



CWP-30459-2024

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

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CWP-30459-2024

Date of Decision: 12.11.2024

Nagesh

...Petitioner(s)

Versus

Gurugram University, Gurugram and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present:- Mr. Dinesh Kumar, Advocate for the petitioner

TRIBHUVAN DAHIYA, J. (Oral)

The petition has been filed, *inter alia*, seeking direction to the respondents to recast the merit list for the post of Assistant pursuant to advertisement ENT-10/2022 dated 06.12.2022, on the basis of law laid down by Division Bench of this Court in Civil Writ Petition No.1563 of 2024 titled *Sukriti Malik v. State of Haryana and others*, decided on 31.05.2024.

2. Learned counsel contends that the University advertised six posts of Assistant, including two in SC category, vide the advertisement referred to above. The petitioner was an applicant against the SC category posts, and did not claim any marks under the socio-economic criteria. The result of selection was declared on 24.03.2023. It was carried out as per the criteria notified in the advertisement and included five marks for socio-economic criteria as well. The fifth respondent has been selected on the basis of marks given under the socio-economic criteria. Since the same has been invalidated in terms of law laid



down in *Sukriti Malik* case (*supra*), the University is required to recast the merit list by excluding marks under the criteria and issue appointment letters on that basis.

3. It is apparent on record that advertisement for the post in question was issued on 06.12.2022, which provided for five marks to candidates under socio-economic criteria and experience. The judgment in *Sukriti Malik* case (*supra*), invalidating the criteria was delivered by this Court on 31.05.2024, and will have prospective application only. The selection in question had already been completed by declaration of final result on 24.03.2023, before the judgment in *Sukriti Malik* case was pronounced. Accordingly, the selection cannot be put in question on the basis of law subsequently laid down.

4. Petition stands dismissed.

(TRIBHUVAN DAHIYA)
JUDGE

12.11.2024
Payal

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