

ITEM NO.32

COURT NO.11

SECTION IVB

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).6429/2006

(From the judgement and order dated 08/02/2006 in CWP No. 7236/2005 of The HIGH COURT OF
PUNJAB & HARYANA AT CHANDIGARH)

STATE OF PUNJAB

Petitioner(s)

VERSUS

B.K. KANUNGO & ORS.

Respondent(s)

(With appln(s) for urging addl. Grounds and permission to file additional documents and with p
rayer

for interim relief and office report)

Date: 10/05/2006 This Petition was called on for hearing today.

CORAM :

HON'BLE Dr. JUSTICE AR. LAKSHMANAN

HON'BLE MR. JUSTICE DALVEER BHANDARI

For Petitioner(s)

Mr.J.L.Gupta, Sr.Adv.

Mr. Sanjay Jain,Adv.

Mr.Mukesh Kumar, Adv.

Mr.Sudarshan Rawat, Adv.

For Respondent(s)

UPON hearing counsel the Court made the following

O R D E R

Heard Mr.J.L.Gupta, learned senior counsel appearing on behalf of the petitioner.

On 21.04.2006, this Court ordered notice on the Special Leave Petition as well as on

the prayer for interim relief returnable on 10th May, 2006. Dasti, in addition, was also permitted. It

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is seen from the Office Report that all the respondents have been served but proof shows that

notice received by respondent Nos.3,5 and 6 have been initialled but not stamped by the

Department concerned. It is stated by Mr.Gupta that the contesting respondent is respondent

No.1 and that the respondent Nos.3 to 6 are only proforma respondents. Even though the notice

has been served on the contesting respondents, they have not chosen to enter appearance and

contest the proceedings.

We have also perused the advertisement and the relevant qualification mentioned at

page 84. The qualification prescribed in the advertisement is prima facie higher than the minimum

qualification laid down by the All India Council for Technical Education (AICTE).

Mr. Gupta has submitted that because of non-grant of stay of the impugned order, the

institution suffers and that the person who has been selected by the Search Committee and who

has all the qualifications prescribed is not in a position to join the institution as Director. We see

much force and substance and a prima facie case in the said submission. We, therefore, stay the

operation of the order impugned in this Special Leave Petition and permit the Institute to appoint

the person selected by the Search Committee. The Institution shall also see that the person

should possess all the qualifications mentioned in the advertisement.

We also make it clear that the permission now granted to appoint to the post will be

without prejudice to the rights of other respondents and subject to final outcome of the Special

Leave Petition.

List the matter for final disposal in August, 2006.

(Satish K. Yadav)

Court Master

(Phoolan Wati Arora)

Court Master