
(2016) 03 SHI CK 0161
In the High Court Of Himachal Pradesh
Case No : LPA No. 148 of 2015

Manoj Joshi

APPELLANT

Vs

Dr. Y.S. Parmar University

RESPONDENT

Date of Decision : 16-03-2016

Acts Referred:

Citation : (2016) ILRHP 309

Hon'ble Judges : Mansoor Ahmad Mir, CJ. and Tarlok Singh Chauhan, J.

Bench : Division Bench

Advocate : Mr. M.A. Safee, Advocate, for the Appellant; Mr. Balwant Singh Thakur, Advocate, for the Respondent

Final Decision : Disposed Off

Judgement

Mansoor Ahmad Mir, C.J.(Oral)—This Letters Patent Appeal is directed against the judgment dated 16.6.2015, made by the learned Single Judge of this Court in CWP No.3050 of 2009 titled Manoj Joshi v. Dr. Y.S. Parmar University and another, whereby the writ petition filed by the petitioner came to be disposed of, hereinafter referred to as "the impugned judgment", for short, on the grounds taken in the memo of appeal.

2. It appears that the respondent-University issued advertisement notice for the selection and appointment for the post of Assistant Professor (Silviculture). One Shalender Sood, writ petitioner/appellant herein and others had participated in the selection process and Shalender Sood came to be appointed as such.

3. Feeling aggrieved, the appellant/writ petitioner filed the writ petition and had questioned the selection and appointment of Shalender Sood, on the grounds taken in the writ petition.

4. The respondent-University and Shalender Sood contested the writ petition by filing their replies. During the pendency of the writ petition, Shalender Sood died.

5. The question to be determined by the Writ Court was whether the selection

and appointment of Shalender Sood was legally correct or otherwise and after thrashing that issue, the finding was to be returned by the Writ Court. Unfortunately, the Writ Court has not decided this issue but virtually disposed of the writ petition by a non-speaking judgment, which is impugned in this LPA.

6. The Writ Court has not determined the fate of selection and appointment of Shalender Sood, which was the main issue involved in the writ petition before the writ Court.

7. Having said so the LPA merits to be allowed and the impugned judgment merits to be set aside.

8. Accordingly, the impugned judgment is set aside and the writ petition is transferred to the HP State Administrative Tribunal. Parties are directed to cause appearance before the Tribunal on 28th March, 2016.

9. In the meantime, any follow-up action drawn by the University, qua the subject matter of the writ petition, is stayed, till disposal of the writ petition.

10. Accordingly, the LPA is disposed of along with pending applications, if any.