

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-39014-2025 (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
CWP-30926-2025

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 letter dated 22.10.2025 wherein the eligibility of the petitioner has been deliberately referred to UGC/NCTE for unknown clarifications and is aggrieved by the action of the respondents in re-evaluating the eligibility of the petitioner for the post of Professor in Education. He seeks a direction to the respondents to fill the post of Professor in Education in furtherance of the advertisement dated 15.03.2024 (Annexure P1) whereby the petitioner has been declared as selected as per 53rd meeting resolution of the Executive Council dated 08.09.2024 (Annexure P6).

Petitioner's submission

(2). Learned counsel for the petitioner contends that the petitioner duly applied pursuant to the advertisement dated 15.03.2024 for the post of Professor (Education), was found eligible, interviewed, and was duly recommended/declared selected as per the 53rd meeting resolution of the Executive Council dated 08.09.2024 (Annexure P-6) and the action of the respondents in subsequently “re-evaluating” his eligibility by referring the matter to UGC/NCTE, after the selection process had concluded in his favour, amounts to an impermissible review of a concluded selection and has the effect of keeping his appointment in abeyance on vague and undisclosed doubts.

(3). It is urged that the letter dated 22.10.2025, whereby the University has referred the petitioner's eligibility to UGC/NCTE “for clarification”, contains no specific query or concrete doubt and does not disclose any statutory basis for reopening his eligibility after he has already been recommended by the Executive Council. He submits that such a reference, bereft of particulars and unaccompanied by any time-frame, is arbitrary and has been resorted to only after he questioned the appointment of respondent No.5 as Registrar, thereby virtually stalling his appointment from the waiting list while the post of Professor in Education remains unfilled.

(4). Learned counsel submits that while the University is entitled to seek clarifications from regulatory bodies like UGC/NCTE in case of genuine doubt, such power cannot be exercised so as to indefinitely delay the filling up of a sanctioned post or to subject a declared selectee/wait-listed candidate to an open-ended process and as such, the respondents cannot, under the guise of an unspecified “clarification”, keep his appointment in limbo.

Respondent's contention

(5). Learned counsel for the respondents would submit that the letter dated 22.10.2025, whereby the University has referred the issue of the petitioner's eligibility to the UGC/NCTE, is a *bona fide* administrative step taken in discharge of the University's statutory obligation to ensure that appointments to the post of Professor in Education strictly conform to the minimum qualifications and norms prescribed by the UGC Regulations, 2018 and the NCTE framework for teacher-education programmes and since certain doubts arose regarding the precise equivalence and recognition of the petitioner's academic qualifications vis-à-vis the applicable UGC/NCTE norms, and it was, therefore, considered appropriate to seek clarification from the regulatory bodies themselves before issuing any appointment order.

(6). It is further the stand of the respondents that the petitioner, being placed in the waiting list and not in the main select list, has no indefeasible or vested right to appointment, and that his claim can materialise only if the recruitment rules permit and the waiting list is still valid subject to availability of and if the competent authority decides to operate the list. He submits that a wait-listed candidate has no legal right to appointment, much less an indefeasible right, except to the limited extent allowed by the governing rules.

Analysis and directions

(7). The primary grievance in the present writ petition is not that this Court should straight-away direct appointment of the petitioner as Professor in Education, but that the respondents have, by issuing letter dated 22.10.2025 and by initiating an open-ended reference to UGC/NCTE, effectively stalled a

decision on his claim from the waiting list without disclosing any concrete reason or affording him a definitive time-frame. While it is true that a candidate in a waiting or reserve list does not have an infeasible or absolute right to appointment and that appointment from a waiting list is permissible only in terms of the governing recruitment rules and within the validity period of the list, it is equally well-settled that the authority must take a fair and reasoned decision within a reasonable time, and cannot keep the process in suspended animation indefinitely.

(8). In the facts of the present case, the petitioner's eligibility was scrutinised at the stage of application he was short-listed, interviewed, and the Executive Council, in its 53rd meeting held on 08.09.2024, recorded his selection/placement in the waiting list pursuant to the advertisement dated 15.03.2024 (Annexure P-6). If any genuine ambiguity exists regarding the precise interpretation of UGC/NCTE norms for the post of Professor in Education, it is open to the respondents to seek clarification from those regulatory bodies. However, such a reference must be specific, time-bound and followed by a prompt, speaking decision; it cannot be an indefinite device to postpone consideration of the petitioner's claim or to leave the sanctioned post unfilled without justification.

(9). Accordingly, this writ petition is disposed of with a direction to the respondents-University, UGC and NCTE shall conclude the process of clarification regarding the petitioner's eligibility for the post of Professor (Education) within a period of one month from the date of receipt of a certified copy of this order, and, the University shall pass a speaking order, within one week thereafter either offering appointment to the petitioner in terms of the

waiting list and vacancy position, or declining the same with reasons recorded and duly communicated to the petitioner.

(10). It is clarified that this Court has not adjudicated upon, nor should it be taken to have pronounced on, the question whether the petitioner is in fact eligible under the UGC/NCTE Regulations or whether he has any vested right to appointment from the waiting list and all such issues are left open to be decided by the competent authority in the first instance, in accordance with law, and it will be open to the petitioner to take recourse to appropriate remedies if he remains aggrieved by the decision so taken.

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

05.05.2026

V.Vishal

(Sandeep Moudgil)
Judge

1. Whether speaking/reasoned? :
2. Whether reportable? :

Yes/No
Yes/No