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

CWP-1742-2018

Date of decision:-08.09.2025

Ashutosh Mishra

...Petitioner

Versus

The Vice Chancellor, Kurukshetra University and others

...Respondents

CORAM : HON'BLE MR. JUSTICE SUVIR SEHGAL

Present : Mr. Mohit Garg, Advocate
for the petitioner.

Mr. A.S. Virk, Advocate
for respondents No.1 and 2.

Mr. Ravinder Malik (Ravi), Advocate
for respondent No.3.

SUVIR SEHGAL, J.(ORAL)

1. Instant petition has been filed, *inter alia*, for issuance of a writ in the nature of certiorari for declaring the appointment of respondent No.3 as Lecturer, Kurukshetra University as illegal and for cancelling his appointment as it has been made in violation of the university rules and regulations.

2. Petitioner has averred that Kurukshetra University



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advertised five posts of Lecturers in the Department of Journalism and Mass Communication vide advertisement, Annexure P1. This department was later converted as Institute of Mass Communication and Media Technology (IMCMT). It has been alleged that respondent No.3 was appointed to the post despite the fact that he did not possess the requisite academic record and experience. Petitioner claims to have submitted various representations to the university and when the university did not respond, he filed the instant petition.

3. At the outset, counsel for the petitioner has been questioned on the locus standi of the petitioner to maintain the petition. He has submitted that petitioner is a scholar of Mass Communication and is disturbed by the falling standards in the field of Mass Communication. Counsel emphasizes that petitioner was working at Kurukshetra University from 1995 to 2006 before joining Chitkara University, Punjab as a Professor and Dean, School of Mass Communication. Counsel asserts that petitioner has the locus to maintain the petition.

4. Petition has been vehemently opposed by counsel for the respondents, who have taken a stand that petitioner has concealed vital facts from this Court. Besides justifying the appointment of respondent No.3 as a Lecturer, it has been contended that petitioner has filed various writ petitions levelling false allegations.

5. After having heard counsel for the parties and considering their submissions, this Court is of the view that petitioner does not have



the locus standi to file the instant petition.

6. Undoubtedly, the rule of locus standi is somewhat relaxed in a writ of quo warranto and it is not as strict as in other types of writs. It may not be necessary for the petitioner in a writ of quo warranto to show that he has suffered any personal injury or has any personal grievance for maintaining the said petition. However, in order to succeed, petitioner has to establish that the private respondent is holding a “public office” or “public post” and he does not fulfill the statutory eligibility conditions and is not qualified for the post. Writ of quo warranto affords a judicial remedy by which any person, who holds a substantive public office or post is called upon to show as to by what right he holds the said office. Proceedings of quo warranto are intended to protect the public office/post from usurpers of such office. The nature of office in respect of which quo warranto writ would lie has to be an office which has been created by or under the Constitution or any statute. Furthermore, the post in question must be invested with duties in the nature of public duties or the holder is vested with power or duty of acting in execution for enforcement of law.

7. Dealing with the challenge to the appointment of an Associate Professor, who was later on promoted, on the ground that he was not qualified to hold the post, a Division Bench of the Karnataka High Court in *Shri H.T. Umesh and Others Versus State of Karnataka and Ors. Law Finder Doc Id # 2717915* held as under:



“6.1 An Associate Professor or the Professor, as respondent No.5 is, may be part of the faculty, but for all purposes including functional, he is an employee of the University. The lecturers, the assistant professors or associate professors bear jural relationship with the University and that relationship is only of employee-employer. An Associate Professor or Professor has no public function to discharge. An Associate Professor or Professor does not interact publicly in his duties nor discharge duties in public domain. Their post cannot be characterised or classified as public office contemplated and as understood for the purpose of issuance of writ of quo warranto.

6.2 The concept of public office in general context as well as in the concept of quo warranto in particular is presupposed to be a post or office which have a clear public trappings. It must be a post or office where the incumbent is associated with duties of public nature. The functional realm of the order of office should be one to travel to public domain. Professors, readers or teachers cannot be grouped to treat them in the category. By no stretch of imagination, for their very nature of post and the work and duties attached, they cannot become holders of public office.”

8. Petitioner has not been able to refer to any material on the record to show that respondent No.3 was holding a public post or office. On the analogy of the observations made by the Division Bench of the Karnataka High Court, this Court has come to the conclusion that respondent No.3, who is a lecturer, is not the holder of a public post and petitioner cannot maintain a writ of quo warranto questioning his appointment.

9. There is another reason for the rejection of the prayer made by petitioner. Before filing the instant petition, petitioner had filed CWP-26622-2017, which came up for hearing before a Co-ordinate Bench of this Court on 22.11.2017. On the very first hearing, this Court



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had granted time to the counsel for the petitioner to address on the question as to whether post of lecturer is a public office and is amenable to quo warranto jurisdiction. On one of the subsequent dates, petitioner was called upon to explain the delay in preferring the petition and was granted time to file an affidavit. Petitioner sought repeated adjournments and on 12.01.2018, he withdrew the petition with liberty to file it again with better particulars. Within a few days of the withdrawal of the petition, petitioner preferred the instant petition. Although, the petitioner has disclosed the filing of the previous petition, but has withheld information as to the circumstances in which it was withdrawn. Perusal of the averments show that instant petition has been filed by taking similar pleas as were raised in the previous petition. It is, therefore apparent that this petition is not *bona fide* and has been filed with tainted hands. Though, present petition being abuse of process of law deserves to be dismissed with cost, yet taking a lenient view, this Court refrains itself from taking any stringent action.

10. For the reasons recorded above, writ petition is dismissed as not maintainable, though with no order as to costs.

(SUVIR SEHGAL)
JUDGE

08.09.2025
Brij

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