



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

125

LPA-3029-2025

Date of Decision: 10.12.2025

NAVNIDHI

.....APPELLANT

Vs.

**CHAUDHARY CHARAN SINGH HARYANA AGRICULTURE
UNIVERSITY HISAR AND OTHERS**

.....RESPONDENTS

**CORAM: HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA
HON'BLE MR. JUSTICE ROHIT KAPOOR**

Present: Mr.Vineet Kumar Jakhar, Advocate for the appellant.
Mr. Shreenath A. Khemka, Advocate
for the respondent-University.

ASHWANI KUMAR MISHRA, J. (ORAL)

1. This appeal seeks to assail an order passed by the learned Single Judge dated 27.08.2025, whereby the writ petition filed by the petitioner/appellant came to be dismissed.
2. The appellant, along with contesting private respondents had applied for appointment to the post of Assistant Professor (Food Science Technology). At the conclusion of the recruitment process, the Selection Committee selected the private respondent to join in the year 2013. The contesting respondent has, therefore, been working for the last 13 years.
3. The appointment of contesting respondent came to be challenged by filing the writ petition in year 2021, primarily on the ground that one of the papers relied upon for selecting the private respondent was published in a different journal after the cut off date. It was also the appellant's case that false



facts had been relied upon for selecting the contesting respondent and, therefore, the appointment of contesting respondent ought to be set aside.

4. Learned Single Judge has gone into the facts of the case and has made following observations in para No.10 of the judgment which reads as under:-

“10. Lastly, the selected candidate/fourth respondent in the second petition was awarded marks for research papers which had neither been published nor accepted for publication before the closing date for submission of applications. The justification put forth by the University in this regard is that the research paper could not be published in the journal for which it was accepted, Journal of Food Science and Technology, and was later published in another journal, Current Research in Nutrition and Food Sciences. But there is no denying the fact that the latter acceptance as well as publication is after the closing date; therefore, marks could not have been awarded for it. However, the fact remains, even if the fourth respondent is not to be given weightage for the said research paper, she gets 4.5 marks for the remaining publications, regarding which there is no dispute. This gives her total 59.40 marks in selection, which are higher than the petitioner’s marks, 57.90. Accordingly, the fourth respondent still retains first position in the order of merit, and remains entitled to appointment.”

5. Learned counsel for the appellant, with reference to the assertions made in para No.21 of the Letters Patent Appeal argues, that the observations made by the learned Single Judge that private respondents would get 4.5 marks for the remaining publications is incorrect. It is also the case of the appellant that since a paper published much later was relied upon, such reliance amounts to misrepresentation, thereby nullifying the appointment, and no equity arises in favour of the respondent.



6. Per contra learned counsel for the respondent-University has invited our attention to Para No.6 of the reply filed on behalf of the respondent-University before the learned Single Judge which reads as under:-

“6. That even if the said publication was to be discredited, respondent No.4 would still merit 4-5 marks under Clause 4(a) (i.e. 3 marks for 3 publications under Entry (i)(a), and 1.5 mark for 3 publications under Entry (ii). Hence, respondent No.4’s score would fall to 59.40 marks, which would still be higher than the petitioner’s 57.90 marks.”

7. Learned counsel for the University further points that no replication to Para No.6 was filed before the learned Single Judge. Reply of the University was submitted before the learned Single Judge in September 2021, and though the writ before learned Single Judge came to be decided on 27.08.2025, but till such date no replication was filed. It is, therefore, submitted by Mr. Khemka appearing for the University, that doctrine of non-traverse would apply and the issues not disputed before the learned Single Judge by the appellant, cannot be permitted to be raised for the first time in appeal.

8. Having heard learned counsel for the parties, we find substance in the argument of the counsel for the University that the findings returned by the Single Judge in Para No.10 are based on material on record. We have also perused the chart appended at Page 98 which contains the research articles and other papers published by the private respondents, on which marks have been awarded. These facts were available before the learned Single Judge and were never challenged. Once that be the case, we find that the appointment of private respondent has rightly not been interfered with by the learned Single Judge inasmuch as the finding of the writ Court that even if one of the papers relied

upon by the private respondent was to be ignored, yet on the remaining material available on record, the private respondent was entitled to selection.

- 9. The present appeal consequently lacks merit and is dismissed.
- 10. Pending application(s), if any, also stand disposed of.

(ASHWANI KUMAR MISHRA)
JUDGE

(ROHIT KAPOOR)
JUDGE

10.12.2025
pry

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