

(2014) 07 SHI CK 0165
High Court of Himachal Pradesh
Case No: CWP No. 9508 of 2013

In Re : CWP No. 9508
of 2013

Vs

APPELLANT

RESPONDENT

Date of Decision: July 11, 2014

Hon'ble Judges: Tarlok Singh Chauhan, J

Bench: Single Bench

Advocate: Bhuvnesh Sharma and Ramakant Sharma, Advocate for the Appellant; Rajesh Kumar vice Sanjeev Bhushan, Advocate for the Respondent

Judgement

Tarlok Singh Chauhan, J.

It is not disputed that College had advertised one post of Principal and seven posts of Lecturers in Education in newspaper "The Tribune" in its edition dated 30th December 2012. In response whereof, 17 candidates had applied for the post of lecturers and one had applied for the post of Principal. After scrutiny of academic record of the candidates, the college found that one candidate Sh. Paramjit Singh Dhaliwal was eligible while the rest of the 16 candidates were in-eligible. Even Sh. Paramjit Singh Dhaliwal did not appear in the said interview. Thus the life and purpose of the advertisement came to an end on the basis of the interviews fixed for 18.4.2013 and in such circumstances, a fresh advertisement was required to be issued calling upon all the eligible candidates to apply for the posts in question. The petitioner did not resort to said procedure, which constrained this court to pass the following order on 2.7.2014:

The perusal of document, Annexure P-13, dated 18.4.2013 at page 32 of the paper book shows that the following statement has been recorded therein:

...The college had advertised one post of Principal and seven posts of Lecturers in Education in the newspaper namely the Tribune dated 30.12.2012. In response to the advertisements Seventeen candidates have applied for the post of lecturers and none applied for the post of Principal. After scrutiny of academic record of the

candidates, it was found that only one candidate Paramjit Singh Dhaliwal was eligible, rest of the sixteen candidates were ineligible. However Shri Paramjit Singh Dhaliwal didn't appear in the interview.

2. Thereafter another document annexed with the writ petition Annexure P-13 dated 19.6.2013, contains the following statement:

....The college had advertised one post of Principal and seven posts of Lecturers in Education in the newspaper namely "The Tribune" dated 30.12.2012. In response to the advertisements Seventeen candidates have applied for the post of lecturers and none applied for the post of Principal. On the basis of academic records of the candidates and their performance following candidates were selected for appointment of Lecturers on regular basis on UGC scale:

The learned counsel for the respondents has rightly pointed out that pursuant to the advertisement dated 30.12.2012, 17 candidates appeared and none of them were found eligible save and except only one candidate Paramjit Singh Dhaliwal, who did not appear in the interview. Then how in the proceedings recorded on 19.6.2013 it has been stated that pursuant to this very advertisement dated 30.12.2012, 17 candidates applied for the post of Lecturers and none applied for the post of Principal. In this meeting it has been further recorded that on the basis of the academic records of the candidates and their performance, the following candidates out of the above 17 candidates were selected for appointment of Lecturers on regular basis on UGC scale.

Once the candidature of 17 candidates was considered earlier on 18.4.2013 as finds recorded in those proceedings and none was found so eligible, then how and in what circumstances now out of 17 candidates, 5 candidates have been selected for appointment as Lecturers, is not forthcoming. The petitioner shall file an affidavit explaining this position within one week. List on 11.7.2014. On that date, the original records of the proceedings be also made available to this Court.

3. In compliance to the aforesaid order, the petitioner has produced the original record and filed an affidavit, wherein in paragraph-8, the following averments have been made:-

8. That in the advertisement issued at annexure A-1, since there was no last date fixed for inviting applications for the posts in question, hence more candidates continued applying and when requisite Number of NET qualified candidates became available for the post of lecturers/Assistant professor, the petitioner again constituted the selection committee and invited the VC nominee and subject expert for conducting the interviews again, which were held on 18.6.2013, wherein there was no candidate for the post of principal but requisite Number of Lecturers/Assistant Professor were recommended for appointment. A copy of the proceedings held on 18.6.2013, is brought on record as Annexure A-7. The list of the candidates who were the applicants after previous interview up till 18.6.2013 is

brought on record as Annexure A-8.

4. The explanation offered by the petitioner is not at all satisfactory. There is no explanation as to whether the external examiners deputed by the University in terms of letter dated 5.1.2013 had been apprised of the aforesaid fact and if apprised whether they had applied their mind and made the subsequent recommendations.

5. A bare perusal of the proceedings of the Selection Committee, which met on 18.6.2013 as reflected in the document Annexure P-13 dated 19.6.2013 shows that out of six nominees, there were five nominees from the University, who appeared to have signed the proceedings on dotted lines.

6. Taking into consideration the seriousness of the issue, the Himachal Pradesh University through its Registrar is impleaded as party and arrayed as respondent No. 3 to this petition, as admittedly it is on the basis of the recommendations made by the representatives of the University that appointments have been made. Mr. J.L. Bhardwaj, Advocate waives service of notice on behalf of respondent No. 3. The respondent No. 3 to file a detail affidavit explaining its position before the next date of hearing. The desirability of issuing notice to the members of the Selection Committee would be considered after the aforesaid affidavit is filed by the Registrar of the University.

List on 25.7.2014.

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