
(2008) 02 DEL CK 0276

In the Delhi High Court

Case No : LPA 2044 of 2006 and CM No. 14503 of 2006

Jawahar Lal Nehru University

APPELLANT

Vs

Prakash Chand and Others

RESPONDENT

Date of Decision : 18-02-2008

Acts Referred:

Citation : (2008) 02 DEL CK 0276

Hon'ble Judges : Dr. M.K. Sharma, C.J.;Reva Khetrapal, J

Bench : Division Bench

Advocate : S.C. Dhanda, for the Appellant; Sarbjit Sharma and R. Veena for R-2 and A.K. De, for R-3, for the Respondent

Judgement

Mukundakam Sharma, C.J.—By the impugned judgment and order, the learned Single Judge quashed the selection list prepared by the Selection Committee incorporating in the said list the names of Dr. Muttayya Koganuramath and Mr. D.R. Jotwani for the post of librarian. Being aggrieved by the said order, the present appeal is filed by the University contending, inter alia, that the aforesaid selection was proper and that it is necessary for the University to obtain revalidation of the decision of the Executive Council for all future acts.

2. On going through the records, we find that the recommendation of the Selection Committee was quashed on the ground that the Selection Committee was not validly constituted. During the pendency of the present appeal, Dr. Muttayya Koganuramath has already submitted his resignation and left the University whereas Mr. D.R. Jotwani is also no longer with the University and is not interested to be appointed as a librarian and, in fact, was never appointed as such. It is, therefore, pointed out that practically nothing survives in this appeal so far the said respondents are concerned. But the larger issue as to whether or not a revalidation is necessary survives for consideration.

3. On going through the records, we also find that since the selection of the two persons has since been rendered infructuous with the passage of time and

change in the circumstances and situation, therefore, this appeal has become infructuous. We accordingly dispose of the LPA 2044/2006 and CM No. 14503/2006 as infructuous. So far the findings recorded by the learned Single Judge are concerned, the same were passed in the light of the subject matter. We do not express any opinion on the said opinion in any manner at this stage and leave the same open for consideration, as and when such issue is again raised in any other appropriate case. In any case, so far the appointment of librarian is concerned, the University has to proceed in accordance with law for appointment of a regular librarian in the University. We give liberty to the University to proceed in the matter for appointment of the librarian in accordance with law and if any party at that stage has any grievance, the remedy in accordance with law shall be available.