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

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**CWP-33117-2024 (O&M)
Date of Decision: 03.04.2025**

Dr. Renuka Tandon

...Petitioner

Versus

Panjab University and others

...Respondents

And

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Dr. Suhit Khanra

...Petitioner

Versus

Panjab University and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. Amar Vivek Aggarwal, Advocate with
Ms. Arundhati, Advocate and
Ms. Sanchi Bindra, Advocate for the petitioner
(in CWP-33117-2024)

Mr. Ravinder Malik, Advocate and
Mr. Anuj Malik, Advocate for the petitioner
(in CWP-32826-2024)

Ms. Gehna Vaishnavi, Advocate for respondent No.1
(in CWP-33117-2024) *(through video conferencing)*

Mr. Subhash Ahuja, Advocate and
Mr. Karan Veer Ahuja, Advocate
for respondent-Punjab University (in CWP-32826-2024)

Mr. Angel Sharma, Advocate for respondent No.3
(in CWP-32826-2024)

Mr. Anurag Goyal, Advocate for respondent No.3
(in CWP-33117-2024)

Mr. Kanan Malik, Advocate for respondent No.4 in CWP-
33117-2024 and respondent No.5 in CWP-32826-2024



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Dr. Anshu (in person), respondent No.4 in CWP-33117-2024

JAGMOHAN BANSAL, J. (Oral)

1. As common issues are involved in the captioned petitions, with the consent of both sides, the same are hereby disposed of by this common order. For the sake of brevity and convenience, facts are borrowed from *CWP-33117-2024*.
2. The petitioner through instant petition under Article 226 of the Constitution of India is seeking setting aside of order 22.11.2024 (Annexure P-19) whereby respondent No.4 has been appointed as Officiating Principal of Homeopathic Medical College & Hospital, Sector 26, Chandigarh.
3. The petitioner is working with Homeopathic Medical College & Hospital, Sector 26, Chandigarh (for short '**college**') as Professor. Respondent No.4- Dr. Anshu is also working as Professor. None of them have been approved by Panjab University (for short '**University**') as Professor, thus, for the purposes of instant petitions they are holding post of Associate Professor (Reader). College-respondent No.3 has appointed respondent No.4 as Officiating Principal and decision of respondent No.3 has been approved by respondent No.1-University.
4. Mr. Amar Vivek Aggarwal, Advocate submits that there is no resolution in favour of private respondent passed by Governing Body of the college and as per Constitution of the college, no appointment can be made without resolution of the Governing Body. The resolution is indispensable which is evident from letter dated 11.06.2024 of the University read with letter dated 25.10.2024 of Vice President of the Governing Body of the college. The letter of University and letter of Vice President of the



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Governing Body make it clear that Governing Body was supposed to approve appointment of Officiating Principal. The respondent-College has not prepared seniority list except the seniority list which was supplied to the petitioner under Right to Information Act, 2005 by University on 28.09.2021. As per said seniority list, the private respondent is at serial No.5, thus, she could not be assigned officiating charge of Principal. The private respondent was appointed as Reader in 2013, however, University vide order dated 19.02.2013 refused to approve her appointment as Reader. She unsuccessfully filed civil suit as well as writ petition before this Court. She joined another department of the college as Reader on 03.02.2014. The University by order dated 27.10.2016 retrospectively approved her appointment as Reader w.e.f. 18.02.2013. The University further vide order dated 02.08.2017 approved her seniority as Reader. This Court vide order dated 21.01.2021 has set aside order dated 27.10.2016 and 02.08.2017 passed by respondent No.1-University, thus, for all intent and purposes, private respondent is Reader w.e.f. 03.02.2014. She has been designated as Professor by college, however, till date University has not approved her designation as Professor.

5. Mr. Ravinder Malik, Advocate submits that petitioner (CWP-32826-2024) without break was permitted to continue beyond 60 years as per interim orders of this Court. He for all intent and purposes is Professor and is entitled to seniority as well as consequential benefits. He cannot be deprived benefit of seniority on the ground that he has turned 60 and holding office in view of interim orders of this Court.



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6. Mr. Anurag Goyal, Advocate submits that National Commission For Homoeopathy (Minimum Standards Requirement of Homoeopathic Colleges And Attached Hospitals) Regulations, 2024 (for short '**Regulations**') have specified qualification for the post of Principal or Director. As per Regulations, for the said post a candidate must have postgraduate degree in Homeopathy and teaching experience of Professor in a degree level recognized Homoeopathic Medical Institution for a period of not less than two years or experience of an Associate Professor for a period of not less than seven years in the cadre of Associate Professor. The petitioner and respondent No.4 are Associate Professors. As per seniority list placed on record by the petitioner, respondent No.4 was designated as Reader on 18.02.2013 whereas petitioner was designated as Reader on 03.02.2014. Respondent No.4 is senior to the petitioner, thus, college recommended her name for Officiating Principal and University approved the same. In the meeting of Governing Body, neither seniority list could be approved nor consensus could be arrived for assigning charge of Officiating Principal. There was difference of opinion among the members with respect to seniority, thus, matter could not be resolved. Left with no other option, Management i.e. Executive Committee in its meeting held on 24.10.2024 considered the matter and decided to appoint Dr. Anshu-respondent No.4 as Officiating Principal. The Committee was of the opinion that respondent No.4 is senior most Associate Professor. The petitioner submitted her objection which was considered by a Sub-Committee. Considering all aspects, the matter was referred to University with a proposal to appoint Dr. Anshu as Officiating Principal. For the said purpose, a communication was made to the University vide letter dated 11.11.2024. In the said letter, it was



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also pointed out that if University after looking at list submitted to D.R. (colleges) in the presence of Dean College Development Council finds any discrepancy, it is free to appoint any other person as Officiating Principal because Management is not a technical body.

As per Constitution of the college, Managing Committee has power to constitute Governing Body and frame rules and regulations regarding its functioning from time to time. Executive Body has power to create posts of various categories and to make appointment thereon in the office. Governing body is created to manage day to day affairs of the college and hospital. It is a case of appointment of Principal on temporary basis. The Governing Body has right to create posts of various categories and to make appointments thereon in the college and hospital. The said power should not be confused with temporary arrangement of appointment of Officiating Principal. Conduct of the governing body is directly accountable to Executive Committee.

The approval of designation of respondent No.4-Dr. Anshu as Reader with retrospective effect was set aside by this Court vide judgment dated 21.01.2021 passed in *CWP No.18211 of 2017, Dr. Priya Sareen v. Panjab University and others*. Judgment of learned Single Judge was assailed by way of intra-court appeal. Vide interim order dated 18.03.2021 passed by Division Bench of this Court in *LPA No.278-279 of 2021, Dr. Anshu Verma v. Dr. Priya Sareen and others*, status quo with regard to appointment of Dr. Anshu has been ordered. In view of interim order passed by Division Bench of this Court, Dr. Anshu is Reader since February' 2013.

7. With respect to claim of Dr. Suhit Khanra (petitioner in CWP



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No.32826-2024), Mr. Subhash Ahuja and Mr. Kanan Malik, Advocates

submit that he is working with college on the basis of interim order passed

by this Court. He has already attained age of superannuation i.e. 60 years.

He cannot be appointed as Officiating Principal after his date of

superannuation. As per Division Bench judgment dated 28.09.2022 of this

Court in ***Punjab University, Chandigarh v. Dr. Inder Mohan Joshi, LPA***

No.1104 of 2017, teachers working beyond the age of superannuation i.e. 60

years are not entitled to retiral benefits and leave encashment for the

extended period, thus, there is no question of appointment of said teacher on

the post of Officiating Principal. As per decision dated 27.08.1999 of

University, senior most teacher in the college can be allowed to temporarily

hold charge of post of Principal and ought not to be superannuated within 3

months. The petitioner has already superannuated and he is working on the

basis of extension granted by this Court. It is re-employment of the

petitioner. He cannot claim post of Officiating Principal. Person who was

earlier holding charge has submitted his resignation which stands accepted.

College may appoint regular principal if permitted by this Court. College is

unable to proceed on account of interim order passed in CWP No.10846 of

2024.

8. Replying to aforesaid arguments of respondents, Mr. Amar

Vivek, Advocate submits that concededly no final seniority list has been

approved by Governing Body. The Governing Body has approved seniority

list vide circular dated 22.09.2018 and it was provisional seniority list. The

University on the previous occasions had sought resolution of the Governing

Body for making appointment of Officiating Principal. Respondent No.4 has

been assigned charge of Officiating Principal without resolution of



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Governing Body. This shows that respondent No.4 has been appointed in gross violation of prescribed procedure. The appointment of respondent No.4 as Reader is under challenge. Learned Single Judge of this Court has already set aside decision of the University whereby her appointment as Reader was retrospectively approved. The Division Bench of this Court by interim order has ordered to maintain *status quo* with regard to her appointment, however, there is no interim order with respect to her appointment as Reader w.e.f. November' 2013. In such circumstances, respondent No.4 by no means can be treated as senior to the petitioner. The decision of respondent No.1-University to appoint respondent No.4 as Officiating Principal is patently bad and in violation of rules and regulations of the University as well as college concerned. As per rules and regulations of the University, the length of service must have been considered for seniority not the date of holding senior post.

9. I have heard arguments of learned counsel for both sides and perused the record with their able assistance.

10. From the pleadings and arguments of both sides, it comes out that petitioner is disputing appointment of respondent No.4 as officiating principal on the ground that she is senior to respondent No.4. She is claiming herself senior on the ground of length of service as well as date of confirmation as Reader. She is claiming that respondent No.4 was designated as Reader on 18.02.2013, however, her designation was not initially approved by University and later on it was approved with retrospective date. The order of confirmation with retrospective date was set aside by this Court vide judgment dated 21.01.2021 passed in ***Dr. Priya***



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Sareen (supra), thus, for all intent and purposes, it is the petitioner who is senior whereas respondent No.4 has been assigned charge of officiating principal.

The petitioner in one breath is claiming that seniority list was never approved by governing body, thus, there is no seniority list and in the same breath is claiming that governing body approved seniority list vide circular dated 22.09.2018 and it was provisional seniority list which should be relied upon. She has also placed on record seniority list which she received from University. From the seniority list placed on record by petitioner herself, it is evident that respondent No.4 was designated as Reader on 18.02.2013 whereas petitioner was designated as Reader on 03.02.2014. The retrospective approval granted by University to designation of respondent No.4 as Reader w.e.f. 18.02.2013 has been set aside by this Court, however, by order dated 18.03.2021 a Division Bench of this Court has ordered to maintain status quo with regard to appointment of respondent No.4. As there is stay in favour of respondent No.4, this Court, at this stage, especially when limited issue involved is of assigning charge of officiating principal finds it appropriate to record that respondent No.4, being designated as Reader on 18.02.2013 i.e. prior to petitioner, is senior and she was rightly assigned charge of officiating principal.

11. The Executive Committee and Management of the College by letter dated 11.11.2024 informed the University that as per their opinion, respondent No.4 is senior most Associate Professor and she should be assigned charge of officiating principal. Letter dated 11.11.2024 is reproduced as below:



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“HOMOEOPATHIC LETTER

To,
The Deputy Registrar(Colleges),
Panjab University.
Chandigarh.

*Subject: Imposition of regulation 11.1 of P.U Calender
Volume-I (2022) on Homoeopathic Medical College &
Hospital, Sector-26, Chandigarh.*

Dear Sir,

*Reference your letter no. DRC/8148, Dt. 04.10.2024 for
the subject cited above. The secretary called a meeting of
Executive Committee which is supreme body of the college to
discuss the issue of 11.1 spells out (a) Students of the college
concerned shall not be accepted for the University examination.
(b) The college teachers shall be debarred from University
Examinations. (c) The Principal, teachers shall be debarred
from seeking election to a university body, if we do not appoint
an Officiating Principal of the college till the decision of the
Principal by the Hon'ble Court. The management told P.U. that
court in its interim judgment has asked collage and PU to keep
the matter of appointment of Principal in abeyance till the final
decision of the court. But university has told college that court
in its interim judgment has not given stay to the Principal.
Hence, you appoint an Officiating Principal to fulfill the
condition of P.U. for granting approval for admission for the
session 2024-25.*

*Accordingly, Executive Committee in its meeting held on
24.10.24 decided to appoint officiating principal. This executive
committee meeting was attended by following members.*

*Sh. R.P. Joshi, President,
Dr. Sunil K Sharma, Vice President
Sh. Satish Dewan, Secretary,
Sh. Ravi Parkash Gupta, Treasurer
Sh. Anup Bansal, Member
Dr. R.G. Garg, Member*



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*Sh. D.P. Aggarwal, Member
Sh. Rajiv Gupta, Member
Sh. Ravi Sethi, Member
Sh. Sanjiv Gupta, Member*

In this meeting, it was decided to appoint Dr. Anshu as officiating principal, because she is the senior most Associate Professor as per office record. Therefore, her name be sent to Panjab University.

The few members objected to her seniority. They gave their dissent note the members who gave their dissenting note are following.

*Dr. Sunil K Sharma
Dr. R.G. Garg
Sh. D.P. Aggarwal
Sh. Ravi Sethi*

But, majority members were of the opinion that as per college record Dr. Anshu seems to be senior. Since, there is no approved Professor in the college; hence we are compelled to send a name of senior most Associate Professor. This list was shown to Dean, College Development Council, PU, Chd in the presence of Deputy Registrar (Colleges). They both had seen the list carefully. After making some queries, they both were fully satisfied with Dr. Anshu's name as senior most Associate Professor (A copy of detailed record was given to D.R. Colleges too.

Hence, management in its meeting of Executive Committee dated 24.10.24, decided to send her name of officiating principal on 25.10.24. Then in the morning (next day) i.e. on 25.10.24 our office received a legal letter from Dr. Renuka Tandon, saying that I am senior to Dr. Anshu as Associate Professor. She not only sent this letter to our college but to university too in the name of D.R. (Colleges) and Vice Chancellor. In light of this letter President was prompt enough to form a sub committee comprising of two distinguished



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members of the Executive Committee and who have rich administrative experience. They were asked to study their seniority claim. The president further asked them to submit their report within 3-4 days. A copy of Dr. Renuka's claim was also given to them by the office. After studying the claim of Dr. Renuka, they submitted their unanimous report within 4 days. In spite of the Diwali days the report submitted by them fully endorsed the decision of the Executive Committee. They were also of the same opinion that Dr. Anshu is senior most Associate Professor in the college as per official record. They opined that Dr. Anshu's name be sent to P.U for officiating principal till the decision of the court regarding Principal of Dr. Ankit Dubey. On 04.11.24 we received another claim made by Dr. Meenakshi saying that I am senior to Dr. Anshu. The copy of this claim was also given to the same sub-committee. The committee after seeing her claim stuck to the same decision that Dr. Anshu is senior most Associate Professor.

However if P.U. after seeing the list submitted to D.R. (Colleges) in the presence of Dean, College Development Council finds any discrepancy they are free to appoint any other person as Officiating Principal, because we are not technical persons. The management shall have no objection to the decision of P.U.

In light of this decision of Executive committee which is supreme body of the college be accorded on official permission to the college in writing for admission for the session 2024-25 at the earliest.

After getting approval of the name, we shall be submitting the required documents as asked by your office.

- 1. Resolution of Executive Committee.*
 - 2. Attested Seniority List*
 - 3. Copy of appointing Officiating Principal*
 - 4. Joining Report of Officiating Principal*
- Regards,*



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*(Prof. Satish Dewan)
Secretary, HMCA”*

12. From the perusal of aforesaid communication, it is evident that there was meeting of Executive Committee wherein it was recorded that Dr. Anshu should be assigned charge of officiating principal because she is senior most. The objection of petitioner was duly considered. The Management did not try to impose its decision on University whereas left to the University to form an independent opinion as per record. From the contents of letter, it is clear that Management had acted in a very fair and transparent manner. Meetings of the Management took place and it was resolved to assign charge of officiating principal to Dr. Anshu. The University has approved decision of the Management, thus, there is compliance of procedure as contemplated by University calendar as well as constitution of the governing body.

13. The petitioner is claiming that there is no resolution of governing body in favour of respondent No.4, thus, she could not be assigned charge of officiating principal. The resolution was required as per Constitution of governing body and practice followed on previous occasions. The college recommended name of respondent No.4 without resolution of governing body and University also approved the same, thus, there was violation of procedure and appointment of respondent No.4 is bad in the eye of law. The petitioner is relying upon Constitution and functions of governing body. As per functions assigned to governing body, it has to create posts under various categories and to make appointments thereon.

Clause relied upon petitioner in her pleadings as well as during the course of arguments is reproduced as below:



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“Governing Body III-Functions

iv. To Create posts of various categories Teaching and Non-Teaching and to make appointments thereon in the College and Hospital ”

Reliance on aforesaid clause is misplaced. The said clause empowers governing body to create posts of various categories and to make appointments thereon. It is not a case of creation of post or making appointment. It is a case of stopgap arrangement. The respondent No.4 has not been appointed as regular principal whereas she has been assigned charge of officiating principal. It is undisputed that charge has to be handed over to senior most Associate Professor. Even if it is assumed that respondent-College as well as University has not followed procedure as followed earlier, handing over officiating charge to respondent No.4 is not fatal. If it is held that respondent No.4 was junior to petitioner, the action of respondents would be bad. The Management was bound to make arrangement of officiating principal. The object of procedure is to achieve the goal. On account of non-following procedure, the action cannot be vitiated if it has not created undue benefit in favour of one person and deprived the other. The governing body as per documents placed on record by petitioner was not able to form consensus. There was difference of opinion amongst the members of the governing body. The matter was taken up by Managing Committee which is superior to governing body. The Managing Committee in its meetings decided to assign charge of officiating principal to respondent No.4 and action of Managing Committee has been approved by University, thus, there is no substance in the argument of



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petitioner that action of official respondents should be declared invalid on account of absence of resolution of governing body.

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14. The petitioner is claiming that he is indubitably senior to respondent No.4, thus, he should be assigned charge of officiating principal. The petitioner has already attained age of superannuation. He is working on account of interim orders passed by this Court. As held by Division Bench of this Court in ***LPA No.1104 of 2017*** titled as '***Punjab University, Chandigarh Vs. Dr. Inder Mohan Joshi***', a teacher working beyond the age of retirement would not be entitled to any retiral benefit for the service rendered beyond his age of superannuation i.e. 60 years. He is also not entitled to leave encashment for the extended period. The University has decided that a teacher who is going to superannuate within three months shall not be considered for officiating principal. Decision of University is reproduced as below:

“PANJAB UNIVERSITY, CHANDIGARH

The Senate vide paragraph XII of the minutes of its meeting held on 28.3.1999 has, on the recommendation of the syndicate meeting (Para 15) dated 17.3.1999 : decided as under:-

"The post of Principal shall be a selection post. In the event of non-availability of a suitable candidate on the retirement of Principal or the vacancy having fallen vacant due to his/her resignation/leave or otherwise, the senior-most teacher in the College shall be allowed to temporarily hold charge of the post of principal who 1) has at least 3 months left with effect from the date of such appointment before reaching the age of

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*superannuation, 2) is not facing any serious charge and 3)
qualifies the University norms.*
Deputy Registrar (Colleges) ”

15. The petitioner has already attained age of superannuation and his continuation is in terms of interim orders of this Court, thus, he cannot be assigned charge of officiating principal.

16. In the wake of above discussion and findings, the instant petitions deserve to be dismissed and accordingly dismissed.

17. There was no representation of respondent-College because Management expressed its inability to bear counsel-fee. On the asking of Court, Mr. Anurag Goyal agreed to appear *pro bono*. I find that he sincerely and efficiently assisted the Court.

18. Pending misc. application (s), if any, shall also stand disposed of.

(JAGMOHAN BANSAL)
JUDGE

03.04.2025
Ali

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No