



CWP-16785-2018 (O&M)

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

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CWP-16785-2018 (O&M)
Date of Decision: 15.02.2025

Rashmi

...Petitioner(s)

Versus

**Guru Jambheshwar University of Science & Technology, Hisar and others
...Respondent(s)**

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present:- Mr. R.K. Malik, Senior Advocate with
Mr. Vijay Vardhan, Advocate for the petitioner

Mr. Vivek Chauhan, Advocate for respondents no.1 to 3

TRIBHUVAN DAHIYA, J. (Oral)

The petition has been filed seeking a writ of *certiorari* quashing the appointment letter dated 03.07.2018, Annexure P-5, whereby the petitioner has been offered the appointment as Assistant Professor (English) in the Department of Communication Management and Technology on contract basis. Further, a writ of *mandamus* has been sought directing the respondents to appoint him as such on regular basis.

2. Facts relevant to decide the matter are, the respondent University issued advertisement 03/2016 inviting applications for various teaching posts on regular basis, and also for one General category Self-financing Scheme (SFS) post of Assistant Professor (English) in Communication Management and Technology Department. Although the petitioner was selected for the same, he was issued appointment letter dated 03.07.2018 on contractual basis, which is under challenge in the instant petition.



2.1. Original selection record has been produced by learned counsel for the University which contains two selection committee proceedings of the same date, 06.12.2017; one is for recommending persons for appointment under SFS, and the second one is for recommending candidates for contractual appointment on consolidated salary with effect from next semester/01.01.2018. The first selection committee for appointment under SFS has recommended, '*post be re-advertised*'. And the second committee for appointment on contractual basis has recommended the petitioner's name for appointment on contractual basis, and placed another candidate/Ms. Anshita Sharma in the waiting list. Pursuant thereto, the petitioner was issued the impugned letter of appointment. It has also come to record that the Executive Council in its meeting held on 03.02.2018 resolved that '*the recommendations of the Selection Committee be approved. A copy of the proceedings of the Selection Committee is placed below at Appendix 'C'. Further, resolved that re-advertisement in case of Assistant Professor for the subject of English in the Deptt. of Communication Management & Technology be issued*'.

2.2. Registrar of the University has filed an additional affidavit dated 30.10.2019, which is to the following effect:

3. That in compliance of the above said order dated 17/10/2019 passed by this Hon'ble court, it is submitted that one post of Assistant Professor for the subject of English in the Department of Communication Management & Technology was advertised by the University vide advertisement No. 1/2012 and re-advertised vide advertisement No. 3/2016. The criteria devised by the university for the posts of Assistant Professor, which was applicable for all the departments, was also put on website for information of the candidates. Further, for shortlisting of candidate to be called for interview, the University had taken marks of three



components i.e. Academic Record (25 marks) + Research Publications (25 marks) + Experience (05 marks). For the post under reference, the University called all the eligible candidates to attend the interview. However, it may be mentioned here that the selection of the candidates are recommended on the basis of total marks obtained by the candidates on account of Academic Record (25 marks) + Research Publications (25 marks) + Experience (05 marks) + Domain Knowledge (25 marks) + Interview (20 marks) out of total 100 marks.

4. That the contractual appointments are made by the university on the basis of performance in the interview irrespective of the marks of any component. The Selection Committee had not awarded marks on account of Domain Knowledge (25 marks) + Interview (20 marks) and are not recommended any candidate for selection on regular basis. The Selection Committee had recommended that the "Post be re-advertised".

5. That the proceedings of the Selection Committee were approved by the Executive Council on 03/02/2018 and the minutes of the Executive Council were circulated by the Academic Branch on 12/03/2018. The Selection Committee had also prepared separate proceedings, where the name of Dr. Rashmi i.e. present petitioner, was recommended for contractual appointments. The University cannot open the proceedings of the Selection Committee for contractual appointment before the disclosure of the proceedings of regular appointment.

6. That after the disclosure of the proceedings of regular appointment i.e. in the month of March, 2018, the academic session was about to come to an end. Therefore, the offer of contractual appointment was given to the petitioner in the month of July as the academic session was started w.e.f. July, 2018.

3. In this factual background, learned senior counsel has contended

that as per the criteria, selection committee was required to give marks for



domain knowledge and interview to the candidates, and thereupon make recommendations for selection. Instead, the committee only recommended to re-advertise the post without giving any marks under these heads. Therefore, the recommendation is illegal, and needs to be set aside by directing the committee to interview the candidates again and make appropriate recommendations.

4. *Per contra*, learned counsel for the University contends that the committee in its wisdom and after interviewing the candidates, including the petitioner, recommended to re-advertise the post. The recommendation has already been approved by the Executive Council vide its Resolution dated 03.02.2018. He also contends that appointment on contractual basis was offered to the petitioner on the basis of recommendations of the selection committee as per merit, but he did not join pursuant thereto.

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

6. It is apparent on record that the University advertised one General category post of Assistant Professor English under SFS in the Department of Communication Management and Technology. The criteria for selection were as follows:

A) Academic Record and Research Performance : 50 Marks

1. Academic Record : 25 Marks

a) to e) xxx xxx xxx

2. Research Performance/ Publication : 25 Marks

(with respect to number and quality)

a) to c) xxx xxx xxx

B) Domain knowledge and teaching skills : 30 Marks

1. Domain knowledge with respect to : 25 Marks

i) to iv) xxx xxx xxx



2. Teaching Experience/Skills : 05 Marks

C) Interview : 20 Marks

The candidates were required to be assessed by the selection committee for domain knowledge and interview, for which maximum marks had been allocated. The committee instead recommended the post to be re-advertised without assigning any marks under these heads, and the recommendation was accepted by the Executive Council vide its Resolution dated 03.02.2018. However, the petitioner has not challenged either the selection committee proceedings, dated 02.12.2017, or the Resolution, dated 03.02.2018. Therefore, there is no basis for the argument raised by learned senior counsel that the proceedings of selection committee were vitiated due to its failure to give marks for domain knowledge and interview. Further, so far as the second recommendation of the selection committee, dated 06.12.2017, regarding contractual appointment of Assistant Professor from 01.01.2018 is concerned, the same has also not been challenged by the petitioner; and she has only chosen to challenge the appointment letter, dated 03.07.2018, issued on that basis. Such a challenge would not stand in law, as its basis has not been impugned. Besides, the reasons for issuing the contractual appointment have been explained in the additional affidavit filed by the University which do not suffer from any illegality or irregularity. Also, the petitioner has himself not accepted the offer of contractual appointment.

7. In view thereof, there is no merit in the petition, and it stands dismissed.

8. Registry is directed to return the original record of selection to learned counsel for the University.



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

(TRIBHUVAN DAHIYA)
JUDGE

15.02.2025
Payal

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