
(2008) 02 P&H CK 0156
In the Punjab And Haryana At Chandigarh

Dilbag Singh

APPELLANT

Vs

The Chaudhary Devi Lal University and Others

RESPONDENT

Date of Decision : 22-02-2008

Acts Referred:

Citation : (2008) 02 P&H CK 0156

Hon'ble Judges : Mohinder Pal, J; Hemant Gupta, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

Hemant Gupta, J.—The challenge in the present writ petition is to the appointment of Raj Kumar Siwach, respondent No. 4 on the post of Lecturer in the Department of Public Administration of the respondent-University, on the ground that he has not applied for the said post.

2. In pursuance of the advertisement No.E-1/1/2004 dated 19.5.2004, Annexure P-1, the applications were invited for direct recruitment to the posts of Professors/Readers/Lecturers in different departments of the University, including one post of Lecturer in Public Administration. The petitioner was the applicant for the post of Lecturer in the department of Public Administration, whereas respondent No. 4 was the candidate for the post of Reader in the aforesaid Department. The respondent-University considered the candidature of respondent No. 4 and 35 other candidates, in the meeting of the Selection Committee held on 18.7.2004. The Selection Committee recommended the name of respondent No. 4 for appointment to the post of Lecturer. The name of respondent No. 4 was at No. 1. in the merit of seniority list, whereas name of Satyawar was at No. 2 and name of Sultan Singh was at No. 3.

3. The sole ground to challenge the appointment of respondent No. 4 is that respondent No. 4 has not applied for the post of Lecturer, but still he has been appointed on the post of Lecturer and, therefore, his appointment, without any application for the said post, is illegal. In reply, it has been pointed out that the

candidatures of the candidates for the posts of Professors, Readers and Lecturers were considered by the same Selection Committee. Such Selection Committee while considering the candidature of respondent No. 4 against the post of Reader, found him suitable for the post of Lecturer during the course of proceedings and sought his consent for the post of Lecturer. On the basis of the consent being sent by respondent No. 4, he was appointed on the post of Lecturer. Respondent No. 4 was earlier working as Lecturer in a College for the last about 10 years and, therefore, he has sought appointment as Reader. But since he was found suitable for the post of Lecturer by the respondent- University, he opted for such post as it was decided to grant him all the benefits of his previous service.

4. During the course of arguments, learned Counsel for respondent No. 4 has pointed out that after one year, the lien of respondent No. 4 on the post of Lecturer in the College, where he was working, stands terminated. The present writ petition has been filed on 26.5.2006, i.e., after more than 1- 1/2 years of joining of the respondent No. 4 on the post of Lecturer. Therefore, the writ petition suffers from delay and laches as well. Learned Counsel for respondent No. 4 has also argued that the petitioner was considered for the post of Lecturer by the Selection Committee and his name was not amongst the candidates who were recommended for appointment, therefore, the petitioner has no locus standi to challenge the appointment of respondent No. 4 at this stage.

5. In pursuance of the recommendation of the Selection Committee, the respondent No. 4 joined on 17.9.2004. In fact, communications dated 30.6.2005 and 8.9.2005, Annexures P-3 & P-4 respectively, attached with the present writ petition, show that the petitioner made representations to the Vice Chancellor of the University on 30.6.2005 and 8.9.2005 in respect of appointment of respondent No. 4 on the post of Lecturer. It is, thus, evident that the petitioner was aware of the selection of respondent No. 4 on the post of Lecturer, but still he invoked the writ jurisdiction of this Court on 26.5.2006. Thus, we are of the opinion that the writ petition suffers from delay and laches, morso, when the lien of respondent No. 4 on his previous post stands terminated.

6. There is another reason not to interfere in the writ jurisdiction of this Court at the instance of the petitioner. The Selection Committee selected three candidates for the post of Lecturer in Public Administration Department of the University. Petitioner was not one of the recommendees. Even if the appointment of respondent No. 4 is set-aside, the petitioner cannot be granted any substantive relief.

7. In view thereof, we do not any ground to interfere in the selection of respondent No. 4 for the post of Lecturer, at this stage, in exercise of writ jurisdiction of this Court.

8. The writ petition stands dismissed.