

(2012) 09 P&H CK 0239
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 17665 of 2012

Shailinder Hooda

APPELLANT

Vs

Guru Jambheshwar University of Science and Technology and
Others

RESPONDENT

Date of Decision : 10-09-2012

Acts Referred:

Citation : (2013) 3 SCT 650

Hon'ble Judges : Rakesh Kumar Garg, J

Bench : Single Bench

Advocate : Parmod Chauhan, for the Appellant;

Final Decision : Dismissed

Judgement

Rakesh Kumar Garg, J.—As per the averments made in this petition, the petitioner is a well qualified person. He has passed degree in Masters of Engineering in Computer Science & Engineering from Punjab Engineering College, Chandigarh and has completed his thesis work with "very good" remarks. After completion of his degree, the petitioner was appointed as a Lecturer on contract basis with respondent No. 2 in the year 2008. Thereafter, he was given appointment as a Lecturer on contract basis in the year 2009 and in the subsequent years i.e. 2010 and 2011 as well. The aforesaid appointment of the petitioner on contractual basis was on a consolidated salary. It is the case of the petitioner that for the session 2012-13, the respondent-department issued an advertisement (Annexure P-7) for filling up the posts of Teaching Associates of various subjects on contract basis. The petitioner, being fully eligible, applied for the said post. He, being the senior most candidate and also possessing a higher degree than the other candidates, was fully confident of his selection. He also performed exceptionally well in the interview. However, to his surprise, the petitioner has not been shown to be selected in the impugned selection list (Annexure P-8). Rather he has been kept at Serial No. 5 of the waiting list.

2. By filing the instant writ petition, the petitioner has challenged his non-

selection on the ground that the selection made is not bonafide and has been made in order to settle the nears and dears of the respondents. It has been further stated that the mala fide on the part of the respondents is proved from the fact that the petitioner is the only candidate who possesses the degree in Masters of Engineering in Computer Science & Engineering and is having an experience of four years in the same department but has not been selected.

3. At this stage, it may be noticed that except raising the grounds as above, the petitioner has not placed before this Court any evidence to show as to how the selection of private respondents vide the selection list (Annexure P-8) is bad in law and is liable to be quashed. The petitioner has not alleged any violation of the criteria of selection.

4. Thus, in the absence of any evidence on record to challenge the impugned selection list (Annexure P-8) and simply the fact that the petitioner was having experience on the said post, it cannot be said that the selection list is liable to be set aside on the ground of mala fide/arbitrariness.

5. Faced with this situation, learned counsel for the petitioner has submitted that the petitioner was already working on contract basis and he is being replaced by a similar arrangement by making selection of employees on contract basis and thus, the service of the petitioner was to be protected till a regular appointee is appointed.

6. Again the argument raised is liable to be rejected as the petitioner has competed with others and could not be selected in the process, having lower merit, and therefore, it cannot be said that the petitioner is being relieved for mala fide reasons and has a right to continue. Dismissed.