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

CWP-20458-2017**Date of Decision: 12.01.2026**

Ruby Joshi

...Petitioner

Versus

Chandigarh Administration and Others

...Respondents

CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSALPresent:- Ms. Jasmine Garg, Advocate
for the petitioner.Ms. Madhu Dayal, Additional Standing Counsel and
Ms. Arushi Dubey, Junior Panel Counsel, Advocate
for respondents No.1 and 2.Mr. R.S. Cheema, Advocate
for respondents No.3 and 4.

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Article 226/227 of the Constitution of India is seeking direction to respondents to redesignate her post of Assistant Librarian as Librarian. She is further seeking quashing of circular dated 07.10.2004 restricting grant of redesignation.

2. In the instant petition, limited prayer of petitioner is redesignation of her post.

3. Learned counsel for the respondents No.1 and 2 submit that the petitioner was appointed on 02.08.1994 in the non-UGC scale as she was not having requisite qualification as prescribed by the UGC on the date of appointment. She applied for the post of Assistant Librarian in the

scale of 1640-2925 and was selected for that post only. Moreover, the post of Librarian is in the scale higher than the scale of Assistant Librarian with the higher responsibilities and duties and is on UGC pay scale. The petitioner retired in 2018. Redesignation of the post in question would not entail additional benefit of more than Rs.50,000/- to the petitioner.

4. A Constitution Bench in '*Syed Yakoob v. K.S. Radhakrishnan*', AIR 1964 SC 477 and a two judge bench of the Hon'ble Supreme Court recently in '*Central Council for Research in Ayurvedic Sciences and another v. Bikartan Das and others*', 2023 SCC Online SC 996 have reminded us that there are two cardinal principles of law governing issuance of writ of certiorari under Article 226 of the Constitution of India i.e. (i) High Court does not exercise the powers of Appellate Tribunal. It does not review or reweigh the evidence upon which the determination of the inferior tribunal purports to be based. It demolishes the order which it considers to be without jurisdiction or palpably erroneous but does not substitute its own views for those of the inferior tribunal. The writ of certiorari can be issued if an error of law is apparent on the face of the record; (ii) in a given case, even if some action or order challenged in the writ petition is found to be illegal and invalid, the High Court while exercising its extraordinary jurisdiction thereunder can refuse to upset it with a view to doing substantial justice between the parties. It is perfectly open for the writ court, exercising this flexible power to pass such orders as public interest dictates & equity projects. The High Court would be failing in its duty if it does not notice equitable consideration and mould the final order in exercise of its

extraordinary jurisdiction. Any other approach would render the High Court a normal court of appeal which it is not.

5. Considering the fact that petitioner has already retired, total financial benefit to her, and keeping in mind judgment of Supreme Court in *Central Council for Research in Ayurvedic Sciences (supra)*, this Court does not find it appropriate to invoke its writ jurisdiction.

6. ***Disposed of.***

7. Pending application(s), if any, stands disposed of.

(JAGMOHAN BANSAL)
JUDGE

12.01.2026
Prince Chawla

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No