40%	7.24			3.00		4	05	12	34.96	
Ms. Tejas Puneet Kaur	74.79%	3.73	79.75%	7.97						--	--	A	
Ms. Vidya Pandey	71.46%	3.57	67.92%	6.79					3	05	08	26.36	
Mr. Vinay Bansal	66.90%	3.34	Grade	8.68					1	--	--	A	
Mr. Shiv Om Meena (ST)	65.63%	3.28	73.10%	7.31						--	--	A	
Mr. Dheeraj Ahuja (PH)	64.68%	3.23	71.37%	7.13						04	06	20.36	

Sd/-
(Dr. Braham Parkash)

Sd/-
(Prof. Kamal K. Pant)

Sd/-
(Prof. R.K. Chhabra)

Sd/-
(Prof. Surendra Kumar)

Sd/-
(Prof. M.M. Aggaral)

Sd/-
(Prof. S.S. Sambi)

Sd/-
(Dr.

Raj

Kumar) ”

4. While referring to the Advt. No.13 of 2010, published on 18.08.2010, by the Panjab University, Chandigarh (respondent No.1), counsel for respondents No.1 & 2 to 4, submit that the minimum essential qualification was mentioned therein, as “First Class Bachelor’s degree in Chemical Engineering and Technology and First Class Master’s degree in Chemical Engineering and Technology” (for the post in question). For convenience, the relevant extract of the advertisement is reproduced here-under:-

“For the posts of Assistant Professors in University Institute of Chemical Engg. & Technology -

{Chem. Engg. - 5 (Gen.-4, ST-1), Organic Chemistry-1 (ST), Mechanical Engg.-1 (SC)};

Chem. Engg. -5 (Gen.-4, ST-1)

ESSENTIAL

First Class Bachelor’s degree in Chemical Engineering and Technology and First Class Master’s degree in Chemical Engineering and Technology.”

5. Court is further informed by counsel for respondent No.1 – Panjab University, Chandigarh that the minimum basic qualification i.e. First Class Bachelor’s degree in Chemical Engineering and Technology and First Class Master’s degree in Chemical Engineering and Technology, was further relaxed by issuing a corrigendum by mentioning “Possessing First Class degree in either of the two”. However, copy of the said corrigendum is neither appended with the writ petition nor is available/placed on record along with written statements, filed on behalf of respondents No.1 and 2 to 4.

6. On examining the result chart (P-5), it is found that authenticity of the marks allotted is not disputed by respondent No.1 – Panjab University, Chandigarh. It is the petitioner only, who is shown to have scored 55.90% marks in Bachelor degree, whereas, all others are first divisioners. Court is surprised to know that qualification has been relaxed after the Advt. dated 18.08.2020, the reason though is not available on record, but from the result chart (Annexure P-5), it transpires that it is only the petitioner, who had been benefited by making him eligible to apply for the post(s) in question.

7. Adjourned to 01.05.2024.

Let respondent No.1 – Panjab University, Chandigarh file an affidavit by clarifying that for what substantial reason, the basic eligibility criteria was reduced/changed, and to what level. Copy of the corrigendum be also placed on record. The affidavit would be filed by the Registry of the University.

Besides, said affidavit would also explain that apart from the petitioner, how many other candidates have applied after relaxation of the

eligibility criteria, the details of the same be also furnished therein.

Photocopy of this order be placed on the file of other connected case.”

2. Today, in compliance to the direction passed in the order dated 23.04.2024, counsel for respondent No.1 – Panjab University has filed notarized affidavit dated 30.04.2024, along with the corrigendum dated 17.09.2010 (Annexure R-1/4), second corrigendum dated 10.10.2010 (Annexure R-1/5) and third corrigendum dated 24.10.2010 (Annexure R-1/6). Same is taken on record. Registry is directed to tag the same at the appropriate place on the file.

3. Counsel for respondent No.1 submits that copy of the said affidavit along with the appended documents has already been supplied to the counsel opposite.

4. Continuing the submissions which was addressed on the previous date of hearing, counsel for the petitioner points out that the petitioner has more than 16 years of experience in the industry and said experience is not there with any of the selected candidate, till the last date of submission of application form. However, in the column of experience, he has been awarded only one mark, whereas the other private respondents i.e. respondent No.2, respondent No.3 and respondent No.4 have been awarded 7, 7 and 2 marks, respectively.

5. This argument seems to be without any substance because even if, the petitioner is awarded 9 more marks in the column of experience, making a total of 10, his total marks would be 30.81 only, which will still be much less than the marks obtained by respondent Nos.

2, 3 and 4, who have secured total marks as 50.67, 42.22 and 37.09, respectively.

Thus, arguments addressed by counsel for the petitioner are not accepted.

6. On the other hand, counsel for respondent No.1 – University and private respondents point out that at the time of preliminary hearing, petitioner submitted that father of respondent No.2 was Professor in the same Department and he has been granted 17 marks out of 20 marks in the interview. *Qua* respondent No.3, allegation was levelled that he is undergoing his Ph.D. under the Professor S.S. Sambhi, who was a member of the Selection Committee.

For reference, order dated 01.08.2014 is reproduced here under:-

“Present:- Mr. Bharpur Singh Thind, Advocate for the petitioner.

Submits that respondent no.2's father was Professor in the same department and he has been granted 17 marks out of 20 marks in interview and 7 marks out of 10 for teaching skills. Similar allegations are made with regard to respondent no.3 that he is undergoing his Ph.D. under the Professor S.S.Sambhi, who was a member of the Selection Committee and he had also been granted 16 marks out of 20 marks in the interview and 8 marks out of 10 marks for teaching skills.

Notice of motion for 13.11.2014.

*(G.S.Sandhawalia)
Judge”*

01.08.2014

7. Court is informed by counsel for the respondents that respondent No.2, in fact, is a Gold Medalist in Chemical Engineering and was found more suitable during the selection process. *Qua* respondent

No.3, it is pointed out by counsel for the respondents that factually, the allegation levelled by the petitioner is incorrect because Professor S.S. Sambhi, was not the guide of respondent No.3 and actual name of the guide of respondent No.3 is Dr. S.K. Sharma.

8. Thus, counsel submits that by addressing the incorrect submissions, petitioner has challenged the selection of the private respondents, whereas one of the selected candidate i.e. Baljinder Kaur Gill, who secured total marks as 71.44, has not even been impleaded as party in the present writ petition.

9. After examining the record produced by the University and going through the pleadings, and the explanation given to the allegations levelled by the petitioner as already recorded in the previous orders, this Court does not find any reason to cause any kind of interference with the selection process and the appointments done by the University.

10. Moreover, neither any specific illegality or perversity, nor any *mala fide* is found to be there, thus, present writ petition is hereby **dismissed**.

01.05.2024

Lavisha

(SANJAY VASHISTH)
JUDGE

Whether speaking/reasoned

Yes/~~No~~

Whether reportable

Yes/~~No~~