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

+ LPA 520/2025 & CM APPL. 50176/2025, CM APPL. 50177/2025,
CM APPL. 50178/2025

DR HARISHANKAR PANDEY

.....Appellant

Through: Mr. Puneet Jaiswal, Mr. Atul Pandey,
Mr. Akash Awana, Advocates

versus

SH LAL BAHADUR SHASTRI NATIONAL SANSKRIT
UNIVERSITY

.....Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

HON'BLE MR. JUSTICE VIMAL KUMAR YADAV

ORDER

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14.08.2025

1. The challenge in this appeal is to the Order dated 29.01.2025 passed by the learned Single Judge in W.P.(C) 1111/2025, by which the learned Single Judge has dismissed the writ petition which had been filed by the Appellant herein, for issuance of a writ/order/direction to the Respondent/University to declare the result of the interview, which was conducted for filling up the post of Associate Professor (Vyakaran) under the EWS category.

2. The post was advertised in the year 2022 by the Respondent/University. Material on record indicates that prior to filing of the writ petition, the Appellant approached the Central Administrative Tribunal for the same relief by filing O.A. No. 3508/2023 but it was rejected



by the Tribunal *vide* Order dated 02.01.2025 on the ground of lack of jurisdiction.

3. Thereafter, the Appellant approached this Court by filing the writ petition which has been dismissed by the Order impugned herein.

4. Material on record indicates that the Appellant herein was the only candidate who had been called for the interview. Since the Appellant was the only candidate who appeared for the interview, the Executive Council of the Respondent/University held a meeting on 16.08.2023 and passed a resolution regarding filling up the post in question. Even though the resolution passed by the Executive Council of the Respondent/University has been quoted in the impugned Order but the same is being once again quoted by this Court. The same reads as under:-

“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.”

5. A perusal of the Minutes of Meeting of the Executive Council indicates that the decision to not open the sealed envelopes carrying the recommendation of the Selection Committee was made because only one candidate appeared for the interview.

6. The learned Single Judge has placed reliance on Clause 6 of the “General Terms and Conditions of the Recruitment” which gives the right to



the Respondent/University to fill up or not to fill up the posts advertised for any reasons whatsoever.

7. Before the learned Single Judge, another argument was taken that in a similar case, regarding the appointment to the post of Assistant Professor (Education, Teaching of Vyakaran, ST category), it was contended that even though there was a single candidate, the Respondent/University went ahead and appointed the only candidate who appeared in the interview. He, therefore, states that the Respondent/University ought to have adopted the same procedure in the present case of the Appellant herein also. However, this argument was also rejected by the learned Single Judge.

8. In the present appeal, the learned Counsel for the Appellant reiterates his contention raised before the learned Single Judge that the Respondent/University cannot follow two standards, one which as far as Appellant is concerned, i.e., for the post of Associate Professor (Vyakaran) and the other, i.e., for the post of Assistant Professor (Education, Teaching of Vyakaran, ST category).

9. There is nothing on record to indicate as to what were the circumstances or the reasons with the Executive Council for filling up the post of Assistant Professor (Education, Teaching of Vyakaran, ST category). It is not clear whether the qualifications are different or not. This Court is also not aware regarding the urgency/emergency for filling up the said post and the number of students who will be affected if the seat of Assistant Professor (Education, Teaching of Vyakaran, ST category) is not filled up.

10. Be that as it may, the decision taken by the Executive Council not to proceed ahead and not declare the results of the interview on the ground that only one person appeared for the interview, which has been accepted by the



learned Single Judge, does not call for any interference by this Court.

11. The Apex Court has consistently held that the decision on the part of the employer whether to fill up the existing vacancies or not, is completely within the employer's domain. On this limited ground and in the absence of any arbitrariness, a Writ Court cannot interfere in such matters. [Subha B. Nair v. State of Kerala, (2008) 7 SCC 210, K. Thulaseedharan v. Kerala State Public Service Commission, (2007) 6 SCC 190 & State of Karnataka and Others v. Bharathi S., 2023 SCC OnLine SC 665]

12. In any event, the general terms of the recruitment also gives a right to the University not to fill up the post advertised for any reason or whatsoever. It is well settled that writ courts, while exercising the powers of judicial review of administrative actions, do not substitute their conclusions to the one arrived at by the instrumentality of the State unless it is shown that the decision, (a) was taken in order to favour somebody, or (b) was to exclude the Petitioner or (c) that the decision is so capricious that it shocks the conscience of the Court. None of these conditions have been satisfied in the present case. This Court is, therefore, not inclined to interfere with the decision taken by the Executive Council of the Respondent/University as upheld by the learned Single Judge in the Impugned Order.

13. The appeal is dismissed along with pending application(s), if any.

SUBRAMONIUM PRASAD, J

VIMAL KUMAR YADAV, J

AUGUST 14, 2025

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