

LPA-2374-2024 (O&M)

2025.PHHC.010422-DB



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

LPA-2374-2024 (O&M)

Date of Decision: January 23, 2025

Dr. Suman Preet Virk

..... Appellant

Versus

Punjabi University, Patiala and others

..... Respondents

**CORAM:- HON'BLE MRS. JUSTICE LISA GILL
HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA**

Present: Mr. Paramjit Singh Goraya, Advocate for the appellant.

Mr. H.S. Batth, Advocate for respondent – University.

LISA GILL, J.

1. Prayer in this appeal is for setting aside order dated 17.07.2024 whereby CWP-5681-2024 filed by present appellant (writ petitioner) has been disposed of with the observation that as respondent No. 3 whose appointment has been challenged, is no longer in service having since retired during pendency of writ petition, no further adjudication was required.

2. Appellant (writ petitioner) filed the abovesaid writ petition seeking writ of certiorari/Quo Warranto challenging appointment of respondent No. 3 as Head of Linguistic and Punjabi Lexicography Department, claiming the said respondent to be incompetent and ineligible. It is pleaded that as per provisions of Punjabi University Calendar, only such person can be appointed as Head of Department who is not due for retirement within the next one academic session

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and moreover, respondent No. 3 did not have the required qualification to teach Linguistics as a subject. It is further pleaded that petitioner herself had remained Head of Linguistic and Punjabi Lexicography Department from October 2011 to September 2023 and she was the only eligible person to be appointed as such. Reference was made to representation dated 26.10.2018 submitted by respondent No. 3 alongwith other Assistant Professors admitting that they did not have required qualification promulgated by the University to teach Linguistics as a subject. Malicious complaints by respondent No. 3 against petitioner were averred. Writ petitioner also pleaded submission of written complaint dated 01.03.2024 to Senior Superintendent of Police, Patiala for registration of FIR for tampering of records and selection proceeding of lecture based Guest Faculty. She also pleaded that respondent No. 3 is incompetent to provide academic leadership to the department.

3. Writ petition was contested by respondents on the premise that Rules had been framed relating to policy of Headship by rotation in Chapter 2 Page 55 of University Calendar 2014 (1) and that only a Ph.D. holder Assistant Professor having minimum teaching experience of 8 years as regular Assistant Professor of this University excluding previous experience of organization outside the authority was eligible for appointment as Head of Department. Respondent No. 3 was pleaded to be fully qualified and eligible for appointment to the post of Head of the Department in question. Writ petitioner, it was stated, had been appointed as Head of Department in the year 2011 and she continued till September, 2023 and simply did not wish for anyone else to be appointed.

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4. Learned Single Bench on 17.07.2024 took note of the fact that respondent No. 3 had retired on 03.06.2024 and was no longer in service. It was, thus, observed as under:-

“ Learned counsel for the petitioner does not deny the said fact. Keeping in view the fact that respondent No.3 has already retired from service, the issue whether respondent No.3 was eligible or not has been rendered academic especially, when the post of the Head of the Department does not envisage any higher responsibility or any financial benefit. Hence, no further adjudication is required in the present petition, keeping in view the fact that respondent No.3 has already retired.

At this stage, learned counsel for the petitioner submits that liberty be granted to avail appropriate remedy before the Civil Court to claim compensation for the wrongful promotion of respondent No.

No liberty is required to be given. The petitioner in case is of the view that he has a right under law to seek compensation, he can avail appropriate remedy as envisaged under law if permissible.

Accordingly, the present petition is disposed of.”

5. Aggrieved therefrom, present appeal has been filed.

6. Learned counsel for appellant vehemently argued that it was incumbent upon learned Single Judge to have decided the matter on merits rather than dispose of the writ petition only on the ground that respondent No. 3 had since retired. He reiterated the grounds which were taken in writ petition and submits that judgment of this Court in **Shruti Bedi versus Panjab University, Sector 14, Chandigarh through its Vice Chancellor and others 2023 SCC Online P&H 556** should have been considered and followed. Writ petition

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should have been allowed as prayed for. Grave injustice, it was submitted, has been caused to appellant (writ petitioner), who is in fact entitled to compensation for wrongful appointment of respondent No. 3 on the post of Head of Department. It is, thus, prayed that this appeal be allowed.

7. Learned counsel for respondents while refuting the averments as above submits that exercise of adjudication of CWP-5681-2024 by appellant (writ petitioner) would necessarily be an absolute academic exercise in view of the fact that respondent No. 3 had already retired on 30.06.2024. Furthermore, all these grounds have now again been taken by appellant (writ petitioner) in CWP-28653-2024, which has been filed by her while challenging appointment of another person as Head of Department of Linguistic and Punjabi Lexicography. Said writ petition is pending adjudication. Mr. Batth, learned counsel for respondents asserts that only effort of appellant is to continue on the post of Head of Department which she did from 2011 to 2023. It is, thus, prayed that this appeal being devoid of any merit be dismissed.

8. We heard learned counsel for parties at length and have perused the file carefully.

9. Admittedly, writ petitioner challenged appointment of respondent No. 3 as Head of the Department in question. With retirement of respondent No. 3 on 30.06.2024, adjudication of writ petition would indeed be a completely academic exercise. Insofar as question of compensation for wrongful appointment is concerned, we take note of fact that learned counsel for appellant (writ petitioner) had specifically sought liberty to avail appropriate remedy before learned Civil Court to claim compensation upon which it is clearly observed by learned Single Bench that writ petitioner can avail appropriate

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remedy as envisaged under law, if permissible. Furthermore, arguments that question of law as raised, would remain unanswered, is again devoid of any merit inasmuch as CWP-28653-2024 filed by present appellant (writ petitioner) challenging appointment of another person as Head of Department of Linguistic and Punjabi Lexicography is pending adjudication on similar grounds. Appellant is at liberty to take up all available pleas. Dismissal of CWP-5681-2024 on the grounds as mentioned therein shall have no bearing whatsoever on the pending writ petition.

10. In the given factual matrix, we do not find any ground to interfere in the matter. Learned counsel for appellant was unable to point out any illegality, infirmity and irregularity in impugned order dated 17.07.2024.
11. No other argument has been addressed.
12. Appeal is, accordingly, dismissed with no order as to costs.

(LISA GILL)
JUDGE

(MEENAKSHI I. MEHTA)
JUDGE

January 23, 2025
Rts

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