

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

216

CWP-14764-2016 (O&M)
Date of decision: 07.03.2024

Neha Stanley

....Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Ms. Kushaldeep Kaur, Advocate and
Mr. Siddhanth Arora, Advocate
for the petitioner.

Mr. Manipal Singh Atwal, DAG, Punjab.

Mr. Brijeshwar Vashisht, Advocate for
Mr. Tarunveer Vashisht, Advocate
for respondent No.4.

Mr. Vinod Kumar, Advocate for respondent No.5.

Mr. T.V.S. Lehal, Advocate for respondent No.6.

Mr. Vinish Singla, Advocate for respondent No.7.

AMAN CHAUDHARY. J.

1. The present Civil Writ Petition filed under Articles 226/227 of the Constitution of India, is for issuance of a writ in the nature of certiorari, for setting aside/quashing the selection and consequent appointments of respondent Nos. 3 to 5, who have been appointed as Lecturers in Commerce and to issue a writ in the nature of mandamus, for directing the official respondent Nos.1 to 2 to appoint the petitioner to the said post.

2. Learned counsel would submit that the petitioner is entitled for appointment to the post of Lecturer (Commerce) on account of having secured higher marks than respondent Nos. 3 to 5 in the final merit list, his being 225, while theirs 224, 221 and 220 respectively. He places reliance upon the

judgments of this Court in CWP-29977-2018, titled as **Sonia Ahuja vs. State of Punjab and others**, decided on 02.08.2019, which stands implemented by issuing appointment letters to similarly situated, who had also obtained the B.Ed Degree from Jamia Millia Islamia University (Distance mode) from its study centre at Khalsa College of Education, Amritsar. The issue before the Division Bench in LPA No.1843 of 2019 titled as **State of Punjab vs. Karamjit**, is regarding the territorial jurisdiction of State or Deemed Universities and not relating to a Central University, which has All India territorial jurisdiction, therefore, its pendency is not an impediment in consideration of the claim of the petitioner. The relevant paras of **Sonia Ahuja** (supra) are as under:-

“20. The faculty of education, Guru Nanak Dev University, Amritsar is providing faculty to the Jamia Millia Islamia in the programme centre at Amritsar for different programmes such as Teachers Training, PCP etc. Even a certificate dated 29.11.2013 (Annexure P-13) was issued by Guru Nanak Dev University that Jamia Millia Islamia is a designated Central University, established by Act of Parliament. It is a UGC recognized University since the year 1962. B.Ed. (Distant Mode) programme of this University is also recognized by National Council of Teacher Education (NCTE) & Council for Distance Education (DEC).

23. In the present case, the petitioner obtained degree from Central University, which has national jurisdiction. She got direct admission with the University after passing the entrance test and not through any study centre. In the programme centre at Amritsar, different programmes such as teachers training, PCP and examination were conducted. The petitioner acquired her degree much prior to the public notice dated 27.06.2013 (Annexure P-17) and letter dated 23.08.2013 (Annexure P-18) and also much prior to the cut off date fixed for deemed and private universities in CWP-11049-2017 decided on 06.06.2019.

24. The UGC vide its letter dated 23.02.2016 (Annexure P20) had clarified that the implementation date of UGC letter No.27/1/12 (CPP)-II is 27.06.2013.

25. In the reply/affidavit filed by respondent No.4, it has been admitted that the petitioner was bona fide student of Jamia Millia Islamia University with her B.Ed (Distance Mode) study centre at Khalsa College of Education at Amritsar. In Para No.4 of the reply, it is admitted that the petitioner took admission in the University directly after passing the entrance exam/test.

26. In view of the above, action of respondents in withholding the eligibility of the petitioner for the post of Hindi Mistress and proceeding to appoint persons with lower merit by ignoring the candidature of the petitioner on the ground that she has passed B.Ed. degree in the year April, 2010 from Jamia Millia Islamia, New Delhi (A Central University) through Distance Education Mode with Examination/Study Centre at Amristar is held to be patently wrong and arbitrary. Consequently, respondents are directed to treat the petitioner as eligible for being considered for appointment on the post of Hindi Mistress and accordingly pass appropriate orders as per her merit.”

3. Learned State counsel, on instructions from Davinder Singh, Sr. Asstt., Office of Education Recruitment Directorate, Mohali, affirms the factum of implementation of the judgments relied upon by issuing appointment letter and that no LPA was preferred by the State.

4. Learned counsel for respondent-UGC while concurring with the submissions made on behalf of the petitioner, produced a communication dated, Nil, November, 2018, which reads thus:-

“The Jamia Millia Islamia being a Central University and as per the provisions of its Act. Statutes and Ordinance 23 (XXIII) of the Act of the University, the territorial jurisdiction of Jamia Millia Islamia is “All India.”

5. In view of the aforesaid, the present petition is disposed of in terms of the judgment passed in **Sonia Ahuja** (supra).

(AMAN CHAUDHARY)
JUDGE

07.03.2024
Hemant

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