



CWP-18058-2022 (O&M)

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

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CWP-18058-2022 (O&M)

Date of Decision: 27.04.2026

Dr. Sunil Jadav and another**...Petitioner(s)****Versus****J.C. Bose University of Science and Technology, YMCA, Faridabad and
another****...Respondent(s)****CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA**

Present:- Mr. Varun Veer Chauhan, Advocate for the petitioners

Mr. Amit Rao, Advocate for the respondents

TRIBHUVAN DAHIYA, J. (Oral)

The petition has been filed *inter alia* seeking a writ of *mandamus* directing the respondent - J.C. Bose University of Science and Technology, YMCA, Faridabad, to issue appointment to the petitioners in the discipline of Electronics & Instrumentation Control in terms of advertisement dated 30.11.2020, Annexure P-1, since they originally applied for the said post and had been interviewed also for the same. A direction has also been sought to rectify the selection result dated 31.03.2021, Annexure P-6, to the extent the petitioners have been recommended to be appointed as Assistant Professor, instead of Associate Professor in the discipline.

2. Learned counsel contended that the University invited applications for two posts of Associate Professor in Electronics & Instrumentation Control, one under unreserved category and the other under Scheduled Caste (SC) category, vide the aforementioned advertisement. The petitioners applied for

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the same; petitioner no.1 for the reserved post and petitioner no.2 for the unreserved post. They were found eligible as per the requisite qualifications and were interviewed by the selection committee on 10.03.2021. The committee, however, recommended them for appointment on the post of Assistant Professor in the pay band of Rs.15600-39100+AGP 8000 (pre-revised) FPL-12 (revised as per 7th CPC) against the advertised post of Associate Professor. The recommendation was not sustainable as the petitioners never applied for the post of Assistant Professor, nor were these posts ever advertised by the University. Accordingly, there was no justification for such recommendation. He further contended that the selection committee recommended the petitioners' appointment in pay scale FPL-12. Cadre structure for technical institutions has been prescribed as per the All India Council for Technical Education (AICTE) notification dated 01.03.2019, Annexure P-9. Thereunder, Level-12 is meant for the post of Assistant Professor (Selection Grade) which is a promotional post, whereas the petitioners have been appointed in this level by way of direct recruitment, which is not permissible. Accordingly, the recommendation needs to be corrected by offering appointment to the petitioners as Associate Professor.

3. *Per contra*, learned counsel for the University contended that considering the petitioners' research performance, domain knowledge, presentation of teaching skills and personal interview, the selection committee recommended them only for the post of Assistant Professor (with AGP 8000) against the post of Associate Professor. This recommendation was duly approved by the Executive Council of the University on 31.03.2021, and thereafter they were issued the appointment letters. Pursuant whereof, both of them joined as Assistant Professor (Electronics & Instrumentation Control)

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without protest, and have been working in the Department as such. He also contends that as per structure of teaching posts in the University, the post of Assistant Professor is in pay band 15600-39100 with AGP of Rs.8000 in the revised Pay Level is 12. These facts have been detailed in the written statement filed on behalf of the University, and have not been disputed by the petitioners.

4. Submissions made by learned counsel for the parties have been considered.

5. Although the petitioners applied for the post of Associate Professor in the discipline of Electronics & Instrumentation Control pursuant to the advertisement aforementioned, and their candidature was so considered by the selection committee, they were found suitable for appointment as Assistant Professor which was one step lower than the post of Associate Professor. The recommendation dated 31.03.2021 was approved by the Executive Council, and the petitioners were issued appointments based upon the decision taken. Accepting the same, they joined the service as well. The petition has been filed after more than a year thereafter in August, 2022. Having accepted the appointment without any protest, they cannot be allowed to turn around and challenge the same. Nor did they challenge the decision of the Executive Council to accept the recommendations of their appointment as Assistant Professor against the advertised post of Associate Professor. Besides, the selection committee did not find them suitable for appointment as Associate Professor in the discipline, and in the absence of recommendation they could not be offered the appointment merely because they had applied for the post. It has also not been disputed that the post of Assistant Professor in the Department is in revised Pay Level 12, and the petitioners' appointment is also at the same



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6. In view thereof, there is no merit in the petition, and it stands dismissed.

7. Pending miscellaneous application(s), if any, also stand(s) disposed of.

(TRIBHUVAN DAHIYA)
JUDGE

27.04.2026
Payal

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