

**Manish Kumar Vs. Sardar Patel University, Mandi & Ors.**

**CWP No.17260 of 2025**

20.11.2025 Present: Ms. Suchitra Sen, Advocate, for the petitioner.

Ms. Archana Dutt, Advocate, for respondents No.1 and 2.

**CMP No.27627 of 2025**

Applicant/petitioner seeks to place on record copy of the decision rendered in *CWP No.13481 of 2025 (Nirmala Devi and Others Versus State of H.P. and Another)*, decided on 15.09.2025.

In view of the averments made in the application, the same is allowed. Copy of the judgment appended therewith is taken on record.

The application stands disposed of.

**CMP Nos.26528 & 27624 of 2025**

Heard.

**2. The facts:-**

**2(i).** Respondent No.1 invited online applications vide advertisement dated 07.09.2022 from the eligible and desirous Bonafide Himachali candidates for recruitment to 25 posts of Junior Office Assistants (IT) to be filled up on contract basis. Petitioner applied for the same. A Computer Based Test for the post in question was conducted on 20.10.2022 by the National Stock Exchange Information Technology (NSEIT), Pune, Maharashtra.

**2(ii).** The result of the selection process was not declared for long. *CWP No.13481 of 2025 (Nirmala Devi and Others Versus State of H.P. and Another)* was instituted, *inter alia*, praying for declaration of the result. The grievance of the petitioners as highlighted by their learned counsel therein was noticed by the Hon'ble Court in the following order passed on 22.08.2025:-

*“Precisely, the grouse of the petitioner, as has been highlighted in the petition and further canvassed by Mr. Abhimanyu Rathor, learned counsel representing the petitioner, is that though pursuant Advertisement No.7/2022 dated 07.09.2022, selection process was initiated for recruitment of 25 posts of JOA (IT) on contract basis in Sardar Patel University, Mandi, but till date result has not been declared.*

*Learned counsel representing the respondent/ University prays for and is granted one week's time to file short reply or have instructions.*

*List on 12.09.2025.”*

The writ petition was disposed of on 15.09.2025 with direction to the respondent-University to forthwith declare the result of JOA (IT) conducted pursuant to advertisement dated 07.09.2022. The respondent-University declared the result on 10.09.2025.

**2(iii).** Petitioner has instituted this writ petition, *inter alia*, with the grievance that the result was declared after a gap of three years. Such extensive delay was arbitrary and in violation of candidates' right to fair and timely recruitment process. Substantive relief prayed for is to quash and set aside the entire selection process with

direction to the respondents to initiate the selection process afresh.

**3.** Prayer in these applications has been made for directing the respondent-University not to hold the typing test on the basis of the result declared on 10.09.2025, which is stated to be scheduled for 21.11.2025. Prayer for interim relief has been made on the ground that respondent No.3, working as Section Officer in the respondent-University, was appointed as Nodal Officer as well as Monitor for conducting the examination, whereas his wife-respondent No.4 was also a participating candidate for the post in question. Respondent No.3 did not disclose this fact to the respondent-University. He did not give any undertaking that none of his relations were the candidates for the examination. Respondent No.3 had been coordinating with the Examination Conducting Agency. Therefore, justice was not only required to be done, but had to be seen to have been done. Reliance in support of this submission was placed upon ***AIR 1970 SC 150 (A.K. Kraipak and others v. Union of India and others)*** and ***AIR 1987 SC 454 (Ashok Kumar Yadav and others etc. etc. v. State of Haryana and others etc. etc.)***.

Learned counsel for the petitioner submitted that even if there had been no rules in the respondent-

University for seeking such declaration from respondent No.3, then also, rules of natural justice required following such procedure. Respondent No.4 had concealed her identity as wife of respondent No.3. She had participated in the examination and emerged at Sr. No.2 in the list of the candidates declared qualified for the type test.

Respondent-University has placed on record detailed instructions.

**4.** After hearing learned counsel for the parties and on going through the case file including the instructions placed on record for respondents No.1 and 2-University, I am of the considered view that no case for grant of interim relief is made out. This is for the following reasons:-

**4(i).** In terms of the office instructions placed on record by respondents No.1 and 2-University, there was no Standard Operating Procedure in place, mandating its Officers to disclose if their relatives were appearing in the examinations conducted under the purview of the University; There was no institutional obligation upon respondent No.3 to make such declaration at the time of his appointment as Nodal Officer and Monitor. It has further been pleaded that paper setting and conduct of examination had been handed over to an entirely different party, i.e. NSEIT. No University official was involved in paper setting and conduct of examination. Learned counsel

for respondents No.1 and 2-University has strongly highlighted the facts that respondent No.3 had no concern with paper setting. He had no concern with the invigilators or the marking of the papers. He had no concern even with the invigilation. Respondent No.3 was appointed as Nodal Officer solely for the limited purpose of coordinating with NSEIT. His role was confined to facilitating smooth communication between the University and NSEIT for sorting out the logistical issues. The appointment of respondent No.3 as Nodal Officer was administrative, temporary in nature and in no way connected with the conduct of examination. Paper setting, invigilation, deployment of staff at 22 examination centers and conduct of examination was the responsibility of NSEIT.

**4(ii).** It was apprised during the course of hearing of these applications that more than 7500 candidates had appeared in the selection process, result of which was declared after a gap of three years pursuant to the directions issued on 15.09.2025 in CWP No.13481 of 2025.

**4(iii).** Petitioner's best case at present is that respondent No.3 was required to disclose his relation with a candidate, who participated in the selection process.

It will also be appropriate at this stage to place reliance upon the decision rendered in ***Writ Petition (Civil) No.335 of 2024 (Vanshika Yadav vs. Union of***

**India & Ors.**), decided on 02.08.2024, wherein it was held that if it is possible to segregate the beneficiaries of malpractice or fraud from the honest candidates, there is no justification to cancel the examination.

**4(iv).** At this stage, save and except from pointing out that nodal officer's wife was one of the participating candidate in the selection process, no actual irregularity in conduct of examination has been alleged. Interim relief prayed for by the petitioner for restraining the respondents from holding the type test scheduled for 21.11.2025 is not made out. Rather, by grant of such relief, injury shall be caused to hundreds of participating candidates. Balance of convenience is also not in favour of the petitioner.

**5.** In view of the instructions placed on record by respondents No.1 and 2 and also the fact that no definitive allegations of tampering, manipulation or influence have been leveled by the petitioner, at this stage, it will not be appropriate to stall the selection process keeping in view the interest of a large number of candidates. Hence, the applications are disposed of with the order that appointments shall abide by the final outcome of the writ petition.

**CWP No.17260 of 2025**

Issue notice to respondents No.3 and 4, returnable for 23.12.2025, on taking steps within a week.

Reply by the appearing respondents be filed  
before the next date.

List on **23.12.2025**.

November 20, 2025  
*Mukesh*

Jyotsna Rewal Dua  
Judge