

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-15567-2025 (O&M)

Decided on 05.12.2025

Monika

... Petitioner

VS.

Central University of Haryana, Mahendergarh & Ors. ... Respondents

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Mr. Akshay Kumar, Mr. Mukul Malik, Advocates for petitioner

Mr. Sanjay Kaushal, Sr.Advocate with
Mr. Puneet Gupta and Anil Rana, Advocates
for respondent No.1 to 3

Mr. Samir Rathaur, Advocate for respondent No.4

Mr. Ravinder Malik (Ravi), Sr.Advocate with
Mr. Ritender Rathee, Advocate for respondent No.5

Sandeep Moudgil, J.

(1). The jurisdiction of this Court has been invoked under Article 226 of the Constitution of India for issuing a writ of certiorari for quashing the show cause notice dated 25.02.2025 (Annexure P13) as well as the order dated 07.05.2025 (Annexure P15) vide which the services of the petitioner have been ordered to be terminated. A further direction is sought to the respondents to reinstate the petitioner to her substantive position as Professor and Head, Deptt. Of Law, and as Dean, School of Law along with consequential benefits including arrears with interest.

(2). In pursuance to the Advertisement No. CUH/4/T/R/2019 dated 11.09.2019, the petitioner was selected and appointed as Assistant Professor on 23.12.2019 and as Head, Deptt. Of Law, CUH, Mahendergarh on 25.08.2021 for a period of 3 years. In the meantime, the petitioner was appointed as Dean,

School of Law for a period of 3 years w.e.f. 18.03.2023 which was going to expire on 17.03.2026. The petitioner was even promoted to the post of Professor vide order dated 07.06.2024 (Annexure P2) w.e.f. 27.12.2022 (Annexure P4).

(3). A Writ Petition bearing CWP No. 29545 of 2023 (Pardeep Singh v. UOI) was filed challenging the selection of the petitioner as well as one DPS Punia (petitioner in connected writ petition). An interim order dated 19.07.2024 (Annexure P5) was passed staying their appointments and emoluments. In the meantime, the petitioner was removed the post of Dean as well as Head, Deptt. Of Law on vide order dated 29.07.2024 (Annexures P7 to P9). Later, 17.02.2025, the writ petition was disposed of in view of the stand taken by the University. The said writ petition was disposed of vide order dated 17.02.2025 (Annexure P11) as the respondents did not stood by the selection of the petitioner being not in accordance with law. Instead of reinstating the petitioner, the respondents issued a show cause notice dated 25.02.2025 (Annexure P13) alleging ineligibility due to lack of teaching experience. The petitioner filed CWP-7352-2025 challenging the show cause notice which was subsequently withdrawn on 15.05.2025 since her services were terminated on 07.05.2025 (Annexure P16). Hence this writ petition.

(4). Learned counsel for the petitioner submits that the entire action of unsettling her appointment as Associate Professor is founded on conjecture rather than proof, since the Executive Council has not brought on record any material evidence to show that she exercised undue influence over the screening process or manipulated her selection in any manner. On the contrary, her service record and experience clearly establish that, on the date of selection,

she possessed the requisite teaching experience and fulfilled the eligibility criteria under the applicable UGC Regulations, and this position stood reinforced when she was subsequently appointed as Dean and Head, Deptt of Law and later on promoted as Professor on 07.06.2024 without any reservation that such benefits were subject to the outcome of any pending litigation.

(5). Additionally, the proceedings are vitiated for want of competence and for breach of statutory safeguards, since under the applicable Ordinance the disciplinary authority in respect of a Professor is the Vice-Chancellor acting with the approval of the Executive Council, whereas in the present case the show-cause notice and consequential orders have emanated from the Registrar, without prior approval of the Executive Council and without satisfying the pre-conditions for exercise of any emergency power under section 11(3) of the Central Universities Act, 2009, including subsequent reporting and ratification in the next meeting of the Executive Council.

(6). It is contended that no regular or even rudimentary enquiry conforming to CCS (CCA) safeguards was held as provided under Rule 14 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965 which prescribes procedure for imposing major penalties. He submits that no charge-wise evidence was led in the petitioner's presence, and she was never afforded an effective opportunity to defend the validity of his selection, rendering the impugned minutes and notification arbitrary, ultra vires and liable to be set aside.

(7). On the other hand, written statement dated 11.11.2025 has been filed by Mr. Puneet Gupta, Advocate on behalf of respondents No.1&2 wherein it has been averred that under the UGC Regulations, 2018, the post of

Associate Professor in direct recruitment is strictly regulated and requires, inter alia, a good academic record with a Ph.D. in the concerned/allied/relevant discipline, a Master's degree with at least 55% marks, and a minimum of eight years' experience of teaching and/or research in an academic/research position equivalent to that of Assistant Professor in a University, College or accredited research institution/industry, along with the prescribed research publications and research score.

(8). Mr. Kaushal, learned senior counsel maintained that Regulation 10.0 of the UGC Regulations, 2018 (in short, the 2018 Regulations) further makes it explicit that previous regular or ad-hoc/temporary/contractual service can be counted towards such experience only if stringent cumulative conditions are satisfied, including that (i) the essential qualifications of the post held were not lower than those prescribed by UGC, (ii) the post was in an equivalent grade or scale of pay, (iii) the appointment was made through a duly constituted Selection Committee in accordance with the relevant rules, (iv) the appointment was not as a guest lecturer, and (v) the incumbent drew gross emoluments not less than those of a regularly appointed Assistant Professor. Unless all these mandatory conditions in clauses 10(a)–(g), and in particular 10(f)(i)–(iii), of the 2018 Regulations stand fulfilled, past service cannot be counted for the purpose of meeting the eight-year eligibility requirement for Associate Professor.

(9). He submits that respondent No.5 had earlier challenged the selection process and appointment to the post of Associate Professor (Law) by way of CWP No.36042 of 2019 and during the pendency of the said writ petition, the petitioner was appointed as Associate Professor strictly subject to

the outcome of CWP No.36042 of 2019, which was subsequently withdrawn. It is submitted that once respondent No.5 has already invoked and is pursuing a substantive challenge to the petitioner's very appointment in CWP No.29545 of 2023, wherein this Hon'ble Court has passed detailed interim directions staying the appointment and payment of emoluments and has even considered an intra-court appeal (LPA No.3098 of 2024) leaving it open for the learned Single Judge to pass appropriate orders, the petitioner cannot maintain parallel proceedings to stall or bypass the statutory and judicial process so set in motion. The present proceedings, which seek to indirectly neutralise or pre-empt the outcome of CWP No.29545 of 2023, are an abuse of process and offend the principle that parties must work out their rights within the framework of the already-pending main challenge and not by instituting fragmented or collateral writs on overlapping subject-matter.

(10). It is further submitted that the impugned steps taken by the Vice Chancellor and the University are squarely traceable to, and fully authorised by, Section 11(3) of the Central Universities Act, 2009 and in the present case, after this Court expressly required the University to state whether it "stands by the selection or not", the Vice Chancellor, on a detailed examination of records and in light of the legal opinion of a retired High Court Judge, recorded that the selection process of 2019 suffered from serious flaws and, in exercise of powers under Section 11(3), decided that the University does not stand by that selection; the matter was then placed before and considered by the Executive Council in its meetings, where the petitioner was issued a detailed show cause notice, granted personal hearing and her reply was considered before resolving

that the selection process and consequential appointments were not in accordance with law.

(11). It is further submitted that the petitioner, having secured her original appointment only because the Vice Chancellor first exercised power under Section 11(3) to approve the Selection Committee's recommendations and the same were thereafter reported to and confirmed by the Executive Council in its meeting dated 27.01.2020, cannot now approbate and reprobate by challenging the very source of that power when it is exercised to review the legality of the same selection process. The minutes of the 45th meeting of the Executive Council expressly record the approval/confirmation of the earlier action under Section 11(3), and the petitioner has throughout enjoyed service benefits on that basis, thereby accepting the validity of the procedure and of the Vice Chancellor's jurisdiction under the said provision.

(12). Learned senior counsel contended that the petitioner was pursuing a course in "Governance, Public Policy and Management" and that no panel of experts had been formally recommended or approved by the Academic Council in compliance with Statute 18 as applicable from 04.12.2019. Further, the email ID of respondent no.5 (the petitioner's husband) and the email ID given by the petitioner in her application form were the same, which themselves raised serious issues about the broader selection process and about possible conflict of interest and based on record and after a fuller scrutiny of the factual evidence, the respondent-University has, with the aid of an independent legal opinion and in response to the specific query of this Court, taken a considered stand that it does not support the impugned 2019 selection.

(13). Heard learned counsel for the parties.

(14). A perusal of the show cause notice (Annexure P13) would show that the respondent-University found that the petitioner manipulated through the members of the Screening Committee as the petitioner was found impersonating one of the members of the Committee Dr. Preet Singh by submitting a forged appraisal report through her own email id which was mentioned in front of the name of Dr. Preet Singh, as one of the referees in the application form of Dr. Rajesh Kumar Malik who happens to be the husband of the petitioner. The said Dr. Rajesh Kumar Malik was nominated as one of the members of the Screening Committee, however, he recused himself without citing the reason and disclosing his relationship with the petitioner.

(15). It has been further alleged that despite her failing to respond to an email sent by the University on the email ID of her husband Dr. Rajesh Kumar Malik, the Screening Committee found her to be provisionally eligible and thereby exerted undue influence by her husband in the selection committee, besides allegation of deliberately misrepresenting and giving misleading information about her teaching experience showing herself to be appointed as a regular employee at Chhaju Ram Law College, in order to make herself eligible for appointment.

(16). At this stage, learned counsel for the petitioner pointed out that constitution of screening committee is an internal matter of the University and the petitioner has no role or influence over such administrative matters. Moreover, since the husband of the petitioner recused himself from the entire process, the disclosure of reasons becomes irrelevant. The allegation that the husband of petitioner Dr. Rajesh Kumar Malik vetted the draft notice has no concern with the recommendations of the Committee moreso when the

recommendations itself expressly speaks that he was not the member of the said committee.

(17). Learned counsel for the petitioner exhorted that the allegations of impersonation by the petitioner is without any proof and no enquiry was held in relation thereto inasmuch as neither the alleged email id belongs to her nor the petitioner forged any appraisal report on behalf of referee Dr.Preet Singh. Further, the allegation of manipulating the experience certificate is also neither here nor there and is against Clause 10 of the 2018 Regulations.

(18). It is not in dispute that the petitioner's husband was the Dean of the Law Department. The enquiry and office note show that serious questions were raised about (i) his role around the constitution and functioning of the Screening/Scrutiny Committee, (ii) his continued involvement in vetting draft notices despite a purported recusal, and (iii) the use of a common email ID and even an earlier incident of impersonation through the petitioner's email in support of his own selection, all of which cumulatively "raise a presumption of malafide intent" and indicate manipulation of the selection process. In a university set-up governed by statutes and ordinances that disqualify a person related to a candidate from sitting on or participating in a selection process on grounds of conflict of interest, these facts provide a strong institutional basis to doubt the fairness and integrity of the 2019 selection in which the petitioner emerged successful.

(19). Against this backdrop, the 62nd meeting of the Executive Council did not act in a vacuum but after a detailed legal opinion from a retired High Court Judge explicitly warning that any leniency would "put premium on dishonesty and corrupt practice", coupled with petitioner's reply and hearing,

the Council recorded specific findings that the selection was contrary to regulations, inasmuch as eligibility criteria were not applied uniformly, and that there was sufficient material to infer manipulation and mala fide intent, and on that basis resolved that the petitioner's services "shall not be continued".

(20). It is noteworthy that the petitioner had an experience as her engagement as a temporary lecturer at CR College of Law and such experience can only be considered after proper verification in terms of Clause 10(f) of the UGC Regulations. Astonishingly, in the same process, another candidate Dr. Pardeep Singh was declared ineligible despite being on similar footing as that of the petitioner in so far as the experience certificate is concerned. In normal course, the petitioner ought to have been declared ineligible, however, the manner Screening Committee accepted the petitioner's experience certificate representing herself to be regular employee rightly creates a scar in the manner of appointment.

(21). The record shows manipulation in and around the Screening/Scrutiny Committee including an unexplained change of meeting date, the questionable role and incomplete recusal of Dr. Rajesh Kumar Malik while he continued to vet the draft notice, and the fact that the handwritten proposal for the Committee was never duly approved, as well as an earlier incident where the petitioner is alleged to have impersonated a referee by using her own email to send a forged appraisal report in favour of her husband in an earlier selection. It further shows that, despite a specific email dated 18.11.2019 requiring her to furnish (i) evidence that no kind of leave was availed while pursuing her research degree, and (ii) proof that the cited publications were in UGC-listed journals, the petitioner failed to submit any response within time,

thereby compromising due process, transparency and the legitimate expectations of other candidates.

(22). Accordingly, in view of the cumulative effect of the facts noticed hereinabove, the serious doubts cast on the integrity of the selection process, and the well-reasoned decision taken by the competent authority after affording due opportunity to the petitioner, this Court is satisfied that no case for exercise of extraordinary writ jurisdiction is made out. The impugned action dated 25.02.2025 (Annexure P 13) and 07.05.2025 (Annexure P 15) does not suffer from perversity or legal infirmity and the same are upheld.

(23). The writ petition is, therefore, dismissed.

05.12.2025

V.Vishal

- 1. Whether speaking/reasoned?
- 2. Whether reportable?

(Sandeep Moudgil)
Judge

- Yes/No
- Yes/No