



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

129

CWP-25878-2024
Date of Decision: 04.10.2024

SUKHPREET SINGH

...Petitioner(s)

Versus

SANT LONGOWAL INSTITUTE OF TECHNOLOGY AND
ENGINEERING

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present:- Mr. Tejpal Singh Dhull, Advocate
for the petitioner.

TRIBHUVAN DAHIYA, J. (Oral)

This petition has been filed seeking a writ of *certiorari* quashing advertisement 21/2023, Annexure P-1, for the post of Assistant Professor in Computer Science and Engineering (CSE) on the ground that the selection process is against the instructions issued by the Government of India, Ministry of Personnel, P.G. and Pensions vide Office Memorandum (OM) dated 11.01.2016, Annexure P-6. Further, a writ of *mandamus* has been sought directing the respondent Institute to re-advertise the posts and allow the petitioner to participate in the selection process on the basis of Ph.D. qualification acquired on 27.08.2024.

2. Learned counsel has contended that the petitioner fulfilled requisite qualifications for the aforementioned post, and applied for the same within time, along with other candidates; closing date for submitting the applications was 31.08.2023. The Institute, however, did not initiate the process of selection for one year, and only on 13.09.2024, it uploaded/released



a list of provisionally eligible candidates for written test, vide Annexure P-4; the petitioner's name figured in the list. The date of written test is still to be notified which will be followed by interviews. During the one-year period after the advertisement was issued, the petitioner improved his qualification; he was awarded Ph.D. degree in Computer Science and Engineering on 27.08.2024, and has published research papers as well.

2.1. Learned counsel further contends that after such a long delay the Institute cannot be permitted to continue with the selection process as stipulated by OM dated 11.01.2016, which is to the following effect:

The undersigned is directed to refer to the subject and to say that it has come to notice of this Department that there are instances of a long time lag between the date of advertisement for the vacancy and date of examination or interview. This delay may deny the opportunity to fresh candidates who become eligible during that period, while creating an atmosphere of uncertainty to candidates who have applied.

2. All Ministries/Departments are, therefore, requested that while initiating the recruitment process to fill vacant posts(s) by the method of direct recruitment in their Ministries/Departments, it may be ensured that the entire recruitment process including and starting from advertisement, conducting written examination or holding of interview may be completed within six months.



3. The administrative Ministries/Departments may issue similar instructions to autonomous bodies/PSUs/statutory bodies under their administrative control.

2.2. The OM is binding on the Institute, which is a centrally funded technical Institute established by the Ministry of Education, Government of India, and in terms thereof it is required to complete the entire selection process within six months which has not been done. Therefore, the process is to be started all over again by issuing a fresh advertisement. In that eventuality, the petitioner will be able to take benefit of his Ph.D. qualification, which entitles him to twenty-five marks in lieu of the written test, as taking the test is optional for Ph.D. holders. Besides, he would also be entitled to marks for the Research Publications/R&D Projects undertaken by him after issuance of the impugned advertisement.

3. Submissions made by learned counsel for the petitioner have been considered.

4. The Institute invited applications for the posts in question vide impugned advertisement 21/2016; closing date to apply in response thereto was 31.08.2023. Thereafter, eligibility of the candidates was ascertained and the list of candidates provisionally declared eligible for the written test was released, vide notice dated 13.09.2024. It stipulates that appearing in the written test is optional for the Ph.D. holders, who are required to give their options by 22.09.2024. The petitioner has acquired additional qualifications after issuance of the impugned advertisement, as he has been awarded Ph.D. degree in August, 2024, and has done research work also. To take benefit of the same, he has approached this Court seeking a writ setting aside the impugned advertisement on the basis of instructions issued vide OM dated



11.01.2016, which advises all Ministries/Departments of the Central Government to ensure that entire selection process to fill the vacant posts by direct recruitment may be completed within six months. The OM is an advisory issued by the Ministry of Personnel, P.G. and Pensions to other Ministries/Departments; this is not a mandate to the respondent Institute to complete the process within six months. Besides, it requires the Administrative Ministries to issue similar instructions to autonomous/statutory bodies under their administrative control. The Institute is a statutory body established under the National Institutes of Technology, Science Education and Research (NITSER) Act of 2007, and is a 'Deemed to be University' under the Ministry of Education, Government of India. There is no document on record to establish that the Ministry has issued similar instructions to the Institute to follow, and it is not the petitioner's case that the OM has been adopted by the Institute at any stage. Further, the OM has been issued with the object of providing 'opportunity to fresh candidates who become eligible during the selection process, and to avoid creating an atmosphere of uncertainty for candidates who have applied'. None of the situations arise for the petitioner herein; neither he has become eligible during the process of selection, nor is it his case that the time being taken to complete the selection process has created uncertainty for him in any manner. Still further, the petitioner is seeking quashing of the selection process only in self-interest, to get benefit of his degree and the research undertaken during the selection process. A writ of *certiorari* cannot be issued to facilitate availing of benefits of self-accomplishments by a candidate; instead, it can only be issued to set-aside an order/process which is without jurisdiction, illegal and/or arbitrary.



However, no illegality or arbitrariness could be pointed out in the process as such.

5. In view of the reasons recorded hereinbefore, there is no ground to entertain the petition and it stands dismissed in *limine*.

(TRIBHUVAN DAHIYA)
JUDGE

04.10.2024
Ad

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>