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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

LPA-2599-2024

Date of decision: 24.10.2024

Sukhpreet Singh

.....Appellant

Versus

Sant Longowal Institute of Technology and Engineering

...Respondent

CORAM: HON’BLE MR. JUSTICE DEEPAK SIBAL
HON’BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Tejpal Singh Dhull, Advocate
for the appellant.

DEEPAK SIBAL J. (ORAL)

1. The present intra Court appeal is directed against the judgment dated 04.10.2024 passed by a learned Single Judge of this Court dismissing the appellant’s writ petition through which he had sought quashing of advertisement No.21/2023 through which applications had been invited for appointment of Assistant Professors (Computer Science and Engineering) and for the issuance of directions to the respondent to re-advertise the said posts and allow him to participate in the fresh selection process.
2. A few necessary facts may be noticed.
3. Through advertisement dated 22.06.2023, the Sant Longowal Institute of Engineering and Technology, Longowal, Sangrur, Punjab (deemed to be a University) (for short – the University) invited applications for



appointment to several posts of Assistant Professors including 12 Assistant Professors (Computer Science and Engineering). As per the advertisement, the last date to apply was 31.08.2023 which date, through an addendum dated 23.08.2023, was extended to 15.09.2023 for applicants from Andaman and Nicobar Islands, Lakhadweep, J&K, Ladakh, North Eastern States, Kinnaur, Lahul-Spiti, Chamba districts of Himachal Pradesh, Tehri-Garhwal region of Uttarakhand and abroad and 28.09.2023 for candidates from the rest of India. The selection was to be on the basis of a written test, followed by interview. The candidates who were Ph.D holders had the option not to appear in the written test. Such options were required to be exercised by 22.09.2024. The appellant was awarded a Ph.D degree on 27.08.2024. At that stage, he knocked the doors of this Court seeking setting aside of the advertisement dated 22.06.2023 and for issuance of directions to the respondent to issue a fresh advertisement and conduct fresh selection. He based his claim on a office memorandum dated 11.01.2016 (for short – memo) issued by the Ministry of Personnel, P.G. and Pensions, Department of Personnel and Training, Government of India as per which the entire recruitment process for selecting candidates should be completed within six months. According to the appellant since the impugned selection process had taken more than six months, in terms of the memo dated 11.01.2016, the same was required to be annulled and a fresh advertisement was required to be published to make selection of Assistant Professors advertised to be filled up through the impugned advertisement.

4. A learned Single Judge of this Court was of the view that the memo dated 11.01.2016 would not apply to the respondent-Institute as the same was a deemed University and in any case, the same was advisory in



nature. Consequently, the appellant's petition was dismissed. Such dismissal of the appellant's petition is the subject matter of challenge through the instant intra Court appeal.

5. Learned counsel for the appellant has been heard.

6. The impugned advertisement is dated 22.06.2023. The appellant seeks its quashing by solely relying on memo dated 01.11.2016 issued by the Government of India as per which the entire recruitment process for selecting direct recruits should be completed within six months. According to the appellant since in pursuance to the impugned advertisement, the selections had not been finalized by the respondent-University within six months from the date of issuance of the advertisement, in terms of the memo dated 01.11.2016, the entire selection process was required to be annulled and that a fresh advertisement was required to be published to make selection of Assistant Professors.

7. Memo dated 01.11.2016 reads as under:-

"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."

8. A reading of the afore quoted memo reveals that the same has been addressed by the Government of India to all its Ministries/Departments requesting them to fill up the advertised posts through a selection process which may be completed within 06 months from the date of issuance of the advertisement. The said memo would apply to the Departments/Ministries of



the Government of India and not to the respondent which is a deemed University especially when nothing has been brought to our notice by the appellant that the respondent-Institute had in any point of time taken a decision that instructions issued by the Ministry of Personnel, P.G. and Pensions Department of Personnel and Training, Government of India shall be binding on the University. Even otherwise, the memo is in the form of a ‘request’ and therefore, cannot be construed as a direction which would clothe the appellant with a legally enforceable right, to approach this Court, on the strength of the memo, for the issuance of directions.

9. In the light of the above, we are not inclined to interfere with the impugned judgment especially when no reason is also forthcoming from the record or from the arguments addressed before us on behalf of the appellant to show that the selection process in question was unnecessarily delayed by the respondent.

10. Dismissed.

(DEEPAK SIBAL)
JUDGE

(DEEPAK MANCHANDA)
JUDGE

24.10.2024

Sapna Adhikari

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No