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IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CWP-15622-2024

Date of Decision: 11.07.2024

HIMANI AHLAWAT

...Petitioner

Vs.

GURUGRAM UNIVERSITY, GURUGRAM AND OTHERS

...Respondents

CORAM:- HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Sunil K. Nehra, Advocate with  
Mr. Arnav Udai Singh Ahlawat, Advocate  
for the petitioner.

Mr. Sunil Panwar, Advocate  
for the caveator/respondent-University.

**TRIBHUVAN DAHIYA, J. (Oral)**

The petition has been filed, *inter alia*, seeking a writ of *certiorari* quashing the notice/result of selection dated 01.07.2014, Annexure P-27, *qua* the post of Assistant Professor in Law advertised vide advertisement T-01 to 15/2024, dated 19.02.2024, Annexure P-19, as also minutes of thirty third meeting of the Executive Council of the Gurugram University held on 27.06.2024, Annexure P-28, granting approval to recommendations of the Selection Committee regarding the post in question, and deciding to issue advertisement to engage Assistant Professor (on contract basis under Self-Finance Scheme/SFS) for new academic programmes. Further, a writ of *mandamus* has been sought directing the respondent University not to replace the petitioner, who is working as Assistant Professor in law on contract basis, with another contractual employee.



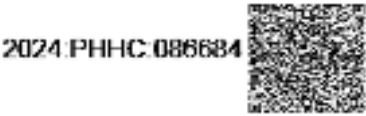
2. As per facts apparent on record, the University advertised three regular posts of Assistant Professor in Law, out of which one was meant for General (Unreserved/UR) category. The petitioner, who was working as Assistant Professor in Law on contract basis in the University, applied for the same. She, along with other candidates, appeared for the screening/written test and cleared the same; thereafter, the candidates were called for interview. It is alleged that interview scheduled for the posts in other Departments was notified on 08.06.2024, but the petitioner was not intimated the date of interview. She sent an e-mail to the University enquiring about the interview, and visited office of the Registrar also for the purpose on 10.06.2024; and thereupon, received an e-mail on 12.06.2024, Annexure P-25, from the Registrar intimating that her interview was scheduled for 16.06.2024 at 9.30 am at the University Campus. Along with e-mail, a notice dated 11.06.2024, Annexure P-26, was also received mentioning that the candidates who qualified the written test, have been short-listed for further process of selection, i.e., presentation on teaching skills and interview, subject to ascertaining their eligibility during document verification before the interview.

2.1. It is further averred that the petitioner went for the interview on 16.06.2024, where she saw candidates for other subjects in the waiting room. The non-teaching staff present there was not aware about the interview for the post of Assistant Professor in Law, scheduled for that date. She went to the Registrar's office, and was asked to wait outside. She was then taken to the office of Vice Chancellor for the interview, and not to the Board Room where the interviews are normally held. Proceedings of her interview were not video graphed. She was ready with the Power Point Presentation (PPT), but was not



asked to present anything by the selection/interview committee. Having answered all the questions in the interview, she was hopeful of her selection. However, as per the impugned result, dated 01.07.2024, none was found suitable for the post; vide this notice, result of the posts against which candidates were found suitable, was declared, mentioning, '*None found suitable of other advertised posts vide advt. no. T-1-15/2024.*' Later, proceedings of the selection committee were approved by the Executive Council on 27.06.2024, vide resolution dated 27.06.2024, wherein a decision was also taken to engage Assistant Professor on contract basis under Self-Finance Scheme (SFS), which is contrary to law. In this background, the instant petition has been filed.

3. Learned counsel for the petitioner contends that the petitioner was wrongly not selected despite being meritorious. Her domain knowledge was duly tested in the written test which she cleared. The interview was not properly conducted and her teaching skills were not tested by the selection committee, as she was not asked to give power point presentation. Being the only candidate, who is fully qualified, has cleared the written test and performed well in the interview, she has a right to be selected. By not doing so the University has committed an illegality; in fact, they had made up their mind not to select the petitioner and wanted to remove her from the Department as well where she had been working on contractual basis. That is the reason it has now been decided to advertise the contractual posts of Assistant Professor, thereby replacing the petitioner with another appointee. This is in violation of the settled law that a contractual employee cannot be replaced by another such employee.



4. Learned counsel for the University, on the contrary, contends that the selection process was carried out in a fair and transparent manner by interviewing the petitioner. She cleared the written test and was called for interview vide notice dated 11.06.2024, Annexure P-26. The candidates who qualified the written test were short-listed for further process of selection, and the petitioner was duly interviewed by the selection committee on 16.06.2024, which took her presentation on the teaching skills as well, but was not found suitable.

4.1 He further submits that as per the criteria, the selection was to be based on composite score of domain knowledge, teaching skills and interview, which is as follows:

4.The selections shall be based on the composite score as follows:

| Domain Knowledge                    | Teaching Skills                         | Interview | Composite   |
|-------------------------------------|-----------------------------------------|-----------|-------------|
| (50)                                | (30)                                    | (20)      | Score (100) |
| To be assessed through written test | To be assessed through ppt presentation |           |             |

**Note:** The candidates failing to secure at-least 60% (57% for SC/BC/PwBD) composite score/marks will not be considered suitable for selection.

Since the petitioner failed to secure the required composite score, she could not be selected; her score in the domain knowledge/written test was twenty-eight. Proceedings of the selection committee were not video graphed, nor was it required, as no such procedure has been prescribed. Therefore, no wrongdoing can be attributed to the University on that account.

4.2 Learned counsel for the University has also submitted that *bona fides* of the University are established by the fact that the posts which remained unfilled on account of none of the candidates being suitable, have been re-



advertised along with two other posts, and the petitioner can apply for the same. So far as the engagement of contractual faculty is concerned, he submits that the University does not require the services of contractual Assistant Professor in Law, as it has recently appointed Associate Professor in the Department. The petitioner has already been relieved on completion of her contractual engagement at the end of academic session 2023-24, and will not be replaced by any other contractual appointee.

5. Heard.

6. Considering the submissions of the learned counsel for the parties and the facts apparent on record, it cannot be said there was any illegality or irregularity in the process of selection for the post of Assistant Professor in Law. After the petitioner cleared the written test, she was called for interview. The contention that interview scheduled for the post in question was deliberately not notified along with the schedule for other posts notified on 08.06.2024, is without substance, as the notice itself clarified that the schedule for remaining subjects/disciplines would be notified later. Accordingly, it was separately notified, vide notice dated 11.06.2024, with regard to the post of Assistant Professor in Law. Pursuant thereto, the petitioner appeared for interview before the selection committee, and was interviewed too. The reason for not selecting her was failure to secure the minimum required sixty per cent composite score as per the criteria. In the face of these facts, bald averments by the petitioner that her teaching skills were not tested as she was not asked to give Power Point Presentation, is too far-fetched to be accepted. The fact has been specifically denied by learned counsel for the University. Besides, this Court has no reason to believe when the selection committee consisting of

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subject experts and other senior academics has interviewed the petitioner, it would not test her teaching skills as required. It is the job of selection committee to assess a candidate's knowledge, skills, personality and ability for the post, and devise the manner and method of doing so during the interview; Power Point Presentation is one such mode prescribed under the criteria. Moreover, as per averments, she answered all the questions in the interview. This only shows she was interviewed by the committee properly.

7. Further, the petitioner has been relieved in terms of her contract of service, and is not being replaced by another contractual employee. Therefore, she cannot seek re-engagement and/or continuance in service as Assistant Professor in Law on contract basis. Once the University does not require services of contractual teachers in the Department, and has decided not to make any such appointments as of now, no exception can be taken to its decision to relieve the petitioner at the end of academic session in terms of her contract. Besides, the University has already advertised four posts of Assistant Professor in Law, and is hopeful of completing the selection process before commencement of the new academic session.

8. In view thereof, there is no merit in the petition and it stands dismissed *in limine*.

(TRIBHUVAN DAHIYA)  
JUDGE

11.07.2024

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*Whether speaking/reasoned : Yes/No*

*Whether reportable : Yes/No*