



MINUTES

51st Meeting (Emergent) of the Executive Council

Date: 16-11-2022 at 05:00 PM (Online mode)

The 51st (Emergent) meeting of the Executive Council of Central University of Haryana was held on Wednesday, November 16, 2022 at 05:00 PM through online mode.

The following members attended the meeting through Video Conferencing:

1	Prof. (Dr.) Tankeshwar Kumar	-	Chairman
2	Prof. Sushma Yadav, Pro-Vice-Chancellor	-	Member
3	Prof. D. Jamuna Duvvuru	-	Member
4	Prof. Sat Prakash Bansal	-	Member
5	Prof. B. B. Goel	-	Member
6	Prof. Pawan K. Sharma	-	Member
7	Prof. Pardeep Kumar	-	Member
8	Prof. Mukhtiar Singh	-	Member
9	Prof. Tahir Hussain	-	Member
10	Dr. Manoj Awasthi	-	Member
11	Prof. Sarika Sharma	-	Member
12	Prof. Chanchal Kumar Sharma	-	Member
13	Prof. Neelam Sangwan	-	Member
14	Prof. Pawan Kumar Maurya	-	Member
15	Prof. Vinod Kumar	-	Member
16	Prof. Parmod Kumar	-	Member
17	Prof. (Dr.) Sunil Kumar, Registrar	-	Secretary

The following members could not attend the meeting due to preoccupations:

- 1 Prof. Anju Srivastava

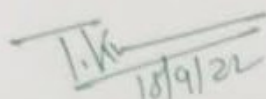
At the outset, the Vice-Chancellor extended a warm welcome to all the esteemed members of the Executive Council. Thereafter, the Agenda was taken up for consideration:

Item No.	DESCRIPTION
1.	<p>To consider the amendments in the “Rules for allotment of residences in the Central University of Haryana-2022”. (Annexure-I, Page-04 to 11)</p> <p>Note: The Executive Council vide resolution No-19 of its 50th meeting held on 15-10-2022, approved the revised “Rules for allotment of Residences in the Central University of Haryana-2022”.</p> <p>Resolution Passed:</p> <p>The Executive Council unanimously resolved that 15% reservation for Scheduled Caste category and 7.5 % for Scheduled Tribes shall be implemented in Type-I to Type-V.</p> <p>The above reservation will be levied on the all the Type-I to Type-V House categories left after the Houses Earmarked and the Houses under Vice-Chancellor discretionary quota.</p>
Any other Item with the permission of the Chair	
2.	<p>To consider the opening of the Envelopes containing the recommendations of the Selection Committee(s) on a particular date.</p> <p>Resolution Passed:</p> <p>The Vice-Chancellor is to open the Envelopes of Selection Committee(s) of different subjects on particular date decided (or to be decided) by the Central Government under Mission mode appointments. Since one of the relatives of the Vice-Chancellor has appeared in interview for one of the subject, so the Executive Council authorised either of the following persons to open the Envelope containing the recommendation of the Selection Committee(s) of that particular subject i.e. Physics on the particular date:</p> <ol style="list-style-type: none"> 1. Prof. Sushma Yadav, Pro-Vice-Chancellor, CUH 2. Prof. Sarika Sharma, Dean, School of Education & Member, Executive Council 3. Prof. Neelam Sangwan, Dean (Research) & Member, Executive Council
3.	<p>To consider the appointment of Sh. Gaurav Kumar for the post of Driver in the University in compliance of the orders passed by the Hon’ble High Court of Punjab and Haryana.</p> <p>Resolution Passed:</p> <p>The Vice-Chancellor apprised the Council members that a Notice (Annexure-II, Page-12 to 14) has been received in the University through the Counsel of a petitioner named Gaurav Kumar, in CWP-25920 of 2017 titled Gaurav Kumar versus Central University of Haryana and Others, that “if he will not be appointed on regular basis on the post of driver as directed by the Hon’ble Court of Punjab and Haryana vide order dated 07-09-2022 (Annexure-III, Page-15 to 18), then he will proceed for contempt of Court through his Counsel.”</p>

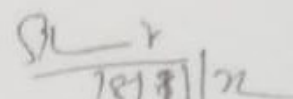
The Vice-Chancellor apprised the members that a Letter Patent Appeal (LPA) has already been filed by the University against the decision dated 07-09-2022 in above said CWP. The hearing of the LPA filed by the University is fixed on 19-01-2023 (Annexure-IV, Page-19).

The Council members suggested that the petitioner be appointed on the post of Driver against any equivalent vacant post in the University, to meet the Court orders after taking legal opinion. The appointment of the petitioner shall be subject to the final outcome of the LPA-957-2022 (O&M). The appointment shall be duly vetted by the Legal Expert before issuance.

Meanwhile, the matter should also be informed to the University Grants Commission for directions.



VICE-CHANCELLOR
(Chairperson)



REGISTRAR
(Secretary)

CENTRAL UNIVERSITY OF HARYANA

(Established vide Act No. 25 (2009) of Parliament)
Village : Jant-Pali, Distt : Mahendergarh (Haryana)-123029

Minutes of the Meeting

The Meeting of the Committee constituted to decide the representations dated 12.10.2022 and 27.10.2022 of SC/ST Cell members regarding implementation of reservations rules in the house allotment from Type I to Type V, was held at 3.00 p.m. on 09.11.2022 at Administrative Block of the University.

The following members were present :


1. Prof. (Dr.) Dinesh Kumar, Dean Academics (Online Mode)
2. Prof. (Dr.) Sunil Kumar, Registrar (Online Mode)
3. Dr. Rajinder Meena, Department of Commerce
4. Dr. Jaipal, AR (Establishment Teaching) (Online Mode)

The Committee went through the following documents :-

1. The representation of SC/ST Cell members regarding implementation of reservations rules in the house allotment from Type I to Type V.
2. Rules for Allotment of Residences in CUH 2017.
3. UGC Circulars
4. Other Central Universities like BHU's Reservation rules on Allotment of Houses.


The Committee members unanimously recommend to continue with reservation of 15% for SC and 7.5% for ST employees in Type I to Type V Houses as approved in 33rd Executive Council Meeting Resolution No. 20 dated 30.11.2017.

The meeting of the Committee ended with thanks to the Chair.


(Prof. Dinesh Kumar)
09/11/2022


(Prof. Sunil Kumar)


(Dr. Rajinder Meena)
09/11/2022


(Dr. Jaipal)



Estate and General Administration <estateandgeneral@cuh.ac.in>

Minutes of the Meeting of the Committee to decide the representations dated 12.10.2022 and 27.10.2022 of SC/ST Cell Members

4 messages

Estate and General Administration <estateandgeneral@cuh.ac.in>

Wed, Nov 9, 2022 at 2:45 AM

To: "Prof. Dinesh Kumar" <dinesh.kumar@cuh.ac.in>, Registrar <registrar@cuh.ac.in>, "Dr. Rajendra Prasad Meena" <drrajendra@cuh.ac.in>, jaipal@cuh.ac.in

Sir,

Please find attached herewith the Minutes of the Meeting of the Committee to decide the representations dated 12.10.2022 and 27.10.2022 of SC/ST Cell members regarding implementation of reservations rules in the house allotment from Type I to Type V.

The members of the Committee not present on physical mode are requested to send their consent or suggestions if any through e-mail, so that the minutes can be put up to Competent authority for approval please.

**With Regards,**

संपदा एवं सामान्य प्रशासन अनुभाग / Estate & General Administration Branch,
हरियाणा केंद्रीय विश्वविद्यालय / Central University of Haryana,
महेंद्रगढ़ -123031 (हरियाणा) / Mahendergarh-123031 (Haryana).

वेबसाइट / Website: www.cuh.ac.in

+91-1285-260133

Before printing, think about the Environment. Every 3000 A4 size paper costs 1 tree. Please Do Not print unless you really need it.

Minutes of the Meeting to decide the SCST representations.docx
19K

Dr. Rajendra Prasad Meena <drrajendra@cuh.ac.in>

Wed, Nov 9, 2022 at 3:15 AM

To: Estate and General Administration <estateandgeneral@cuh.ac.in>

Cc: "Prof. Dinesh Kumar" <dinesh.kumar@cuh.ac.in>, Registrar <registrar@cuh.ac.in>, jaipal@cuh.ac.in

Approved from my side and Agreed.

[Quoted text hidden]

Dr Jaipal Mehra <jaipal@cuh.ac.in>

Wed, Nov 9, 2022 at 3:37 AM

<https://mail.google.com/mail/u/1/?ik=f94e19f3a3&view=pt&search=all&permthid=thread-a%3Ar-3413873978875412297&siml=msg-a%3Ar-34188314...> 1/2

11/9/22, 7:50 PM

Central University of Haryana Mail - Minutes of the Meeting of the Committee to decide the representations dated 12.10.2022 and ...

To: Estate and General Administration <estateandgeneral@cuh.ac.in>
Cc: "Dr. Dinesh Kumar" <dinesh.kumar@cuh.ac.in>, Registrar <registrar@cuh.ac.in>, "Dr. Rajendra Prasad Meena" <drrajendra@cuh.ac.in>

Approved Sir
(Quoted text hidden)

Wed, Nov 9, 2022 at 7:00 PM

Prof. Dinesh Kumar <dinesh.kumar@cuh.ac.in>
To: Dr Jaipal Mehra <jaipal@cuh.ac.in>
Cc: Estate and General Administration <estateandgeneral@cuh.ac.in>, Registrar <registrar@cuh.ac.in>, "Dr. Rajendra Prasad Meena" <drrajendra@cuh.ac.in>

Approved from my side
(Quoted text hidden)

Dr Dinesh Kumar, ARS

Professor.(Biotechnology) & Dean Academic

M.Sc. Biotechnology (BHU) & Ph.D. Biotechnology (BHU), D.Y.Sc.(BHU), PDF (USA),

LL.B.(Professional with Spl Cyber and Patent Law), LL.M. (Spl IP:Law)

PG Diploma in IPR (IGNOU & WIPO Geneva), IPCAP(Confederation of Indian Industries)

PG Diploma Technology Management In Agri. (Gold Medalist, NAARM & University of Hyderabad-Central University),

Central University of Haryana

Mahendergarh, Haryana-123 031, India

Email: dinesh.kumar@cuh.ac.in, dineshkumarbhu@gmail.com

Phone: +91-1285260158

Cell :+91-94161-11753 (Wtsp), +91-83739-26300,

Diary No. 5174 (R)
Date 4-11-22
General Section
Despatch No.

Diary No. 5007
Dated 04/11/22
कूलमणि कार्यालय, ए.के.वि.
Vice-Chancellor's Office, C.U.H.

Registrar Officer, Central University of Haryana
VC Office <vcoffice@cuh.ac.in>
Receipt No. 3336
Date 4/11/22

Representation for implementing SC/ST reservation in House allotment rules 2022

1 message

SC ST <sc.st@cuh.ac.in> Tue, Nov 1, 2022 at 8:17 AM
To: registrar@cuh.ac.in, radheshyamsingh@cuh.ac.in, Estateandgeneral@cuh.ac.in, dineshbarbola@cuh.ac.in, vcoffice@cuh.ac.in, antreshkumar@cuh.ac.in

Dear Sir,
The SC/ST cell is submitting a representation for implementation of SC/ST reservation i.e. 15% for SC and 7.5 % for ST in all types of quarters (Type I-V).
Please find the enclosed representation along with supporting UGC letters in support of the SC/ST reservation stated above.

Thank You

Kind Regards

SC/ST Cell
CUH

6 attachments

- Representation letter.pdf 1251K
- Annex E-House allotment rules CUH.pdf 810K
- Annex D.pdf 940K
- Annex B.pdf 1021K
- Annex A- CUH House allotment rule 2022.pdf 837K
- Annex C.pdf 1587K

Request to consider it as discontinued as per UGC 2006 a previous rules

*TM
24/11/22*

*Request to
An (E & G)*

To

The Registrar,
Central University of Haryana
Jant-Pali, Mahendergarh-123031

Subject: Violation of UGC Reservation Policy in House Allotment Rules-2022 (SC 15% & ST 7.5%) by the Central University of Haryana.

Dear Sir,

Refers to the *Rules for Allotment of Residences in the Central University of Hararyana-2022 (Annexure A)* circulated via email on 28th October 2022 from the Estate and General Branch. We thoroughly went through the allotment rules and disagreed on the following points.

1. Refer 8.5 of *Rules for Allotment of Residences in the Central University of Hararyana-2022* says that:

Reservation for Staff quarters for Schedules Castes (SC)/ Scheduled Tribes (ST) Employees: 10% in Category I and II category and 5% in category III of staff quarters is reserved for SC/ST employees subject to their eligibility for allotment in the entitled types and in their turn from the separate waiting list to be maintained for the purpose. Vacancies available in the quota reserved for them would be allotted in the ratio of 2:1 to the SC and ST employees respectively. If there is no SC employee, the quota reserved for SC would be allotted to ST employees. This rule for allotment of houses to SC/ST staff in the Central University of Haryana clearly violates UGC letters rules for strict implementation of reservations to SC/ST staffs addressed to Registrars of all Central /State Universities

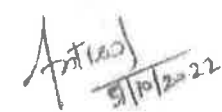
- i) Letter No.F.1-5/2006 (SCT) dated 25th Aug 2006 (Annexure B),
- ii) Letter No. F.1-5/2006(SCT) dated 5th March 2018 (Annexure C).
- iii) Letter No. F.1-8/2014(SCT) dated 01-Feb 2021 (Annexure D).

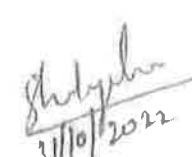
2. On page 5, point 12, and Page 2 point 7(a) of UGC letter No.F.1-5/2006 (SCT) dated 25th August 2006 clearly mentioned that the percentage of reservation for staff quarters as 15% for SC and 7.5% for ST reservation in all types of houses. Even, CUH has also adopted this reservation policy in the previous house allotment rule (8.7 point) (Annexure E), but surprisingly, CUH has sharply reduced the reservation percentage which is a clear-cut violation of the reservation policy of the Govt. in the allotment of staff houses as mentioned in Letter No.F.1-5/2006 (SCT) dated 25th Aug 2006 (Annexure B).

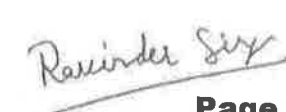
Page 1 of 2



 31/10/22

 31/10/22

 31/10/2022

 Ravinder Singh

The SC/ST cell along with SC/ST employees strongly condemn the *Rules for Allotment of Residences in the Central University of Harayana-2022* which violate the UGC guidelines circulated time to time vide Letter No. 1-5/2006(SCT) dated 25 August 2006, UGC Letter F. 1-3/2008 (SCT) dated 30 September 2010, F. 1-5/2006 (SCT) dated 20 April 2018. The referred UGC letters strictly mention the implementation of reservation for SC/ST in the allotment of staff quarters as 15% for SC and 7.5% for ST respectively.

3. The present policy document (*Allotment of Residences in the Central University of Harayana-22 (Annexure A)*) is an intentional act of direct contravention in SC/ST reservation in house allotment which shows the discriminatory intention and humiliation of the SC/ST community of the Central University of Haryana.
4. Further, there should not be any restrictions/ limitations on the allotment of houses to SC/ST staff in any category of residence (Type I-V). So, the reservation policy of UGC should be implemented *in toto* in all categories of residences in true spirit (15% for SC and 7.5% for ST).

Thank you

Sincerely

SC/ST Cell

Copy to:

1. O/o Vice-Chancellor, CUH for his kind information,
2. Estate and General Administration, CUH
3. Anti-discriminatory officer, CUH
4. Liaison officer, CUH

Page 2 of 2

प्राप्ति सं./Diary No. 4740
दिनांक/Date: 27.10.2022

कुलपति कार्यालय, ए.के.ए.
Vice-Chancellor's Office, C.U.H.

Date: - 27.10.2022

To
The Honorable Vice Chancellor,
Central University of Haryana,
Jant-Pali, Mahendergarh-123031

Subject: Assurance of implementing reservation rules in the house allotment from type-I to Type V.

Reference: Representation submitted to VC office (Diary No. 4731 & 4732 dated 12-10-2022)

Dear Sir,

The SC-ST Cell has submitted a representation regarding the implementation of SC-ST reservation as per CUH 'Rule of Allotment of Residence'- 2018. Which provides reservation of quarters to SC- 15% and ST-7.5% in all types of quarters including Type V and SPS.

SC-ST Cell requests you to please strictly implement the SC-ST reservation in all types of quarters as per the interaction we had with you on 12-10-2022.

SC-ST requests you kindly provide us with house allotment rules and regulations before the allotment of the quarters.

The Cell further requests you protect the rights of SC-ST reservations so that the community should not feel any kind of humiliation on any ground.

Thanking You
Sincerely Yours,
SC/ST Cell, Central University of Haryana.

शुभ कुमार
27/10/2022

Result
T.K.
27/10/22

SIL
28/10/22

DR (E & GA)
Shankar W.C.
31/10/22

S. Rainder
27/10/2022

पंजी संख्या / Diary No. 3168 (R)
दिनांक / Date 27-10-22
सामान्य अनुभाग / General Section
प्रेषण संख्या / Despatch No. _____
दिनांक / Date _____
सामान्य अनुभाग / General Section

पंजी संख्या / Diary No. 4731
दिनांक / Date 12-10-22
मुख्यालय, ह.उ.वि.
Vice-Chancellor's Office, C.U.H.

Date: 12-10-2022

MK
27/10/22
AK (E & GA)

The matter of one member from SC/ST is resolved Dr. Kashin, Panwar

has been recommended as member SC/ST

To,
The Honorable Vice Chancellor,
Central University of Haryana,
Jant-Pali, Mahendergarh-123031

Reference: 'Rules of Allotment of Residences' in the Central University of Haryana vide No. CUH/GEN/2018/356, dated 31.01.2018 (Annexure attached)

Subject: Request to include members from SC/ST communities in the 'House Allotment Committee' and to extend SC-ST reservation (15% and 7.5% respectively) in all types of quarters (including Type-V and Semi-Permanent Residential Structures).

Respected sir,

The above referred Rules don't have any provision for SC/ST representation in the 'House Allotment Committee'. The Clause 6 of the Rules provides for the constitution of House Allotment Committee which says that

The House Allotment Committee shall consist of the following:

- (1) One professor to be nominated by the Vice-chancellor as **Chairman** for a period of 2 years.
- (2) **Three members** to be nominated by the Vice-chancellor as Chairman for a period of 2 years.
- (3) **Superintending Engineer/Executive Engineer**
- (4) **Branch Officer (Estate/General Branch) Member Secretary**

The House Allotment Committee is not representative in its character. To abide by the Constitutional mandate of social justice, inclusive and democratic governance such important Committee should have a provision of SC/ST representative.

So, we request you, sir kindly include one member from SC and one member from ST in house allotment committee.

I have included one member
Request
22/10/22

Received
11/10/2022

1
Rohit Kumar

11/10/22

11/10/22

11/10/2022

Further, the Cell submits that Clause 8.7 (i) Reservation for Schedule Castes (SC)/ Schedule Tribes (ST) of the above referred 'Rules of Allotment of Residences' provides for reservation in allotment of quarters as under:

- (i) The percentage of reservation in Type-I to Type-IV quarters for SC/ST category employees shall be:
- (a) SC- 15%
- (b) ST- 7.5%

Sir, these 'Rules of Allotment of Residences' were notified in the year of 2018. At that time the university had only three kinds of residences (1) Type II, (2) Type IV and (3) Semi-permanent Residential Structures. Now the university has constructed two more types of quarters namely Type III and Type V.

The existing 'Rules of Allotment of Residences' don't provide for Reservation for Schedule Castes (SC)/ Schedule Tribes (ST) in Type Five and Semi-Permanent Residential Structures. H 6 P

Hence, the Cell request your goodself to make appropriate changes in the existing 'Rules of Allotment of Residences' to provide 15% reservation for SC and 7.5 % reservation for ST categories in all types of residential quarters from Type-I to Type-V including Semi-Permanent Residential Structures.

Thanking You

Sincerely Yours

SC/ST Cell, Central University of Haryana

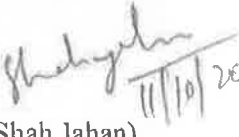

(Dr. Antresh Kumar) 11/10/22


(Dr. Mulaka Maruthi) 11/10/22


(Dr. Ravinder Singh) 11/10/2022


(Dr. T. Longkoi Khamniungan) 11/10/22


(Mr. Rakesh Meena)


(Dr. Shah Jahan) 11/10/2022

R.S. Sangwan

Mob: 9356263037

M.A, LL.M, Advocate

Resi-cum-office

Pb & Haryana High court, Chd

2630, Sec37-C, Chandigarh

REGISTERED/A.D

DATED: 08.11.2022

To

1. Sh. Tankeshwar Kumar, Vice Chancellor,
Central University of Haryana, Jant-Pali
Distt. Mahendergarh, Haryana.
2. Sh. Sunil Kumar Gupta,
Registrar, Central University of Haryana,
Jant-Pali Distt. Mahendergarh , Haryana
3. Sh. Paranjit Singh, Section Officer (Estt.)
O/O Registrar, Central University of Haryana,
Jant-Pali Distt. Mahendergarh, Haryana

Subject: Advance contempt notice.

Sir,

Under the instructions and on behalf of my client Sh. Gaurav Kumar Driver aged about 36 years son of Sh. Vinay Kumar O/O Registrar, Central University of Haryana, Jant-Pali Distt. Mahendergarh and permanent resident of village & PO Pali, Tehsil & Distt. Mahendergarh, Haryana

I, hereby serve upon you with the following advance notice: -

1. That in the month of August, 2013 with the last date of 30.09.2013 university through circulation in different newspapers and website of the University advertised to fill up in non teaching position on regular basis different posts of different category including three unreserved posts of Driver. Petitioner on being eligible and qualified for the post of Driver in unreserved category applied well in time with all requisite documents and proper application fee. It is necessary to mention here that petitioner is 10+2 pass, has valid driving licence and is having 5 years and 2 months

as Driver as well as have knowledge of vehicle operation and ability to rectify minor defects in the vehicle.

2. That on 24.12.2013 about 22 candidates appeared before the selection committee for Trade Test and interview. Petitioner also on being eligible and qualified for the post of driver appeared for Trade Test and interview before the selection Committee out of which twelve candidates including the petitioner qualified the First round of Trade Test (driving on 8-shaped path). A comparative merit list on 25.12.2013 was prepared by the selection committee and it was forwarded to competent authority to issue appointment letters by appointing authority. Petitioner stood third in the selection list but he was not offered appointment letter.

3. That aggrieved against this my client filed CWP No. 25920 of 2017 before Hon'ble Pb and Haryana High court claiming writ in the nature of Mandamus directing the respondents to treat the initial appointment of the petitioner for the post of Driver on regular basis equal to the driver selected vide selection list dated 25.12.2013 (Annexure P-2) and writ of certiorari to quash the Selection List dated 06.10.2017 (Annexure P-7) and subsequent appointment of respondents No. 3 and 4 and impugned order dated 02.11.2017 (Annexure P-6) with all the consequential benefits appurtenant thereto alongwith the interest on the arrears at the rate of 12 % per annum, in the interest of justice.

4. That Hon'ble High court vide order dated 07.09.2022 allowed the writ petition with the following directions:

" Consequently the petition is allowed. The appointment of the petitioner would be treated as on regular basis w.e.f the date the other two selected candidates had been appointed in pursuance of

advertisement issued in 2013. He would be entitled to the notional benefits. Accordingly, he would be paid the salary in the regular pay scale henceforth.

07.09.2022

Sd/ (Anupinder Singh Grewal) Judge"

5. That the order was passed in your presence after considering your written statement. My client submitted application along with certified copy of order to your office vide diary No. 2411 dated 16.08.2022 to implement the aforesaid order in letter and spirit.

6. That my client requested your office to do needful in compliance of order passed by Hon'ble high court and it is being delayed without any good reasons which is wrong and illegal. You are duty bound to comply with the order in letter and spirit without any delay

7. That your action is willful and intentional disobedience and violation of above High court order. My client made application to you grant the necessary relief which has not been granted to my client yet.

You are, therefore, requested through this notice to comply with the directions issued by Hon'ble High court and allow regular appointment for the post of driver earliest within 15 days from today. Otherwise my client shall be constrained to initiate contempt of court proceeding against you and in that event all the consequences and expenses shall be borne by you. It may be noted, please.

Dated:08.11.2022

Chandigarh

Yours truly,
R.S. Sangwan,
Advocate

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

115+233

CWP-25920-2017 (O&M)

DATE OF DECISION: 07.09.2022

GAURAV KUMAR

... Petitioner(s)

Versus

CENTRAL UNIVERSITY OF HARYANA AND ORS

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. R.S. Sangwan, Advocate for the petitioner.

Mr. P.R. Yadav, Advocate for the respondents-University.

ANUPINDER SINGH GREWAL, J. (ORAL)

CM-13959-2022

This application is for placing on record the affidavit dated 02.09.2022 of the Registrar of Central University, Haryana.

Application is allowed and affidavit dated 02.09.2022 is taken on record subject to all just exceptions.

MAIN CASE

The petitioner has sought a direction to the respondents to treat the petitioner as driver appointed on regular basis in pursuance to the selection carried out in the year 2013.

Learned counsel for the petitioner submits that the petitioner had applied for the post of Driver in pursuance to the advertisement issued by the respondents in 2013. Three posts had been advertised but two persons had been selected. The marks obtained by the two selected candidates were 85 and 80 out of 100 marks. The petitioner had secured 75 marks but the selection

committee had not recommended the name of the petitioner for appointment without assigning any reasons. There were total 12 numbers of candidates and the petitioner was at number 3. The petitioner has obtained maximum 50 out of 60 marks in the trade test which was also the score obtained by two other selected candidates who had been recommended for appointment. The petitioner had been representing to the respondents and he had been assured that he would be accommodated but instead of appointing the petitioner on regular basis he had been appointed on contract basis in the year 2014. His services were terminated in the year 2017 but he was re-engaged on outsourcing on 14.12.2021. He also submits that the respondents had carried out selection in the year 2016 but as the petitioner was overage he could not participate in that selection.

Learned counsel for the respondents, however, submits that the selection committee had recommended only two candidates for appointment and the petitioner was not recommended by the selection committee although he did secure 75 marks and was at number 3 in the merit list. The petitioner did not challenge the selection at any time earlier. In the meantime, the respondents had carried out fresh selection in the year 2016 wherein the petitioner did not participate. He also states that there is a delay in preferring this petition. In support of his submission he has relied upon the judgment of the Supreme Court in the case of **M.V. Thimmaiah and others Vs. Union Public Service Commission and others**, reported as **2008 (2) SCC 119**. He also submits that in response to the order passed by this Court

on 13.07.2022, an affidavit has been filed by respondent No.2 wherein it is stated that there is no vacant post of driver against which the petitioner could be adjusted.

Heard.

The petitioner had applied for the post of Driver in pursuance to the advertisement issued by the respondents on 30.09.2013. 12 candidates are stated to have been called for the trade test. The selection committee had recommended only two candidates who had secured 85 and 80 marks for appointment. The petitioner had secured 75 out of 100 marks and was at serial No.3 in the merit list. The advertisement was issued for three posts. The selection committee has not assigned any reasons whatsoever as to how the petitioner was not found suitable for recommendation especially when he has secured 75 marks out of 100 marks including 50 marks out of 60 marks in the trade test. The petitioner had been re-appointed on contractual basis in the year 2014 and thereafter his services had been terminated. He has again been adjusted through outsourcing meaning thereby that the work for the post of Driver did exist especially in the year 2013 when the advertisement had been issued. The petitioner has received unfair treatment at the hands of the respondents inasmuch as his case was not recommended for appointment although he was number 3 in the merit list. He had become overage in the year 2016 when the fresh selection was made by the respondents. Respondents have stated that there is no vacant post of driver but the fact remains that the petitioner is still working with the respondents on outsourcing basis. The judgment of the Supreme Court in the case of **M.V. Thimmaiah and others Vs. Union Public Service Commission and others** (supra) relied upon by the

learned counsel for the respondent is distinguishable on facts and not applicable to the instant case. In that case, allegations of *mala fide* had been levelled against the chairman of the selection committee but the same were unsubstantiated. It was in such circumstances that the court had held that the selection cannot be set aside and that recommendation of the selection committee cannot be challenged except on the ground of *mala fide* or serious violation of the statutory rules and the Courts would not sit as an appellate authority to examine the recommendation of the selection committee. However, in the instant case, the petitioner was at number 3 in the merit list and had secured 75 marks out of 100 including 50 out of 60 marks in the trade test which is of vital importance as the selection was for the post of Driver. No reasons had been assigned as to why the petitioner was not recommended for selection although three posts had been advertised and the petitioner was at number 3 in the merit list. He was later employed on contractual basis by the respondents in 2014 and he is currently working with them. There does not seem to be anything adverse against his work and conduct.

Consequently the petition is allowed. The appointment of the petitioner would be treated as on regular basis w.e.f. the date the other two selected candidates had been appointed in pursuance to advertisement issued in 2013. He would be entitled to the notional benefits. Accordingly, he would be paid the salary in the regular pay scale henceforth.

(ANUPINDER SINGH GREWAL)
JUDGE

07.09.2022

SwarjitS

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No

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LPA-957-2022(O&M)

CENTRAL UNIVERSITY OF HARYANA AND OTHERS V/S
GAURAV KUMAR AND OTHERS

Present: None.

...

Members of the Bar are abstaining from work.

In the interest of justice, adjourned to 19.01.2023.

(Ravi Shanker Jha)
Chief Justice

(Arun Palli)
Judge

2nd November, 2022
Rajan



सत्यमेव जयते

