



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(Sr. No. 204)

(1) CWP-5285-2012 (O&M)
Date of Decision : 05.11.2024

Harinder Kaur ...Petitioner

Versus

Punjabi University, Patiala and others ...Respondents

(2) CWP-19053-2011 (O&M)

Ravinder Kumar and another ...Petitioners

Versus

Punjabi University and others ...Respondents

(3) CWP-10894-2013 (O&M)

Harjinder Singh and others ...Petitioners

Versus

Punjabi University, Patiala and others ...Respondents

(4) CWP-20455-2011 (O&M)

Chamkaur Singh and others ...Petitioner

Versus

Punjabi University, Patiala and others ...Respondents

(5) CWP-22862-2011 (O&M)

Raj Kumar ...Petitioner

Versus

CWP-5285-2012 (O&M) and
other connected matters

2024:PHHC:143719



Punjabi University, Patiala and others

...Respondents

(6)

CWP-22889-2011 (O&M)

Harpreet Singh and others

...Petitioners

Versus

Punjabi University, Patiala and others

...Respondents

(7)

CWP-22991-2011 (O&M)

Gurjit Singh and another

...Petitioners

Versus

Punjabi University, Patiala and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Pawan Kumar, Senior Advocate with
Ms. Vidushi Kumar, Advocate and
Ms. Parul Dhingra, Advocate for the petitioner
in CWP-5285-2012.

Mr. J.S. Grewal, Advocate for the petitioners
in CWP-22862-2011.

Mr. Sandeep Khunger, Advocate and
Mr. Saksham Khunger, Advocate
for respondents No. 3 to 13 in CWP-5285-2012.

Mr. Abhishek Kaushik, Advocate for
Mr. Vipul Jindal, Advocate
for respondent No. 1 in CWP-19053-2011,
CWP-22862-2011, CWP-22889-2011 & CWP-22991-2011.

Ms. Amanpreet Kaur Mangat, Advocate for
Ms. Puja Chopra, Advocate
for respondent No. 2 in CWP-19053-2011.

Mr. Rajeev Godara, Advocate
for respondent No. 6 in CWP-19053-2011.



Mr. Sarju Puri, Advocate
for respondent No. 4 in CWP-10894-2013.

Mr. R.K. Malik, Senior Advocate with
Mr. Kartikey Chaudhary, Advocate
for respondents No. 2, 3 & 6 to 8
in CWP-22884-2011 and
for respondents No. 2 to 6 in CWP-22862-2011.

Harsimran Singh Sethi J. (Oral)

1. By this common order, seven writ petitions, the details of which have been given in the heading, are being decided as all these petitions involve the same question of law on similar facts.

2. In the present petitions, the challenge is to the selection to the post of Assistant Professor in different subjects as advertised by the respondents.

3. The grievance being raised by the petitioners is that the petitioners are UGC Net qualified which is mandatory qualification required for the appointment to the post of Assistant Professor, whereas the candidates who have been selected on the said post do not fulfill the said qualification. The further argument of the petitioners is that the process which has been envisaged under the UGC Norm for making selection has not been followed and the University has followed its own process for selecting the candidates.

4. Upon notice of motion, the respondents have filed the reply, wherein, the respondents have stated that the requisite qualifications are fulfilled by the selected candidates as per the UGC Norms as they are UGC qualified and the assertion that the selected candidates do not fulfill the



essential qualification for the post, is frivolous and incorrect. The respondent-University has further mentioned in the reply that the selection process which is followed by the University, is transparent and has been followed while making the selection to the post in question and it is not mandatory that even the selection process, which has been recommended by the UGC, is to be followed while making selection to the post of Associate Professor.

5. I have heard learned counsel for the parties and have gone through the record with their able assistance.

6. In the present petitions, the argument which has been raised is that the selected candidates are not qualified to be appointed. The respondents are on record to say that the qualification which has been prescribed for appointment to the post of Assistant Professor in English as recommended by the UGC and is part of the rules governing the service are fulfilled by the selected candidates. The said averment on behalf of the University has gone un-rebutted. Once, the selected candidates fulfill the qualification required for the post, no grievance can be raised by the petitioners merely because that they have not been selected in preference to the selected candidates.

7. The second argument which has been raised by the learned senior counsel appearing on behalf of the petitioner is that while making selection, the process to be adopted should be the one which has been recommended by the UGC and not the one which University has followed. It may be noticed that the UGC Regulations are re-commendatory with regard



to the process to be followed in the selection process. Once, the University has its own process for selection, which has been followed, the selection of the selected candidates cannot be set-aside merely because the petitioners wanted that the selection process as recommended by the UGC should have been followed.

8. Once, the process of selection followed by the University is transparent and has been uniformly implemented qua all the candidates, the petitioners cannot be allowed to raise the said grievance merely because that they have not been selected in preference to the selected candidates. Once, the petitioners have also participated in the selection process without raising any grievance, after the process when they failed to make the Grade qua the selected post, they cannot be allowed to raise a grievance that even the selection process as recommended by the UGC should have been followed.

9. Once, the University is on record stating that it is a statutory body and has followed its own selection process, which is transparent, the argument that the selection process recommended by the UGC should have been followed, cannot be accepted.

10. Another argument which has been raised during the course of hearing on behalf of the petitioners is that the selection has been made for more posts than advertised. Learned senior counsel has made the argument that the candidates who have been selected, their relatives are alleged to be working in the University. Learned senior counsel submits that the details have been given in paragraph 11 of the writ petition.



11. It may be noticed that as per the averments made in paragraph 11 of the writ petition, CWP No. 5285 of 2012, some of the selected candidates are related to the employees of the University or relatives of the selected candidates are working with the State of Punjab or in any of the Polytechnic being operated by the State of Punjab.

12. Nothing has come on record from the counsel of the petitioners corroborating their statement that the relatives of the selected candidates were in a position to make the selection to the post in question i.e. participated in the selection process or influenced the same in any manner. Merely, that the relatives of the selected candidates are working in the University, the same cannot be treated as a good argument to hold the selection as biased or suffering from prejudice. There is no averment made against the fact that the relatives of the selected candidates were in a position to influence the selection or have influenced the selection in any manner, thereby no benefit that the selection was tainted, can be granted in favour of the petitioners.

13. Further, it is on record that the selection has been made by a competent Selection Committee and none of the selected candidate is related to any of the Member of the Selected Committee. That being so, the ground being raised by the petitioners that the selection is tainted, is not made out keeping in view the pleadings raised in the present petitions.

14. The last argument which has been raised by the learned senior counsel for the petitioners is the the selection has been made against more posts than advertised. According to the learned senior counsel 11 posts were advertised. Learned senior counsel submits that two candidates in the



reserved category of Scheduled Caste have been appointed for more than the post advertised.

15. Once, the petitioners are competing in the General quota and the grievance being raised is that the two candidates in the Scheduled Caste Category have been appointed for more than the posts advertised, qua the said argument it may be noticed that the petitioners are competing in the General Category hence, they cannot raise any grievance with regard to any appointment made in the Reserved Category or Scheduled Caste Category.

16. Learned senior counsel appearing on behalf of the petitioners submits that 07 posts were Reserved Category out of the 11, which is more than the permissible limit. It may be noticed that even in the Advertisement dated 30.09.2011 (Annexure P-9), posts were reserved in the same manner. The petitioners have not challenged the Advertisement at all and rather competed in pursuance to the said Advertisement. In the absence of any challenge to the Advertisement, after the selection, especially when 13 years have passed after the selection, no ground is made out to set-aside the selection on the ground that the posts reserved were more than 50%. In case the petitioners were aggrieved against the said Advertisement, they should have challenged the Advertisement rather than participating in the same so that appropriate decision could have been taken at the relevant time and not after 13 years of the selection when the selected candidates have rendered more than 13 years of service.

17. No other argument is raised.



- 18. Keeping in view the above, no ground is made out for any interference by this Court in the present bunch of petitions.
- 19. Dismissed.
- 20. Pending miscellaneous application, if any, also stands disposed of.
- 21. A photocopy of this order be placed on the file of connected cases.

November 05, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No