

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-30926-2025 (O&M)

Balwinder Pal Garg

... Petitioner

VS.

Union of India & Ors.

... Respondents

1.	Judgment reserved on	06.02.2026
2.	Judgment pronounced on	05.05.2026
3.	Judgment uploaded on	08.05.2026
4.	Whether operative or full judgment	Full
5.	Delay in pronouncement of full judgment and reasons, if any	NA

CORAM: HON’BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Mr. Puneet Sharma, Advocate for the petitioner

Mr. Satya Pal Jain, Addl. Solicitor General of India with
Mr. Ashish Chaudhary, Advocate for respondents No.1 to 4

Mr. Alok Mittal, Advocate for respondent No.5

Sandeep Moudgil, J.

Prayer

(1). The jurisdiction of this Court has been invoked under Article 226 of the Constitution of India, inter alia, for issuing a writ of certiorari quashing the resolution dated 19.01.2024 (Annexure P2) to the extent of appointment of respondent No.5 as Registrar, Central University, Bathinda and the order dated 17.09.2025 (Annexure P7) passed by respondent No.1/University in wrongly upholding the appointment of respondent No.5 who is otherwise alleged to be ineligible for the post of Registrar. He seeks a writ of quo warranto for ineligibility/illegal appointment of respondent No.5 to the post of Registrar and seeks a direction for his appointment as Registrar being at Sr.No.1 in the waiting list as per the result dated 19.01.2024 (Annexure P2) declared by respondent No.1.

Facts

(2). On September 8, 2023, Central University of Punjab, Bathinda advertised the post of Registrar, prescribing a Master's degree with at least 55% marks or equivalent grade as the essential qualifications along with requisite experience at least 15 years' experience as Assistant Professor in Academic Level II or above, or 8 years in Academic Level 12 or above (including as Associate Professor) with experience in educational administration or comparable experience in research establishments and other institutes of higher education or 15 years' administrative experience, of which 8 years shall be as Deputy Registrar or equivalent post. The interview of eligible candidates for the post of Registrar was held and on 19.01.2024, the impugned selection result was declared, wherein respondent No. 5 - Vijay Sharma was recommended by the Selection Committee and appointed as such on 25.01.2024, while the petitioner was placed at Waiting List No. 1, followed by Virinder Singh Jeji (Annexure P-2).

(3). On 15.03.2024, the respondent-University advertised the post of Professor (Education) by direct recruitment, for which the Petitioner applied and was interviewed on 02.09.2024 and was again placed at Waiting List Sr.No.1. Despite the petitioner's prior complaints/requests highlighting the ineligibility of respondent No. 5 as Registrar, he submitted a representation on 20.01.2025 (Annexure P-3) seeking cancellation of his appointment as Registrar. In response, the office of the Vice Chancellor/Respondent No. 2 sought clarifications vide letter No. 592 dated 21.01.2025 to which he replied on 24.01.2025, furnishing all required clarifications. The petitioner even filed CWP No. 16695 of 2025 seeking quashing of appointment of respondent No.5

and this Court disposed of the said writ petition vide order dated 29.05.2025 with a direction to the Respondent University to pass a speaking order on the legal notice. The respondents did pass an order dated 17.09.2025 justifying respondent No.5's appointment as Registrar.

(4). On 22.08.2024, the petitioner's application for Professor (Education) was shortlisted as eligible, including "any other qualifications prescribed by UGC like NET or teaching experience as per UGC/state norms". He was interviewed on 02.09.2024 (Annexure P-5) and pursuant thereto, one Dr. Avtar Singh was recommended by the Selection Committee for appointment whereas the petitioner was kept at Sr.No.1 of the Waiting List. Since the recommendee was not willing to join as such, the petitioner requested the respondents to abide by the waiting list and issue him appointment. However, on 22.04.2025, respondent No.2 informed the petitioner of the pending complaint on his eligibility which led to constitution of a Committee by respondent No.2 and thereafter, comments were sought from the petitioner. Thereafter, vide order dated 15.12.2025, the respondent-University suspended the petitioner from the post of Controller of Examinations, alleging ineligibility and discrepancies in documents and was directed to hand over charge, including laptop, passwords and other official articles (Annexure P-19).

Petitioner's submission

(5). Learned counsel for the petitioner contends that as per the last pay certificate dated 21.11.2023 and experience certificate submitted by respondent No.5, it can be seen that he had been working as Principle of Mehar Chand Technical Institute and Dayanand Junior Technical Institute from 27.04.2002 till the date of issuance of the said experience certificate as against the fact as

emerging out from the information sought from Dayanand Junior Technical School, Jalandhar dated 09.01.2025 (Annexure P15) that respondent No.5 while being the Principal of Mehar Chand Technical Institute is also having the additional charge of Dayanand Junior Technical School, Jalandhar since the year 2020 to February, 2024 whereas respondent No.5 had already joined as Registrar of respondent No.1 on 24.01.2024 and as such, he was employed in a private institute which does not have any significance and thus he did not have requisite qualification i.e. 8 years' experience as Deputy Registrar in comparison of the petitioner who was having experience as Principal of Govt. ITI.

(6). It is argued that no concern was ever raised regarding the eligibility of the petitioner for the post of Professor in Education at any level of selection process, however, it was only when he petitioner had questioned and subsequently challenged the appointment of respondent no.5 as Registrar, that he has been suspended from the Controller of Examination to pressurize him, for settlement, by way of anonymous complaints whereas respondent No.4 had not been party to the illegal appointment of respondent no.5 and had been shielding him.

(7). Learned counsel then pleaded that the petitioner had also been officiating as Registrar from 12.04.2022 to 25.01.2024 and when the petitioner was not suited for in the scheme of operations/administration of respondent No.4&5 which is laced with malice and deceit, as such, the said respondents in collusion with each other have been devising ways and means to victimize and to harass the petitioner with the object to not only demoralize the petitioner but

also to bargain with the petitioner for withdrawal of challenge to the appointment of Respondent no.5 as Registrar.

(8). It is vehemently contended that while evaluating the necessity to place an employee under suspension, the disciplinary authority is required to consider the gravity of the misconduct sought to be enquired and the nature of evidence placed before it. He submits that the petitioner had been working as Controller of Examination for about 4 years and only on the basis of anonymous and undated complaint alleging the lack of requisite qualification and Ph.D. not in education pertaining to the eligibility of the petitioner for appointment as Professor in Education and not regarding the post which he was holding i.e. of Controller of Examination which is violation of Govt. of India notification dated 28.09.2022. Moreover, the alleged discrepancies pointed out in the suspension order dated 15.12.2025 were never enumerated or put to the petitioner to explain it which is directly against the principle of natural justice.

Respondents' contention

(9). Learned counsel for respondents No.2 to 4 contends that the selection process for the post of Registrar was conducted strictly as per the Cadre Recruitment Rules and out of 40 online applications received, 26 candidates were screened/shortlisted and 20 finally appeared in the interview held on 17.01.2024 before a duly constituted Selection Committee, which assessed their suitability for the post. He submits that the Executive Council, being the appointing authority, in its 47th meeting held on 19.01.2024, unanimously approved the recommendations of the Selection Committee and prepared a panel in order of merit recommending respondent No.5 to be appointed as Registrar and the petitioner was wait-listed at Sr. No.1.

(10). It is further averred that the petitioner's first complaint to the Vice-Chancellor against the appointment of respondent No.5 was made only in January 2025, i.e. about a year after the appointment, initially through an e-mail dated 20.01.2025 without supporting documents, and then by a written complaint dated 24.01.2025 with documents and these complaints were examined by an enquiry Committee constituted on 31.03.2025 to scrutinize the records relating to the appointment of respondent No.5 Dr. Vijay Sharma and vide its report dated 05.05.2025, the Committee found that all documents pertaining to his appointment were in order and that he met the eligibility criteria for Registrar and the said report was accepted by the Executive Council on 20.06.2025. He then submitted that in order to further reinforce transparency and parity in the recruitment process, the University constituted another Committee on 30.10.2025 with an external member and a member of the Executive Council, to once again assess the eligibility of Respondent No.5 and that Committee also, after detailed verification of documents, confirmed that Dr. Vijay Sharma fulfilled the essential eligibility norms prescribed in advertisement dated 08.09.2023 for the post of Registrar.

(11). It is emphasized that respondent No.5 has served as Principal of Mehar Chand Technical Institute and Dayanand Junior Technical Institute from 27.04.2002 to 24.01.2024, in pay scales higher than that required for the feeder post of Deputy Registrar, as evidenced by the Salary-cum-Experience Certificate No.74862 dated 03.02.2023 issued by DAV College Managing Committee, his Last Pay Certificate, relieving letter, and corroborating Form 26-AS records from the Income Tax Department, which together establish more than eight years' experience in the requisite or higher pay scale.

(12). Heard learned counsel for the parties and the judgment was kept reserved on 06.02.2026.

Analysis

(13). In the considered opinion of this Court, the challenge laid by the petitioner to the appointment of respondent No.5 as Registrar does not merit acceptance within the narrow contours of judicial review in matters of selection and appointment and the limited jurisdiction while examining a writ of quo warranto. The post was duly advertised; pursuant thereto, a duly constituted Selection Committee interviewed the eligible candidates and prepared a panel in order of merit, which was thereafter unanimously approved by the Executive Council, the competent appointing authority, in favour of respondent No.5. In the absence of any demonstrable violation of the statutory recruitment rules or the essential eligibility criteria prescribed in the advertisement, the Court cannot, under the guise of a writ of certiorari or quo warranto, re-appraise the relative merits of candidates or sit in appeal over the subjective assessment made by the expert bodies.

(14). The material placed on record shows that when objections were raised by the petitioner, the respondent-University constituted two separate Committees to scrutinize the original records, including the salary-cum-experience certificates, pay-scale and income-tax documents of respondent No.5, and both the Committees consistently opined that respondent No.5 fulfilled the prescribed essential eligibility norms for the post of Registrar. In proceedings of the present nature, this Court would be slow to displace such expert determination on equivalence and experience, unless there is clear material to indicate that the appointment is contrary to the governing statutory

provisions, or that the eligibility criteria have been diluted or dispensed with in favour of the incumbent, which has not been shown in the present case. The petitioner's reliance on partial information obtained under the RTI Act and on the aspect of holding "additional charge" at a private institution, by itself, does not establish that respondent No.5 lacked the requisite experience in the stipulated or higher pay-scale or that his appointment is vitiated by any illegality going to the root of the matter.

(15). The issue raised by the petitioner has to be examined in the light of the settled parameters governing the exercise of jurisdiction in a petition seeking a writ of quo warranto. The role of the Court in such proceedings is confined to seeing whether the appointment in question is contrary to the statutory provisions or whether the incumbent lacks the qualifications and eligibility prescribed for the post, and that the Court cannot use a writ of quo warranto to sit in appeal over the subjective satisfaction of the appointing authority or to re-assess the comparative merit or suitability of candidates.

(16). In **Gambhirdan K. Gadhvi v. State of Gujarat & Ors., (2022) 5 SCC 179**, the Supreme Court was dealing with a challenge in the nature of *quo warranto* to the appointment of a Vice-Chancellor of a State University, where the appointment was assailed on the ground that it was inconsistent with the eligibility conditions and procedure mandated by the UGC Regulations and the governing statute. The Supreme Court referred to its earlier decision in **Retd. Armed Forces Medical Association and Ors. Vs. Union of India & Ors., (2006) 11 SCC 731** and examined whether the appointee fulfilled the prescribed qualifications and whether the process adopted by the State and the University was in conformity with the applicable statutory provisions and while reiterating

the limited scope of a writ of quo warranto, held that judicial interference is warranted only when the appointment is demonstrably contrary to the governing law, for, the jurisdiction to issue a writ of quo warranto is a limited one, which can only be issued when a person holding the public office does not fulfill the eligibility criteria prescribed to be appointed to such an office or when the appointment is contrary to the statutory rules.

(17). Applying these principles, once it is found that the post of Registrar was filled pursuant to a duly notified advertisement, in accordance with the applicable recruitment rules, and the petitioner has failed to establish that respondent No.5 did not satisfy the essential eligibility criteria prescribed therein, no case is made out for issuance of a writ of quo warranto to unseat him from the office of Registrar. Consequently, the challenge to the appointment of respondent No.5, as well as the consequential prayer of the petitioner for his own appointment as Registrar, cannot be accepted and stands rejected.

(18). Dismissed.

05.05.2026
V.Vishal

(Sandeep Moudgil)
Judge

1. Whether speaking/reasoned?	:	Yes/No
2. Whether reportable?	:	Yes/No