





Mr. Subhash Ahuja, Advocate, for – Panjab University  
Appellant in LPA Nos. 816 and 921 of 2021,  
Respondent Nos. 2 and 3 in LPA No. 278 and 279 of 2021,  
Respondent No. 1 in CWP No. 5043 of 2013.

Mr. Amar Vivek Aggarwal, Advocate and  
Ms. Sanchi Bindra, Advocate, for - Dr. Priya Sareen  
Petitioner in COCP No. 2480 of 2021,  
Respondent No. 1 in LPA Nos. 278, 279, 816 and 921 of 2021.

Mr. Arvind Galav, Advocate, for respondent Nos. 5, 6 and 8  
in LPA Nos. 278 and 279 of 2021, and for respondent Nos. 2, 4  
and 6 in LPA Nos. 816 and 921 of 2021 and respondent no. 2 in  
CWP No. 5043 of 2013.

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**ASHWANI KUMAR MISHRA, J.**

1. These four appeals as well as the connected writ petition and contempt petition have been heard together and are being disposed of by a composite judgment.

2. LPA Nos. 278 and 279 of 2021 are filed by Dr. Anshu Verma assailing the judgment of learned Single Judge dated 21.01.2021, passed in two Civil Writ Petition Nos. 18211 and 12216 of 2017 filed by Dr. Priya Sareen. Henceforth, in this judgment Dr. Anshu Verma is referred to as ‘appellant’, while Dr. Priya Sareen is referred to as ‘petitioner’. Two other appeals, namely LPA No. 816 and 921 of 2021 are filed by the Panjab University (hereinafter to be referred as ‘the University’).

3. The petitioner had assailed orders dated 27.10.2016 and 02.08.2017 passed by the University as well as the selection proceedings dated 25.11.2012 recommending the appellant for appointment to the post of Reader in Repertory in Homeopathic Medical College and Hospital,



Chandigarh (hereinafter to be referred to as the college'). Undisputed facts of this case are that Post of Reader in Repertory in the College was advertised against which the petitioner and the appellant both applied for appointment. A Scrutiny Committee was constituted by the college which in its meeting held on 21.02.2012 found petitioner and the appellant, both ineligible for the said post. The Governing Body of the college, however, took a decision to invite the petitioner and the appellant for interview. The Selection Committee in its proceedings recorded on 25.11.2012 recommended appellant for appointment to the post of Reader in Repertory. The Subject Expert/ University nominee, however, objected to the recommendation of the Selection Committee as in their opinion, the appellant lacked requisite qualification for the post. The recommendation of the Selection Committee required approval of the University. However, even before any approval could be accorded to the recommendation of the Selection Committee dated 25.11.2012, the Secretary of the College, apparently in its individual capacity, proceeded to issue appointment letter to the appellant on 18.02.2013 on the post of Reader in Repertory. The appellant also gave her joining on the same day i.e. on 18.02.2013.

4. The Vice-Chancellor of the University considered the question of grant of approval to the recommendation of the Selection Committee for appointment of Readers in various subjects including Repertory. Vide its communication dated 19.02.2013, the college was informed by the University that approval was not granted by the Vice-Chancellor to the appellant's appointment on the post Reader in Repertory. This disapproval letter came to be challenged in CWP No. 5043 of 2013 by the appellant.



5. It transpires that when the Governing Body of the College was apprised about disapproval of appellant's appointment as Reader in Repertory, it proceeded to recall the appointment offered to the appellant on 18.02.2013 as Reader in Repertory. The appellant before filing the writ petition filed a civil suit impugning the decision of the University, but when she could not get any injunction, the suit was withdrawn and later CWP No. 5043 of 2013 was filed.

6. The College is running a homeopathic college and hospital in Chandigarh for conducting the undergraduate courses in Homeopathy. It is affiliated to Panjab University. The affairs of college are regulated by Central Council of Homeopathy i.e. Respondent No.5 in LPA No. 278 of 2021. The Council with the previous sanction of the Central Government has promulgated Regulations called Homoeopathy (Minimum Standards of Education) Regulations, 1983 (hereinafter to be referred as 'the Regulations'). The creation of posts; prescription of qualifications for appointment; and other regulatory measures in respect of the college are governed by the Regulations.

7. The appellant was initially appointed as a Demonstrator in the College on 06.08.2002. She was later appointed as *ad hoc* Lecturer in Obstetrics and Gynaecology, which was a separate and allied subject in Homeopathy. She was selected and appointed as Lecturer in Obstetrics and Gynaecology on 27.03.2009. She also completed her M.D. in Repertory on 18.02.2010.

8. The petitioner, on the other hand, had obtained M.D. in Repertory from Baba Farid University of Health Sciences in the year 2007.



She applied for appointment to the post of Lecturer in Repertory pursuant to the advertisement issued by the College in 2009. The appellant had also applied for appointment against the same post. The petitioner, however, came to be selected against the solitary post of Lecturer in Repertory in the College. The appellant could not be selected as Lecturer in Repertory. However, the appellant came to be appointed as Lecturer in Obstetrics and Gynaecology on 27.03.2009. Accordingly substantive appointment was offered to the petitioner and the appellant on the post of Lecturer in the college on the same day i.e. 27.03.2009. While the petitioner was appointed in the subject of Repertory, the appellant was appointed on the post of Obstetrics and Gynaecology. Till this stage, there apparently was no conflict between them. The conflict has arisen only in respect of appointment to the post of Reader in Repertory.

9. Regulations prescribed for creation of posts in the college as also the qualifications, etc. of teachers. Relevant provisions of the Regulations, in this regard are reproduced hereunder:-

*“CENTRAL COUNCIL OF HOMEOPATHY*

- 1. Short title and commencement: (i) These regulations may be called the Homoeopathy (Minimum Standards of Education) Regulations, 1983.*
- 2. Definitions: In these regulations, unless the context otherwise requires:-*

*xxx*

*xxx*

*xxx*

*(x) “Teaching Experience” means teaching experience in the subject concerned in a Homoeopathic College and includes teaching experience in the subjects of Medicine, Surgery,*



*Obstetrics and Gynaecology, gained in the Medical Colleges, recognized by Medical Council of India.*

**8. Teaching Staff:-**

- (1) *In Departments of Homoeopathic Pharmacy, Materia Medica (both Pure and Comparative), Organon of Medicine and Homoeopathic Philosophy, Repertory and Practice of Medicine, the teaching staff at all levels shall be on regular full-time basis.*
- (2) *In Departments other than referred to in sub-regulation (1), either the Professor or Reader shall be full-time, and the Lecturers shall be on full-time regular basis.*
- (3) *The Homoeopathic College shall have a faculty of Guest Professors, for subjects such as Dentistry, Pediatrics, Psychiatry, Orthopedics, Radiology, Cardiology, Dermatology, Gastroenterology and other subspecialties to impart adequate teaching and training to the students.*

*Provided that Guest Professor shall take clinical and/or teaching classes at least for two hours on two days in a week in the college or in the attached Hospital.*

11. **Qualifications etc. of teaching staff:-** *The minimum qualifications and age for appointment of teaching staff to various posts shall be in accordance with Annexure E.*

*Provided that where the service conditions of a staff of a Homoeopathic College have not been provided, the same shall be as per the prevailing service conditions in the affiliating University.”*

10. Annexure-C to Regulations provides for minimum teaching staff for degree course. One post each of Professor; Reader; Lecturer is created in the subject of Obstetrics and Gynaecology as well as Repertory. Regular full-time basis faculty at all levels is required for some of the



subjects including Repertory by virtue of Regulation 8(1). This, however, is not required for Obstetrics and Gynaecology.

11. Annexure-E to the Regulations in so far as it relates to qualification for the post of Reader in Homoeopathic is reproduced as under:-

“ANNEXURE E  
[see regulation 11]

QUALIFICATIONS FOR TEACHING STAFF OF  
HOMOEOPATHIC COLLEGE

**4. READER IN HOMOEOPATHIC SUBJECTS:\**

**A. ESSENTIAL QUALIFICATIONS**

Post Graduate qualification in Homoeopathy with four years of teaching *experience as Lecturer in the concerned subject in a Homoeopathic College on a Degree in Homoeopathy with ten years of experience as Lecturer in the concerned subject or Diploma in Homoeopathy of not less than 4 years duration with fifteen years teaching experience in the subject concerned in a Homoeopathic College. The qualification shall be the one included in Second Schedule of Homoeopathy Central Council Act, 1973.*

**B. DESIRABLE QUALIFICATIONS:**

- (i) *Experience as Supervisor/ Co-supervisor or Guide/ Co-Guide for Post Graduate Programme in Homoeopathy.*
- (ii) *Administrative experience or Research experience in a research institution under the Department of ISM & Homoeopathy of State Government or Central Government in a responsible position.*

*AGE: Not more than 40 years as on the last date of receipt of application for the post. Age is relaxable for exceptionally qualified persons with prior approval of the University concerned.”*



12. Clause 5 contains qualification in allied medical subjects. The Regulation makes out distinction between the Homoeopathic subjects and allied subjects. In Homoeopathic subjects full-time faculty is required at all levels. In allied medical subjects, the requirement of full-time faculty is relaxed in terms of Clause 8(2) of the Regulations. It is relevant to note that Repertory is a Homoeopathic subject while Obstetrics and Gynaecology is allied medical subject.

13. When the Screening Committee evaluated the candidature of the petitioner and the appellant for appointment to the post of Reader in Repertory on 21.02.2012, it found the petitioner ineligible as she lacked 4 years of teaching experience as Lecturer in the concerned subject. So far as the appellant is concerned, her teaching experience as Lecturer was not found in the concerned subject i.e. Repertory. The claim of the appellant that though she was substantively appointed as Lecturer in the Obstetrics and Gynaecology, yet she had teaching experience of Repertory, as she was continuously taking classes in such subject, was not accepted by the Subject Expert/ University Representative. The University also conveyed disapproval to the recommendation of the Selection Committee dated 25.11.2012, insofar as the appellant was recommended for appointment to the post of Reader in Repertory. The appellant filed a civil suit and after she was denied injunction, withdrew it. Her writ petition filed in the year 2013 remains pending.

14. Interestingly, while the writ petition of the appellant remained pending, the college considered the claim of the appellant and the petitioner for promotion to the post of Reader in 2014. The Selection Committee of the



University recommended promotion of appellant to the post of Reader in Obstetrics and Gynaecology, while the petitioner was recommended for promotion to the post of Reader in Repertory. Promotion of appellant and the petitioner, accordingly, was approved by the University and they joined as Reader in their respective subjects. The promotion of petitioner and appellant was also approved by the University. The petitioner was also designated as Head of the Department on 23.06.2015. The appellant was also made Head of the Department of Obstetrics and Gynaecology on 23.06.2015. The University also issued a formal order on 22.03.2016 approving the promotion of petitioner on the post of Reader in Repertory. The promotion of petitioner to the solitary post of Reader in Repertory has attained finality.

15. The appellant although was promoted to the post of Reader in Obstetrics and Gynaecology and was also working as its Head of the Department, yet she submitted a representation on 07.12.2015 to the General Body of the College, re-agitating her claim for appointment to the post of Reader in Repertory, pursuant to the recommendation of the Selection Committee dated 25.11.2012. Copy of the representation was also marked to the University and the Visitor, who happened to be the Vice-President. The representation was marked by the office of the Visitor to the University.

16. The Vice-Chancellor of the University on 27.10.2016 granted approval to selection of appellant as Reader of Repertory, by virtually reviewing the earlier disapproval to such recommendation vide communication dated 19.02.2013. The appellant in her representation claimed that since Principal of the college was permitting various other



persons to continue on the post of Reader by framing promotion policy, which was illegal, therefore, she should be allowed to continue as Reader in Repertory.

17. Petitioner on coming to know of the order dated 27.10.2016 submitted a representation against the decision of the University dated 27.10.2016 on various grounds, including the ground that as the appellant was already working as Reader in the Department of Obstetrics and Gynaecology since 03.02.2014, and was also its Head of the Department, there was no occasion to appoint her as Reader in Repertory. It was also submitted that the appellant lacked qualification at the time of appointment to the post of Reader. The University, however, did not accept the plea of the petitioner and vide its communication dated 02.08.2017 directed that the joining of the appellant as Reader in the Repertory be considered as 18.02.2013. It is in this context that the order of the University dated 27.10.2016 and 02.08.2017 came to be challenged by the petitioner.

18. The learned Single Judge by his reasoned judgment has allowed the two writ petitions filed by the petitioner holding that the appellant could not have been appointed as Reader in Repertory for the following reasons:-

- (i) The appellant was not eligible for appointment as she lacked requisite teaching experience for the post;
- (ii) The Subject Expert/ University Representative had agreed with the decision of the Scrutiny Committee that appellant was not possessed of the requisite qualification for the post of Reader in Repertory;



- (iii) The University had already disapproved the claim of the appellant for appointment on the post of Reader in Repertory vide order dated 19.02.2013 which had attained finality, and it could not have been reviewed by the Vice Chancellor in the peculiar facts of the case;
- (iv) Appointment on account of her subsequent promotion to the post of Reader in Obes and Gynae as also her continuance as Head of the Department in it had eschewed to rejection of her claim on the post of Reader in Repertory;
- (v) The University acted arbitrarily in reviving the appellant's claim for promotion to the post of Reader in Repertory after such long lapse of time, particularly when various events had intervened, which virtually nullified the claim of the appellant.

19. Assailing the order of learned Single Judge, Shri D. S. Patwalia, learned senior counsel contends as under:-

- (a) The appellant possessed the eligibility for the post of Reader in Repertory as she had a Post Graduate Degree in Repertory and also worked for 4 years as Lecturer and that the Regulations never contemplated teaching experience of 4 years after acquiring Post Graduate Degree in Repertory and, therefore, the very premise on which the appellant's claim was earlier discarded was misplaced. He places reliance upon the judgments of Hon'ble the Supreme Court



in *Dr. Asim Kumar Bose vs Union of India and others* 1983 (1) SCC 345; *Anil Kumar Gupta vs Municipal Corporation of Delhi* 2000 (1) SCC 128; *A.K. Raghmani Singh and others vs Gopal Chandra Nath and others* 2000 (4) SCC 30; *Tejinder Kaur and others vs Lady Constable Raj Kumari and others* 2009 (1) SCC 177; *Rajesh Kumar and others, etc. vs State of Bihar and others, etc. New Delhi* 2013 (4) SCC 690; *Vikas Pratap Singh and others vs State of Chhattisgarh and others* 2013 (14) SCC 494; *Dr. M. Dakshayani vs State of Karnataka and another* 2018 (16) SCC 172; Special Leave to Appeal (C) No (s). 1555-1556 of 2022 – *Shivkumar Shrinarayan Prajapati vs Union of India and another*, decided on 04.05.2023; *Dr. Sharmad vs State of Kerala and others* 2025 (1) SLR 387; and Division Bench judgment of this Court in *Neetu Sharma vs State of Punjab and others* 2024 (1) Law Herald 755.

- (b) The Vice-Chancellor on 19.02.2013 had not rejected the recommendation of the Selection Committee dated 25.11.2012 and had only suspended/ deferred such claim;
- (c) Since recommendation of the Selection Committee was never rejected earlier by the Vice-Chancellor on 19.02.2013, therefore, the approval granted later to the recommendation of the Selection Committee on 27.10.2016 was not an act of review. Alternatively, it is urged that the Vice-Chancellor



since acted in the administrative capacity, as such he had the power to review;

(d) The learned Single Judge has failed to appreciate the facts in its correct perspective and has exceeded his jurisdiction in allowing the writs filed by the petitioner;

(e) Since the petitioner was declared ineligible by the Screening Committee and had not challenged it, therefore, she has no *locus* to maintain the writ petition.

20. Mr. Ahuja, appearing for the University, has adopted the stand of Shri Patwalia to contend that judgment of the learned Single Judge requires interference in the Letters Patent Appeal.

21. Mr. Amar Vivek, Advocate, appearing for the petitioner opposes the arguments advanced on behalf of the appellant and the University and contends that neither the appellant was eligible for appointment to the post of Reader in Repertory nor she could have been appointed as such by the University. He has highlighted the subsequent developments in the form of promotion of appellant and petitioner in their respective departments to contend that the issue with regard to appointment of appellant as Reader in Repertory stood rejected and in view of the subsequent developments, it was not open for the University to revive the claim of the appellant. He submits that the learned Single Judge has rightly interfered in the matter and, therefore, the judgment of learned Single Judge merits no interference.

22. The question for consideration in these appeals is with regard to legality of the two orders passed by the University on 27.10.2016 and



02.08.2017. By these two orders, claim of appellant for appointment to the post of Reader in Repertory has been accepted and her date of joining is held to be 18.02.2013? This is pursuant to the recommendation of selection dated 25.11.2012. By the order dated 27.10.2016, the Vice Chancellor has granted approval to selection of appellant as Reader in Repertory.

23. Legality of the recommendation of the Selection Committee dated 25.11.2012 is the primary bone of contention between the parties. Question also arises as to whether the recommendations of Selection Committee dated 25.11.2012 could be accepted by the Vice Chancellor on 27.10.2016 in the light of the following facts:-

- (i) On 19.02.2013, the appellant was informed by the University that her selection on the post of Reader in Repertory has not been accepted by the Vice Chancellor. Though a writ petition filed against such order was pending but no interim direction was granted. It will, therefore, have to be seen as to whether the Vice Chancellor could have reviewed the earlier decision taken on 19.02.2013 vide order dated 27.10.2016 after nearly 3½ years?
- (ii) It will also be seen as to whether any post of Reader in Repertory was available on 27.10.2016, against which the appointment of the appellant as Reader in Repertory could be approved?

24. Undisputedly, there is only one post of Reader in Repertory and Obstetrics/ Gynaecology each in the college. Though recommendation in



favour of appellant for appointment as Reader in Repertory was made by the Selection Committee on 25.11.2012 but it was not approved by the Vice Chancellor of the University. The appellant was informed of such decision on 19.02.2013. It was in this context that the post of Reader in Repertory was treated to be vacant. Orders were passed by the college on 01.02.2014 in favour of the appellant appointing her as Reader in Obstetrics and Gynaecology on the basis of her application dated 16.12.2013 and the consequential interview held on 31.01.2014. Appointment letter issued to the appellant on the post of Reader in Obstetrics and Gynaecology is Annexure-A6 in CM No. 8038-LPA of 2024 in LPA No. 278 of 2021. The appellant also joined pursuant to her promotion order dated 01.04.2014 on 03.02.2014 vide Annexure A7 in CM No. 8038-LPA of 2024 in LPA No. 278 of 2021. Though the joining of appellant as Reader in Obstetrics and Gynaecology pursuant to order dated 01.02.2014 was subject to the outcome of CWP No. 5043 of 2013, but as no orders were passed in her favour in the said writ petition, as such the joining as Reader in Obstetrics and Gynaecology could not be effaced. Similarly, the petitioner was promoted as Reader in Repertory on 01.02.2014. She also joined pursuant to such order.

25. Petitioner and appellant, both were declared Head of the Department of Repertory & Obstetrics and Gynaecology, respectively on 23.06.2015. Promotion of appellant as Reader in the Department of Obstetrics and Gynaecology came to be approved by the University and consequential orders of confirmation were also passed on 03.02.2016. Similarly, promotion of petitioner as Reader in Repertory was also confirmed with grant of approval to such promotion by the University on



22.03.2016. As a result of it, the post of Reader in Repertory & Obstetrics and Gynaecology stood filled with promotion granted to petitioner and appellant. No vacancy on the post of Reader in Repertory or Obstetrics and Gynaecology remained vacant after 2014.

26. The University on 27.10.2016 communicated grant of approval to the appointment of appellant on the post of Reader on the strength of the recommendations of the Selection Committee dated 25.11.2012. We fail to understand as to how such recommendation on the post of Reader in Repertory could be accepted by the Vice Chancellor in October 2016 when the post of Reader in Repertory stood filled with the promotion of petitioner on it in February, 2014 and its confirmation in March, 2016. We have already noticed that the promotion of petitioner on the post of Reader in Repertory had attained finality. No challenge was laid to such promotion by the appellant. Accordingly, when the post of Reader in Repertory itself was not vacant and available in 2016, the Vice Chancellor or the University could not have granted approval to the recommendation of the Selection Committee made on 25.11.2012.

27. Even otherwise, the recommendation of the Selection Committee was to remain valid for a period of six months. This period of six months expired in the year 2013 itself. The proceedings of the Selection Committee dated 25.11.2012 contain a specific stipulation that its recommendation of the panel, in the order of merit shall remain valid for a period of six months only from the date of meeting of the Selection Committee.



28. The Vice Chancellor/ University, thus, could not have approved the recommendation of Selection Committee dated 25.11.2012. Therefore, on the date when the University granted approval to the recommendation of the Selection Committee for appointment on the post of Reader in Repertory, neither there existed any vacant post for the Reader in Repertory in the College nor any existing select list was available which could be accepted by the Vice Chancellor/ University. On both these grounds, we, therefore, find that the University erred in approving the appointment of the appellant on the post of Reader in Repertory. Learned Single Judge in such circumstances has not erred in quashing order dated 27.10.2016. The subsequent order of the University dated 02.08.2017 holding the joining of the appellant on the post of Reader in Repertory with effect from 18.02.2013 also cannot be sustained. It is so as on 18.02.2013 neither the recommendation of Selection Committee was approved by the Vice Chancellor nor any appointment letter to her was issued by the competent body.

29. College is being run in accordance with its byelaws. Functions of different authorities of the college are also specified therein. Clause III provides for the functions of the Governing Body. It includes sub-clause (iv) as per which the power to create posts of various categories (teaching and non-teaching) and to make appointments thereon in the College and Hospital vests in Governing Body. It is, therefore, quite clear that power of making appointments of Teaching Staff in the college is vested in the Governing Body.



30. Powers of the Secretary are also specified in the bye-laws of the college. Clause V (c) provides for functions of the office bearers. The Secretary is authorized to issue orders of appointment as authorize by the Governing Body. Clause III (iv) as well as V (c)(iii) of the bye-laws are reproduced as under:-

*“Governing Body*

*III. FUNCTIONS:*

*The Governing Body shall be the Managing Committee of the Homoeopathic Medical College & Hospital. It shall perform the following functions complying with the provisions contained in the Panjab University Calendar and Central Council of Homoeopathy (Minimum Standard of Education) Regulations 1983 and as amended from time to time.*

*xxx*

*xxx*

*xxx*

*(iv) To create posts of various categories (Teaching & Non-teaching) and to make appointments thereon in the College and Hospital.*

*xxx*

*xxx*

*xxx*

*c) Secretary:*

*xxx*

*xxx*

*xxx*

*(iii) To issue orders of appointment, suspension, termination, dismissal or any other disciplinary action against any member of Teaching & Non-teaching staff of the College and Hospital as authorized by the Governing Body.”*

31. From the tenor of the bye-laws, it is clear that the competent body to appoint a teaching staff in the college is the Governing Body and only pursuant to its decision the Secretary can issue appointment letter. There is nothing on record to indicate that the recommendation of the



Selection Committee dated 25.11.2012 was approved by the Governing Body and, therefore, the Secretary, on his own, could not have issued appointment letter to the appellant on 18.02.2013. In the absence of any valid appointment letter issued to appellant on 18.02.2013, the appellant could not have joined as such on the post of Reader.

32. There is another aspect which has to be kept in mind while adjudicating the legality of the subsequent order of the University. The appointment to the college affiliated to the Panjab University is governed by the provisions of Chapter VIII (E) of the Statutes of the University providing for conditions of service and conduct of teachers in affiliated colleges. Clause 8 thereof specifically provides that every appointment of teaching staff shall require approval of the Vice Chancellor. Clause 8 of the conditions for grant of affiliation to colleges reads as under:-

*“8. Every appointment of the teaching staff shall require the approval of the Vice-Chancellor.”*

33. On 18.02.2013, there existed no approval of the Vice Chancellor to the alleged appointment of the appellant, therefore, the question of joining otherwise on the post of Reader in Repertory on 18.02.2013 would be impermissible in law.

34. When we analyze the legality of the order of the University in light of the admitted facts of the case, we find that neither there existed any vacant post of Reader in Repertory nor there existed any subsisting recommendations of Selection Committee in favour of the appellant and, therefore, the Vice Chancellor had no jurisdiction to pass an order in favour of the appellant on 27.10.2016. Subsequent order dated 02.08.2017 allowing



the joining of appellant from 18.02.2013 is also held impermissible for the reasons narrated as above. In such circumstances, though for somewhat distinct reasons, we hold that the order of University dated 27.10.2016 and 02.08.2017 could not have been sustained. The learned Single Judge has, therefore, rightly quashed these orders.

35. Once we find that the post of Reader in Repertory stood filled with the promotion of petitioner and her promotion was also approved by the Vice Chancellor of the University, which was communicated by the Deputy Registrar of the University vide order dated 22.03.2016 contained in Annexure P-16 in LPA No. 279 of 2021, the post of Reader stood occupied. No vacancy on the post of Reader existed against which the appellant could be appointed.

36. The judgments relied upon by learned counsel for the parties on this aspect, therefore, need not be adverted to.

37. In view of our deliberations and discussions as above, we are of the view that the legality of recommendations made by the Selection Committee dated 25.11.2012 need not be gone into any further, as we find that its validity has already expired in the year 2013 itself and since the post of Reader in Repertory otherwise stood filled with promotion of petitioner, the Selection Committee's recommendation could not have been approved by the Vice-Chancellor. In such view of the matter, we refrain from considering the submissions raised by either side on the legality of the recommendation of the Selection Committee or the question relating to eligibility of appellant to be appointed to the post of Reader in Repertory.



38. So far as CWP No. 5043 of 2013 is concerned, we are of the view that as the solitary post of Reader in Repertory stood filled with the promotion of the petitioner on 01.02.2014, by the College and its approval by the University on 22.03.2016, which is not under challenge, no relief can be granted in CWP No. 5043 of 2013.

39. For the reasons recorded above, LPA Nos. 278 and 279 of 2021 filed by the appellant and LPA Nos. 816 & 921 of 2021 as well as CWP No. 5043 of 2013 and COCP No. 2480 of 2021 are dismissed. The appellant who is petitioner in CWP No. 5043 of 2013 shall continue in the Department of Obstetrics and Gynaecology on the post substantively held by her.

40. Pending miscellaneous application (s), if any, also stands disposed of.

**(ASHWANI KUMAR MISHRA)**  
**JUDGE**

**22.09.2025**  
vs

**(ROHIT KAPOOR)**  
**JUDGE**

Whether speaking/reasoned  
Whether reportable

Yes/No  
Yes/No