



\$~102

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 1111/2025 & CM APPL. 5546/2025

DOCTOR HARISHANKAR PANDEYPetitioner

Through: Mr. Puneet Jaiswal, Mr.
Bhupendra Kr. Sharma, Mr.
Shubham Shrivastava, Mr. Atul
Pandey and Mr. Charanjeet
Khatana, Advocates.

versus

UNION OF INDIA ANR & ANR.Respondents

Through: Mr. Rajesh Mishra, SSC for UOI
with Ms. Meenal Duggal and Ms.
Anita Mishra, Advocates.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

%

29.01.2025

1. The petitioner applied for appointment to the post of Associate Professor (Vyakaran) under the EWS category, pursuant to an advertisement issued in the year 2022 by respondent No. 2 – University. He has filed this writ petition seeking a direction upon the University to declare the result of the interview for the said post held on 26.07.2023.
2. The petitioner had earlier approached the Central Administrative Tribunal [“the Tribunal”] in O.A. 3508/2023, for the same relief. Although his application was dismissed on 02.01.2025, holding that the Tribunal does not have jurisdiction over the University, a reply had been filed by the University, which is annexed to the writ petition.
3. Upon a perusal of the said reply, it appears that the Executive Council of the University in its meeting held on 16.08.2023, resolved as follows:

“The Executive Council observed that against some teaching posts



(like Professor in Paurohitya, Associate Professor in Vyakaran and Assistant Professor in Dharmashastra) only single candidate appeared before the Selection Committee for interview. After detailed discussion on the matter, the Executive Council decided not to open such sealed envelopes, carrying the recommendations of the Selection Committees (where only single candidate appeared for interview). Accordingly, the Council resolved that all such teaching posts or other similar posts be re-advertised.

[Emphasis supplied.]

4. The University explained the said decision on the basis of the objective of having a more competitive selection.

5. The advertisement, pursuant to which the petitioner applied and was interviewed, in my view, leaves this option available to the University. Clause 6 of the “General Terms and Conditions of Recruitment” reads as follows:

“6. (i) The University reserves the right to fill or not to fill up the posts advertised for any reasons whatsoever.

(ii) The University reserves the right to withdraw the advertisement either partly or wholly at any time without assigning any reason to this effect.

(iv) The University reserves the right to reject any application without assigning any reason thereof.

(v) If any advertisement for any posts) is withdrawn due to whatever reasons, the application fee or any other fee collected from the candidates shall be refunded.”

[Emphasis supplied.]

6. Having regard to the aforesaid provision in the advertisement itself, I am of the view that the petitioner cannot assert a legal right that he be appointed to the advertised post. The employer has specifically reserved to itself the right to decide whether or not to fill a particular post. In several cases of single candidates having been interviewed, the Executive Council adopted the same course – of not opening the recommendations of the Selection Committee at all. The objective of the University,



articulated above, is not capricious or arbitrary, so as to invite the interference of the writ Court.

7. Mr. Puneet Jaiswal, learned counsel for the petitioner, however, submits that in the case of another post, being that of Assistant Professor (Education, Teaching of Vyakaran, ST category), a single candidate was called for interview and was appointed. Even if that is so, I am of the view that the University's discretion, whether or not to fill a particular post, cannot be circumscribed as suggested. There may be a number of reasons for which the University can decide to adopt a particular course with regard to one post, and take a different view with regard to a different post. In the present case, for example, the post for which the petitioner had applied was that of Associate Professor, which is a higher level post than that of an Assistant Professor, in which the appointment was allegedly made. The University has exercised its discretion in this regard, which does not call for interference.

8. Naturally, the petitioner will be eligible to apply again when the post is re-advertised. The resolution of the Executive Council contains a direction that the post be re-advertised. Mr. Jaiswal states that, despite the passage of sixteen months since, no further advertisement has been issued. The disposal of this petition will not come in the way of the petitioner making a representation to the University for this purpose.

9. The writ petition, alongwith the pending application, is disposed of.

PRATEEK JALAN, J

JANUARY 29, 2025/SS/AD/