2025:HHC:37071

IN THE HIGH COURT OF HIMACHAL PRADESH SHIMLA

LPA No. No. 680 of 2025
Date of decision: 03.11.2025.

HP University .....Appellant

Versus

Sheba Parmar ...Respondent

Coram:

The Hon'ble Mr. Justice G.S. Sandhawalia, Chief Justice.
The Hon'ble Mr. Justice Ranjan Sharma, Judge.

Whether approved for reporting?[1]

For the Appellant: Mr. Devender Kumar Sharma, Advocate.

G.S. Sandhawalia, Chief Justice *(Oral)*

Challenge in the present appeal is to the judgment passed by the learned Single Judge in CWP No. 5157 of 2025, titled as ***Sheba Parmar Vs. Himachal Pradesh University,*** on 24.06.2025, whereby directions were issued to the University to offer appointment to the petitioner against the post of

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[1] ***Whether the reporters of Local Papers may be allowed to see the judgment?***

Information Scientist (Library) on regular basis w.e.f. January, 2016 pursuant to the recommendation made by the Selection Committee which had earlier been approved on 27.01.2016 by the Executive Council. The learned Single Judge however did not give any monetary benefits, but directed that the aforesaid period would be counted for the purpose of seniority and pay fixation as the writ petitioner was claiming her rights for years.

2. The learned Single Judge, while allowing the writ petition, had quashed the decisions of the Executive Council of the appellant-University, dated 28.09.2024 (Annexure P-10) and dated 02.01.2025 (Annexure P-11), whereby the offer had been changed from regular to contractual basis.

3. The reasons which weighed with the learned Single were that initial advertisement did not mention against the remarks column-whether the post was on contract basis, whereas against certain posts, there were necessary remarks. It was also noticed that the

Executive Council in its meeting held on 27.01.2016 (Annexure P-2) had approved the recommendation of the Selection Committee and recommended the case for appointment and, therefore, the matter was not liable to be taken up again by the Executive Council.

4. The writ petitioner as such could not have been given appointment on account of the litigation initiated by one Lalit Kumar, who had apparently preferred proceedings before erstwhile State Administrative Tribunal at that point of time, which eventually came to be decided by this Court in CWPOA No. 553 of 2020 on 03.09.2021 and stay was also vacated.

5. It is also important to notice that at that stage, the University did not change the nomenclature, rather it had not complied with the directions of 16.09.2021 (Annexure P-4), when LPA 99 of 2021 was filed that the appointment of the private respondent would be subject to the final outcome of the appeal. In spite of that, the University did not offer appointment in

terms of the decision taken on 27.01.2016 and waited for the said Letters Patent Appeal to be dismissed on 03.04.2024. Then U-turn was taken by the Executive Council of the appellant-University in its decision on 28.09.2024, whereby the nomenclature was changed to a contractual appointment. The said exercise was repeated on 02.01.2025 (Annexure P-11), which has been rightly set aside by the learned Single Judge.

6. It is important to extract the relevant advertisement dated 03.11.2021 (Anexure P-1), which reads as under:-

> ***"Non-Teaching Posts:***
> ***Dean of Colleges-cum-Director, College Development Council*** *(CDC)-1 (Pay Scale Rs.37400-67000+AGP 10000]..*
> *Librarian-1 [Pay Scale Rs. 37400-67000+AGP 100001.*
> *Medical Officer (GDO-II)-2 (Male) for HPU Health Centre. [Pay Scale Rs.15600-39100+GP 5400]*
> ***iv. Information Scientist (Library) Under INFLIBNET Programme-1*** *[Pay Scale Rs 2200-4000 (UGC) unrevised).*

> ***v. Information Officer for Department of Bio-Technology-1*** *(on contract basis). [Pay Scale Rs.8000-13500 (UGC) un-revised under Self Financing scheme].*
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> *vi.* ***Programmer-1*** *for Computer Centre (Pay Scale Rs. 8000-13500 unrevised.) . Vii* ***System Manager-1*** *for COE Wing (on contract basis Rs. 12000/-+50%DP) unrevised.*
>
> *vii* ***1.T. Programmer-1*** *for COE Wing (on contract basis Rs.8000/-+50%DP) unrevised.*
>
> *ix.* ***Assistant Librarian-1*** *for HPU Regional Centre Dharamshala (On Contract Basis Rs.15600-39100 + AGP 6000)*
>
> *x.* ***Assistant Librarian- 1*** *for University School of Legal Studis, HPU Shimla-4*
>
> *Pay Scale Rs. 15600-39100+AGP 6000(under Self Financing Scheme.)"*

7. Perusal of the above, would go on to show that out of the 10 posts, as mentioned above, only two posts were shown on contract basis and others have been shown in pay scales including the one in question at Sr. No. iv-Information Scientist (Library).

8. In such circumstances, merely because there was a clause in the Advertisement that the University reserved its right to fill-up the post, either on regular basis or contract basis, the Counsel cannot be permitted to submit that the University had right to change the nomenclature.

9. It is a settled principle that the terms of the advertisement has a force of law and bind both the parties, which has been held time and again. The University cannot be permitted to change the terms of the advertisement or change the nomenclature of the appointment on its own whims and fancies. A candidate who has applied for a post, has a right to know that he is seeking appointment against a regular post or a contractual post. Therefore, the action of the University as such to change the nomenclature at a subsequent point of time when the litigation had come to an end, does not show in good light.

10. Resultantly, we are of the considered opinion that the view taken by the learned Single Judge would

not warrant any interference. It is apparent that the appointment of the writ petitioner was only withheld on account of a litigation initiated by a private party. At no stage, in the first round of litigation, the present appellant-University had contested the case, rather it supported the case of the respondent-herein, wherein the objections had been raised to the decision dated 27.01.2016 of the Executive Council of the appellant-University. Once in the earlier round of litigation, the present appellant as such was standing by the recommendation dated 27.01.2016, it cannot be permitted to go back from the said stand. It had never, at any stage, projected that the appointment as such was not on regular basis even though the challenge was specifically made to the earlier decision of the Executive Council, dated 27.01.2016 by the then writ petitioner.

11. In such circumstances, the subsequent change of heart and the change of nomenclature has rightly been struck down by the learned Single Judge.

12. Resultantly, the present appeal is dismissed. Pending application(s), if any, also stands disposed of.

(G.S. Sandhawalia)
Chief Justice.

November 03, 2025 **(Ranjan Sharma)**
(hemlata) **Judge.**