



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CWP-17851-2021(O&M)
Decided On: 29.07.2025

PARVEEN KUMAR AND ANOTHER

....PETITIONER(s)

Versus

DEENBANDU CHHOTU RAM UNIVERSITY OF SCIENCE AND
TECHNOLOGY, MURTHAL AND OTHERS

....RESPONDENT(s)

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. R. N. Lohan, Advocate
for the petitioners.

Mr. Abhishek Jindal, Advocate
for respondents no.1 and 2/University.

Mr. Karan Singh, Advocate
for respondent no.4.

TRIBHUVAN DAHIYAJ.(Oral)

The petition has been filed seeking a writ of *certiorari* quashing the letter dated 11.02.2021, Annexure P-5, whereby the respondents have declined to grant annual increment to the petitioners on their failure to clear the State Eligibility Test in Computer Appreciation and Applications (for short, 'SETC'), and also the order dated 27.08.2021, Annexure P-9, whereby the private respondents were promoted as Assistant ignoring the petitioners' claim. Further, a writ of *mandamus* has been sought directing the respondents to consider the petitioners for promotion to the post of Assistant with effect from 27.08.2021, with all consequential benefits. At the outset, learned counsel for the petitioners, however, has stated that he does not wish to challenge the promotion order dated 27.08.2021, and restricts the prayer only to grant of notional benefits of promotion to the petitioners with effect from



27.08.2021, and actual benefits from the date they have been promoted during pendency of the petition, i.e., 25.01.2022.

2. As per facts of the case, in brief, the petitioners were appointed as Peon-cum-Attendant in the University vide order dated 21.09.2010. The appointment was on the basis of recommendations of a selection committee which found them qualified and suitable for the job. They were later promoted as Clerk-cum-DEO on the basis of seniority-cum-merit vide order dated 10.11.2015, Annexure P-2. As per requirements for the post, they were required to pass a computer typing test at the speed of thirty words per minute in English or twenty-five words per minute in Hindi within a period of one year from the date of promotion. The Test was duly passed by both the petitioners, and they were accordingly granted annual increment vide office order dated 30.07.2018, Annexure P-3. Their case for further promotion as Assistant was not considered by referring to a letter dated 17.11.2018, Annexure P-4, issued by the government requiring that passing of SETC was compulsory for all those working as Clerks, either by way of promotion or direct recruitment. This was conveyed to the petitioners vide impugned letter dated 11.02.2021. Both the petitioners belong to Scheduled Caste (SC) category, and were due for promotion against roster points 68 and 74. However, the private respondents/respondents no.3 and 4 were promoted in their place against the newly sanctioned posts vide order dated 27.08.2021. It is also a matter of record that the University on its own has promoted the petitioners as Assistant during pendency of the petition vide order dated 25.01.2022, but they have not been given salary on the promoted post without citing any reason and are still being paid as Clerk-cum-DEO, the post on which they were earlier working.



3. In this factual background, learned counsel for the petitioners contends that denial of promotion as Assistant to the petitioners on account of not clearing SETC is arbitrary. It is in violation of the University's own decision taken by the Executive Council (for short, 'EC') vide resolution dated 05.03.2019, whereby it has been resolved that SETC would be compulsory for all the Clerks working in the University from the date of issuance of government letter dated 17.11.2018, and those who earlier qualified the Computer Test conducted by the University and have been given annual increment, will remain exempted. The resolution reads as under:

Item No.36_16. To consider and approve the SETC (State Eligibility Test in Computer Appreciation and Application)- Compulsory for all who are working as Clerks and those want to work as Clerk on promotion or by direct recruitment.

The EC considered and approved the SETC (State Eligibility Test in Computer Appreciation and Application)- Compulsory for all who are working as Clerk/Clerk-cum-Data Entry Operators and those want to work as Clerk/Clerk-cum-Data Entry Operators on promotion basis or by direct recruitment.

The letter has been adopted in the University for all who working as Clerks/Steno-Typist/Clerk-cum-Data Entry Operators and those who want to work as Clerk/Clerk-cum-Data Entry Operators on promotion basis or by direct recruitment from the date of issuance of the letter i.e. 17.11.2018. The Clerks/Clerk-cum-DEO/Steno-typist working in the University who have earlier qualified Computer Test conducted by the University and taking increment for the same will be exempted from passing SETC test for future promotion also.

Accordingly, there was no basis to deny promotion as Assistant to the petitioners. And that is the reason, during pendency of the petition the



University on its own has granted them the promotion vide order dated 25.01.2022. This itself proves the petitioners' case.

4. *Per contra*, learned counsel for the University contends that the petitioners are not entitled to promotion as Assistant without clearing SETC in terms of government letter dated 17.11.2018. This is the reason the Government Auditor posted in the University has raised objection, and refused to accept the petitioners' promotion as Assistant without clearing SETC. He, however, does not dispute that in terms of EC resolution dated 05.03.2019, the employees who have cleared the University's Computer Test, have been given exemption from clearing SETC. And the petitioners had passed the said Test after their promotion as Clerk-cum-DEO, and were given annual increment on that basis vide order dated 30.07.2018. Besides, it has also not been disputed that the petitioners are entitled to be promoted as Assistant at roster point no. 68 and 74, and instead of considering their case respondents no.3 and 4 have been promoted vide order dated 27.08.2021.

5. Submissions made by learned counsel for the parties have been considered.

6. It remains undisputed on record that the petitioners were promoted as Clerk-cum-DEO vide office order dated 10.11.2015. As per the requirement they qualified the University's Computer Test, and were given annual increment on that basis vide office order dated 30.07.2018. Later, the government instructions requiring Clerks to mandatorily clear SETC were issued on 17.11.2018, which were adopted by the University, vide EC resolution dated 05.03.2019, with effect from the date of issuance of the letter; at the same time, Clerk-cum-DEOs already working in the University, who had cleared the Computer Test and were drawing annual increment, were



exempted from passing SETC for further promotion. The petitioners accordingly stood exempted from qualifying SETC as a pre-condition for further promotion. Resultantly, there was no justification for the respondents to deny the promotion to them on account of not qualifying SETC. The specious plea of inability to grant promotion on account of objections by a Government Auditor cannot be accepted. This helplessness shown by the University due to obstinance by a Government official is nothing more than a lame excuse to avoid following the rules. It also shows an apathetic attitude towards the binding EC Resolution, that too at the cost of employees like the petitioners. The University is bound to follow its Act and Statutes, as also decisions taken by its authority, the Executive Council, which is the principal executive body as per Section 15 of the Deenbandhu Chhotu Ram University of Science and Technology Murthal Act, 2006. And the Vice Chancellor, under Section 10(5) of the Act, is enjoined upon the duty to “give effect to the decisions of all the authorities of the University”. Therefore, not granting promotion to the petitioners is outrightly arbitrary and discriminatory as the University has acted in derogation of its EC resolution, dated 05.03.2019, in denying promotion to them despite being fully eligible, and promoted the private respondents in their place with effect from 27.08.2021. Further, falsity of the University’s stand is also established from the fact that during pendency of the petition, vide office order dated 25.01.2022, petitioners have been promoted as Assistant without qualifying SETC.

7. The petition is, accordingly, allowed and the impugned order dated 11.02.2021, is hereby set aside. The University is directed to consider and promote the petitioners as Assistant with effect from 27.08.2021 with notional benefits and actual benefits from 25.01.2022, the date they have



already been promoted. Due arrears of the salary on the promoted post will also be paid to them from that date with interest at the rate of nine per cent per annum till actual payment. The directions shall be carried out by the University within four weeks of receiving a certified copy of the order.

8. The petitioners are also held entitled to costs of litigation which are quantified as ₹1,00,000, to be divided equally between them. The costs shall also be paid by the University within the period stipulated above.

9. Pending miscellaneous application(s), if any, shall also stand(s) disposed of.

29.07.2025
Ad

(TRIBHUVAN DAHIYA)
JUDGE

Whether speaking/reasoned?
Whether reportable?

Yes/No
Yes/No