



CWP-32248-2024

-1-

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

114

CWP-32248-2024

Date of decision: 16.12.2024

GAURAV TYAGI**....PETITIONER****Vs.****PUNJAB ENGINEERING COLLEGE CHANDIGARH AND ANOTHER****...RESPONDENTS****CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present: Mr. H.S. Saini, Advocate
for the petitioner.

Mr. K.K. Gupta, Advocate
for respondents.

JAGMOHAN BANSAL, J (ORAL)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of order dated 22.11.2024 (Annexure P-13) whereby respondents have renewed contract of two persons, though, three persons were appointed as Assistant Registrar in 2023.

2. Pursuant to advertisement dated 02.12.2022 (Annexure P-3), the petitioner applied for the post of Assistant Registrar. The respondent by said advertisement had invited applications for 5 posts of Assistant Registrar on consolidated salary of Rs. 43,933/- per month. The respondent selected 4 candidates, though, there was advertisement of 5 posts. One person did not join and 3 persons joined in the month of May' 2023. Their appointment was on contract basis. They were initially appointed for a period of 6 months but their contract was further extended for one year. The extended period expired on



19.11.2024. The respondent held interaction with 3 afore-stated candidates. The Director of the Institute formed an opinion that there is need of two Assistant Registrars. A Committee of 4 Deans was constituted which assessed the competence of all the three candidates and selected two of them. The contract of two persons came to be renewed, however, petitioner's contract was not renewed.

3. Mr. H.S. Saini, Advocate submits that there are 5 sanctioned posts and respondent conducted interaction with all the three candidates because there was requirement of three candidates. The respondent just to dispense with service of petitioner has made a ploy. The services of the petitioner has been dispensed with in a clandestine manner. No infirmity in the act and conduct of the petitioner was found during his 1½ years service. He was appreciated by Competent Authorities, thus, there was no reason to dispense with his service.

4. Mr. K.K. Gupta, Advocate on 29.11.2024 was directed to produce original record which he has produced in the Court.

5. From the perusal of record, it is evident that there was conscious decision to retain two Assistant Registrars as there was requirement of only two candidates. A Committee of four Deans of different Departments and officiating Registrar scrutinized the record of all the 3 candidates and assessed their suitability/competence. The Committee formed an opinion that out of 3 candidates, Adarsh Kumar and Tarlochan Singh are more competent than the petitioner-Gaurav Tyagi.

6. This Court cannot either determine need of work force of respondent nor examine *inter se* suitability of candidates. This Court has no mechanism to determine competence of candidates. The respondent constituted



a Committee of Deans of different Departments which assessed competence of all the candidates. This Court cannot substitute opinion of experts who are directly concerned with the affairs. There is no evidence of *mala fide* intention on the part of Deans as well as Director of the Institute. In the absence of evidence of *mala fide* intention or gross misuse of power, it is a settled proposition of law that High Court cannot substitute opinion of the Competent Authority.

In the instant case, this Court does not find any *mala fide* intention on the part of Authorities or misuse of power, thus, there is no reason to ask the Authorities to appoint the petitioner instead of other two candidates or fill up vacant post.

- 7. The original record is returned to Mr. K.K. Gupta, Advocate
- 8. Dismissed.
- 9. This order would not inhibit the respondents from engaging the petitioner in future.

16.12.2024
manoj

[JAGMOHAN BANSAL]
JUDGE

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