



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

Sr. No.216

CWP-13302-2019 (O&M)
Date of Decision: 24.02.2025

Dr. Vikas Chaudhary

.... Petitioner

Versus

Chaudhary Devi Lal University, Sirsa and others

... Respondents

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Rajesh Sethi, Advocate,
Mr. Arun Biriwal, Advocate,
Mr. Anshuman Sethi, Advocate,
Mr. Paramdeep Singh, Advocate, for the petitioner.

Mr. R.K. Malik, Senior Advocate, with
Mr. Vineet Chaudhary, Advocate, for respondents no.1 to 3.

Mr. Harish Rathi, Sr. DAG, Haryana.

TRIBHUVAN DAHIYA, J. (ORAL)

The petition has been filed *inter alia* seeking a writ of *mandamus* directing the respondents to convey final selection result for the post of Assistant Professor, Department of Law, in the respondent University in response to advertisement ET-1/2018, Annexure P-1, and offer appointment to the petitioner in case he is found eligible and suitable for the post.

2. As per brief facts, some law students of the University earlier approached this Court by filing CWP No. 18071 of 2015 titled *Ankur Deswal and others v. Secretary to His Excellency Governor of Haryana and others*, which was disposed of vide order dated 22.11.2017, with the following directions:

In view thereof, the present petition is hereby disposed of with a direction to the University as well as the Director General



Higher Education Government of Haryana, to initiate process to fill up the vacant permanent sanctioned posts in the Department of Laws of the University and complete the same as early as possible, preferably within a period of six months from today.

2.1. The University, accordingly, invited applications for various posts in the Department, including three posts of Assistant Professor (one each under General, Scheduled Castes and Physically Challenged categories). The petitioner applied for the General category post, and appeared in the written test under roll number 2056. As per report by the screening committee, appended to the petition as Annexure P-6, he secured 57.38 out of 80 marks, and appeared for the interview on 17.06.2018. The selection result, however, was not declared, and despite efforts the petitioner could not come to know about the outcome. He finally made a representation in that regard, dated 22.02.2019, Annexure P-11, and issued a legal notice also, dated 07.04.2019, Annexure P-14. It was replied to vide letter dated 13.06.2019, Annexure P-21, stating that, “the University has processed the selection process in a very fair and transparent manner. However, the University is under obligation to comply the direction of the superior and accordingly, the selection process has been stopped in compliance with the orders of the superior authorities and no monopolistic, hostile discrimination or arbitrary action is there”.

2.2. In these facts and circumstances, the petitioner approached this Court by filing the instant petition, wherein the University took the following stand as contained in para 2 of the written statement:

2. That as to how the impugned selection process, for the impugned advertised teaching posts of Assistant Professor in the Department of Law of the respondent No.1-University, has not yet even been completed and approved by the competent appointing authority, i.e., the Executive Council of the respondent No.1-University as aforesaid, is because the same



stood stayed vide orders dated 20-6-2018 (Annexure R-1) of its Chancellor (cum-Governor of Haryana) issued on the false complaint dated 18-6-2018 (Annexure R-2) of the then Registrar of the respondent No.1-University, Dr. Aseem Miglani, sent by him to its Chancellor alleging as detailed therein that since, despite an alleged provision in this regard contained in Statute 24(3) of the University Act, he as its Registrar was not included by its Vice Chancellor in the constitution of the selection Committee which held the impugned selections on 17-6-2018 and therefore the said recommendations dated 17-6-2018 of the Selection Committee were in a way invalid as being allegedly in violation of the University Act and Statutes and hence seeking directions to undo the same. The said allegations/ stand of the then Registrar of the respondent No.1-University is legally untenable and false because there is nothing such provision in the statutory UGC Regulations framed under the UGC Act, 1956 (an over-riding Central Legislation) & as per the MHRD (Govt. of India) guidelines under which the impugned selections dated 17-6-2018 had been held by the University that the Registrar of the University is to be a member of the Selection Committee in question, and the said allegation was duly refuted and the stand of the University was duly explained in detail to the Chancellor vide letter dated 22-6-2018 (Annexure R-3) of the present Vice Chancellor, the action on which has not yet been conveyed to the respondent No.1-University by the Office of its Chancellor-cum-Governor of Haryana. ...

2.3. A short reply on behalf of the fourth respondent/Chancellor of the University has been filed. A letter dated 25.01.2024 has been appended as Annexure R-4/5 therewith, which refers to an enquiry report dated 28.08.2018 submitted by Joint Director-1 into the allegations levelled by the then Registrar regarding the selection. After perusing the same the Chancellor issued the following directions, which have been mentioned in the Government file vide note dated 15.10.2019:



Hon'ble Governor-Chancellor has seen the proposal and desired that the Administrative Department should take necessary action in view of the report submitted with the approval of competent authority as applicable.

2.4. As conveyed by the Chancellor, Administrative Department was required to take action in the matter, but the matter remained pending with it. On 25.09.2024, it filed an additional affidavit stating that decision of the Government in this regard has already been conveyed to Registrar of the University vide memo dated 20.09.2024, Annexure-R/1, which is as under:

It is to inform you that the Hon'ble Chief Minister, Haryana, observes that the instructions of Government dated 21.07.2011 and the provision of the Statutes that the Registrar shall act as Secretary of the Selection Committee have to be harmoniously constructed so as to enable both the requirements to be satisfied. The Hon'ble Chief minister also notes that the Registrar is only a Secretary to the Selection Committee and not a Member or a Member Secretary thereof. Therefore, the matter be examined in detail with the specific recommendations.

3. It is, therefore, contended by learned counsel representing the petitioner that once it stands clarified that Registrar is Secretary to the selection committee and not its Member or Member Secretary, there is no impediment in taking a decision on the recommendations of the selection committee by the University.

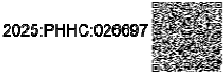
4. On the contrary, learned senior counsel for the University has referred to a communication received by him, dated 11.02.2025, that vide notification dated 07.02.2025 the Registrar has constituted a committee to look into the alleged violation of the University Act and Statutes in the process of interview for the post of Assistant Professor, and give recommendations.

5. Heard.



6. It is apparent on record that the University has not agreed with the objections by the then Registrar assuming for himself the membership of selection committee, and terming its proceedings invalid due to his non-inclusion. The University has taken a categorical stand in the written statement that, “...*allegations/ stand of the then Registrar of the respondent No.1-University is legally untenable and false because there is nothing such provision in the statutory UGC Regulations framed under the UGC Act, 1956 (an over-riding Central Legislation) & as per the MHRD (Govt. of India) guidelines under which the impugned selections dated 17-6-2018 had been held by the University that the Registrar of the University is to be a member of the Selection Committee in question, ...*” Only due to directions issued by the fourth respondent, the selection proceedings could not be considered by the Executive Council, the competent authority to approve the same as per Chaudhary Devi Lal University Act, 2003. Now, the view taken by the University has been reiterated by the Government as well, by conveying vide memo dated 20.09.2024 that “...*the Registrar is only a Secretary to the Selection Committee and not a Member or a Member Secretary thereof.*” Therefore, it stands established that the reason for placing the proceedings of selection committee on hold was unfounded. The petitioner’s right to consideration has been prejudiced by this delay in finalising the selection proceedings.

7. In view thereof, the petition is disposed of with a direction to the respondents to place the recommendations of the selection committee, dated 17.06.2018, pertaining to the post of Assistant Professor in Law in response to advertisement ET-1/2018, before the Executive Council in its next meeting for appropriate decision. The decision so taken will be conveyed to the petitioner within two weeks therefrom who will be at liberty to challenge the same in accordance with law, if aggrieved.



8. Pending miscellaneous application(s), if any, stand(s) disposed of as having been rendered infructuous.

(TRIBHUVAN DAHIYA)
JUDGE

24.02.2025
Maninder

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