



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

**CM-8275-LPA-2025 in/and
LPA-2307-2025 (O&M)
Date of Decision: 27.01.2026**

BALWINDER SINGH

....APPELLANT(S)

VERSUS

PANJAB UNIVERSITY AND OTHERS

....RESPONDENT(S)

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

Present: Mr. Rajinder Mathur, Advocate and
Mr. Rajeev Kumar Chauhan, Advocate
for the applicant-appellant.

ASHWANI KUMAR MISHRA, J. (ORAL)

CM-8275-LPA-2025

This application under Order IX Rule 9 read with Section 151 CPC has been filed on behalf of the applicant-appellant seeking restoration of the main appeal, being LPA No. 2307 of 2025, which was dismissed by this Court *vide* order dated 16.10.2025 for non-prosecution.

The reason for non-appearance on behalf of the applicant-appellant on 16.10.2025 has been satisfactorily explained.

Accordingly, the application is allowed. The main appeal, being LPA No. 2307 of 2025, is restored to its original number and position.

Main Case (O&M)

1. With the consent of the learned counsel for the appellant, main appeal *i.e.*, LPA-2307-2025 is taken on Board for hearing today itself.

2. This appeal arises out of an order passed by the learned Single Judge, whereby the claim of the appellant for appointment to the post of Assistant Professor was not accepted. The learned Single Judge has also refused to interfere with the selection of private respondent Nos. 2 to 4 on the post in question.

3. It transpires that the post of Assistant Professor was advertised *vide* Advertisement No. 13/2010. The selection process was undertaken and, ultimately, interviews were held on 27.10.2012. The private respondent Nos. 2 to 4 were selected by the Selection Committee, whereas the appellant was not found suitable. Thus Aggrieved, the appellant approached the Writ Court.

4. Before the Writ Court, it was contended by the appellant that the Ph.D. qualification possessed by private respondent Nos. 2 to 4 was acquired after the cut-off date and, therefore, could not have been taken into consideration. It was further contended that only one mark was awarded to the appellant for experience, whereas he deserved higher marks, having worked for nearly 16 years. It was thus, argued that the selection of private respondent Nos. 2 to 4 suffered from malice, apparent on the face of the record, and that the learned Single Judge erred in refusing to interfere.

5. Having examined the contentions raised by the appellant, we find that the primary reason assigned by the learned Single Judge for not interfering with the selection was that even if full marks, *i.e.*, 10 out of 10, were awarded to the appellant for experience, he would still fall short

of the cut-off marks for the post. The observations made by the learned Single Judge in paragraph 5 of the impugned judgment, in this regard, are reproduced hereinafter:-

“5. This argument seems to be without any substance because even if, the petitioner is awarded 9 more marks in the column of experience, making a total of 10, his total marks would be 30.81 only, which was still be much less than the marks obtained by respondent Nos.2, 3 and 4, who have secured total marks as 50.67, 42.22 and 37.09, respectively.”

6. So far as the award of marks for Ph.D. qualification to other candidates is concerned, it remains undisputed that Ph.D. was not an essential qualification and that all the respondents possessed the requisite eligibility as on the last date for submission of applications. The learned Single Judge has also taken note of the specific achievements of private respondent Nos. 2 to 4, on the basis of which the Selection Committee found them to be more meritorious and deserving. The observations made by the learned Single Judge in paragraphs 6 to 8 of the judgment are reproduced hereinbelow:-

“6 On the other hand, counsel for respondent No.1- University and private respondents point out that at the time of preliminary hearing, petitioner submitted that father of respondent No.2 was Professor in the same Department and he has been granted 17 marks out of 20 marks in the interview. Oua respondent No.3. allegation was levelled that he is undergoing his Ph.D. under the Professor S.S. Sambhi, who was a member of the Selection Committee.

For reference, order dated 01.08.2014 is reproduced here under.-

"Present: Mr. Bharpur Singh Thind, Advocate for the petitioner.

Submits that respondent no.2's father was Professor in the same department and he has been granted 17 marks out of 20 marks in interview and 7 marks out of 10 for teaching skills. Similar allegations are made with regard to respondent no.3 that he is undergoing his Ph.D. under the Professor S.S.Sambhi, who was a member of the Selection Committee and he had also been granted 16 marks out of 20 marks in the interview and 8 marks out of 10 marks for teaching skills.

Notice of motion for 13.11.2014.

01.08.2014

*(G.S.Sandhawalia)
Judge"*

7. Court is informed by counsel for the respondents that respondent No.2, in fact, is a Gold Medalist in Chemical Engineering and was found more suitable during the selection process. Qua respondent No.3, it is pointed out by counsel for the respondents that factually, the allegation levelled by the petitioner is incorrect because Professor S.S. Sambhi, was not the guide of respondent No.3 and actual name of the guide of respondent No.3 is Dr. S.K. Sharma.

8. Thus, counsel submits that by addressing the incorrect submissions, petitioner has challenged the selection of the private respondents, whereas one of the selected candidate i.e. Baljinder Kaur Gill, who secured total marks as 71.44, has not even been impleaded as party in the present writ petition."

7. The factual findings recorded by the learned Single Judge are not in dispute. Private respondent Nos. 2 to 4 were appointed in the year 2012 and have been working for the last 13 years. None of the them lacked eligibility for appointment on the last date, fixed for submission of applications.

8. In these circumstances, in the absence of any specific allegation of *mala fides* against the members of the Selection Committee, who otherwise have not been impleaded as parties, we are not inclined to interfere with the judgment of the learned Single Judge, whereby the Court declined to interfere with the appointments of private respondent Nos. 2 to 4, who have been working on the post for the last 13 years.

9. In that view of the matter, the present appeal fails and is accordingly dismissed.

10. All pending miscellaneous application(s), if any, also stand disposed of.

**[ASHWANI KUMAR MISHRA]
JUDGE**

**[ROHIT KAPOOR]
JUDGE**

JANUARY 27, 2026
Rahul Joshi

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|------------------------------|--------|
| 1. Whether Speaking/reasoned | Yes/No |
| 2. Whether Reportable | Yes/No |