



CWP-30348-2019 (O&M)

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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDGARH**

**CWP-30348-2019 (O&M)
Judgement Reserved On: May 30, 2024**

Judgement Pronounced On: June 25, 2024

Dr. Mohanmeet Khosla

...Petitioner

Versus

Panjab University, Chandigarh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. R.S. Khosla, Senior Advocate, with
Mr. Aman Sharma, Advocate,
for the petitioner.

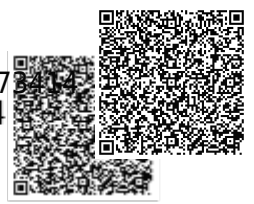
Mr. Suvir Sidhu, Advocate,
Mr. Gursher Singh Dhillon, Advocate, and
Mr. Jashan Bains, Advocate,
for respondent Nos. 1 and 2.

None for respondent No. 3 – Ms. Sumedha Singh,
(earlier, Ms. Mahima Singh, Advocate, had been appearing
on her behalf).

Ms. Bhavneet Bhatti - respondent No. 4, in person.

SANJAY VASHISTH, J.

1. Present writ petition has been filed by Prof. (Dr.)
Mohanmeet Khosla, for quashing of the order dated 20.09.2019
(Annexure P-4), vide which Ms. Sumedha Singh (respondent No. 3),
Assistant Professor, has been designated as “Chairman/Head of the
School of Communication Studies”, Sector 14, Chandigarh, for three



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years w.e.f. 2019, by respondent Nos. 1 and 2, i.e. Panjab University, Chandigarh.

2. Petitioner has pleaded that designation of respondent No. 3 as ‘Chairperson/Head of the School of Communication Studies’, is in contravention with Rules 2.1, 2.3 and 2.4 of Chapter – LII of the Panjab University Calendar, Volume III.

3. Further pleaded and prayed that a direction be issued to designate/appoint the petitioner as ‘Chairperson/Head of the School of Communication Studies’, for the stipulated period of three years.

4. Order dated 20.09.2019 (Annexure P-4), which was sought to be quashed, at the first instance, while filing the present writ petition, is reproduced here under:-

“ *Panjab University (Chandigarh)*

No. 8535-45/E517

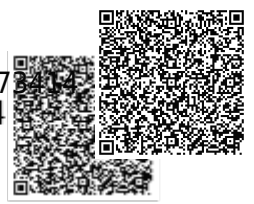
Date 20/09/2019

Office Order

The Vice-Chancellor has designated Ms. Sumedha Singh, Assistant Professor, Chairperson/ Head of the School of Communication Studies, for three years w.e.f. 2019, under Rule rotation of headship given at pages 695-696, P.U. Cal, Vol. LIII, 2016.

The present Chairperson of the Department may kindly hand over the charge xxxx Department to his/her successor, on the last working day (afternoon) of her tenure.

Further, The Vice-Chancellor has allowed Dr. Arijit Dakshi, Assistant Professor to continue as Chairperson/Head of the Department of German for the period of next three years w.e.f. 1.10.2019 or till the next person eligible in the department, under Rule rotation of headship given at pages-695-696, , P.U. Cal. LIII, 2016.



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*Sd/-
Deputy Registrar (Estt.)”*

5. However, during the pendency of the writ petition, respondent No. 3 – Ms. Sumedha Singh, Assistant Professor, had completed her fixed term of three years as ‘Chairperson/Head of the School of Communication Studies’, which resulted into the passing of another order, bearing No. 6470-83/Estt.-I, dated 07.09.2022 (Annexure P-12), vide which Ms. Bhavneet Bhatti (respondent No. 4), Assistant Professor, has been designated as ‘Chairperson/Head of the School of Communication Studies’, for three years w.e.f. 01.10.2022, by respondent Nos. 1 and 2.

6. Order dated 07.09.2022 (Annexure P-12), has been placed on record subsequently by the petitioner, alongwith Civil Miscellaneous Application No. 7007 of 2023, under Order I Rule 10 read with Section 151 CPC, vide which impleadment of Ms. Bhavneet Bhatti, Assistant Professor, as respondent No. 4 in the present proceedings, was sought. The said application was allowed vide order dated 18.10.2023, passed by a Co-ordinate Bench of this Court, and Ms. Bhavneet Bhatti, Assistant Professor, was arrayed as respondent No. 4 in CWP No. 30348 of 2019.

For ready reference, order dated 07.09.2022 (Annexure P-12), vide which Ms. Bhavneet Bhatti (respondent No. 4), Assistant Professor, has been designated as ‘Chairperson/Head of the School of Communication Studies’, is also reproduced here under:-



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“ PANJAB UNIVERSITY (CHANDIGARH)

No. 6470-83/Estt.-I

Dated 7/9/2022

OFFICE ORDERS

The competent authority has allowed Dr. Arijit Dakshi, Assistant Professor to continue as Chairperson/Head of the Department of German, P.U., for the period of next three years w.e.f. 01.10.2022 under Rule given at pages – 714-715 of P.U., Calender III, 2019.

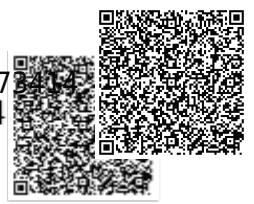
Further, the competent authority has designated Ms. Bhavneet Bhatti, Assistant Professor as Chairperson/Head of the School of Communication Studies for three years w.e.f. 01.10.2022, under Rule given at pages – 714-716 of P.U. Calender III, 2019.

The present Head of the Department may kindly hand over the charge of the Department to his/her successor.

Sd/- 7/9/2022

Assistant Registrar (Estt. - I)”

7. Before proceeding for examining the facts and relevant statutory rules for designating ‘**a person**’ as Chairman/Head of Department, it would be apt to notice that at the first instance, after hearing arguments on behalf of the petitioner and respondent Nos. 1 and 2, judgement in the writ petition was reserved on 22.05.2024. Thereafter, during course of dictating the judgement and having gone through the record of the case, on 23.05.2024, it was found by this Court that, in fact, Ms. Bhavneet Bhatti, Assistant Professor, was not served with the notice of the present writ petition, despite being arrayed as respondent No. 4, vide order dated 18.10.2023, passed in CM No. 7007 of 2023. Since, the fate of the present writ petition will directly affect the rights of Ms.



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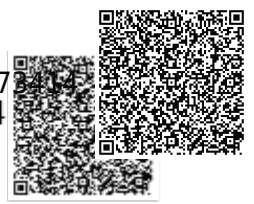
Bhavneet Bhatti, respondent No. 4, this Court felt the necessity to first serve the notice of the writ petition upon her. Accordingly, the case was re-listed for hearing on 24.05.2024. Thereafter, Ms. Bhavneet Bhatti, respondent No. 4, was served. She appeared before this Court on 30.05.2024, and opted to argue the writ petition for herself on her own/in person.

8. While claiming right of priority on the basis of Rules 2.1, 2.3 and 2.4 of Chapter L-III of the Panjab University Calendar, Volume III, petitioner submits that on 14.12.1998, she joined as a Lecturer (Assistant Professor) in the then Department of Mass Communication, Panjab University, Chandigarh, which was subsequently re-named as 'School of Communication Studies'. Thereafter, she was promoted as a Reader (Associate Professor), with effect from 31.07.2011, and as a Professor, with effect from 31.07.2014.

At the time of her joining as Lecturer (Assistant Professor), there were only two other teachers, working as Readers (Associate Professors) in the Department.

9. On 12.01.1999, another Lecturer (Assistant Professor) joined the Department, who was also selected along with the petitioner.

10. Mr. Rupinder Khosla, Senior Advocate, along with Mr. Aman Sharma, counsel for the petitioner, argues that in each teaching department of the respondent University, '**a person**' is designated as '**Chairman/Head of the Department**', for a fixed term of three years, on rotation basis, by the Senate on the recommendations of the Syndicate of



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the respondent-University, by following the Rules 2.1, 2.3 and 2.4, contained in Chapter – LII of the Panjab University Calendar, Volume III.

11. While reading out the said rules, learned Senior counsel for the petitioner submits that teaching departments of the Panjab University follow a three-tier structure in the teaching faculty:-

- i) Professors.
- ii) Readers (Associate Professors)
- iii) Lecturers (Assistant Professors)

and the Chairmanship rotates through these three stages in perpetuity.

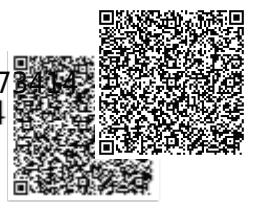
Each cycle passes through three stages and after exhausting of first stage, it rotates to second stage and then, at last to third stage, and then, re-starts with the first stage.

Thus, in this rotation system, Chairmanship rotates through all the three tiers by giving chance to all the segments, subject to the exhausting of one segment completely.

12. Since, Rules 2.1, 2.3 and 2.4 of Chapter LII of the Panjab University Calendar, Volume III, require to be interpreted, in its true and correct perspective, for the purpose of reference and convenience, the relevant part of “CHAPTER LII for Rotation of Headship in Teaching Departments”, is reproduced here under:-

“ **CHAPTER LII**
ROTATION OF HEADSHIP – TEACHING DEPARTMENTS

Note:-- *Rules relating to duration of Chairmanship in the Teaching Departments have been integrated with these Rules.*



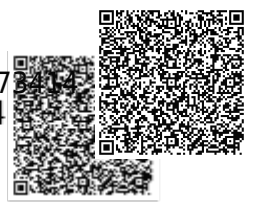
1.1. No Teaching Department shall be established, reconstituted, amalgamated with another or divided or abolished, except in accordance with the provisions of the Rules.

1.2. Each teaching Department shall consist of the following members, namely:

- (i) Teachers in the Department; and*
- (ii) Such other persons as are approved for imparting instruction in the Department by the University.*

2.1. Each Teaching Department shall have a Chairman/Head to be designated by the Senate on the recommendations of the Syndicate in the manner provided as under:-

- (i)(a) The Chairman/Head of a Department shall be designated, by rotation, from amongst the Professors in the Department appointed by way of direct recruitment or by way of promotion or by any other method approved by the Senate, according to length of service as such in the Panjab University, irrespective of the method of appointment.*
- (b) In case the length of service as Professors appointed by way of direct recruitment or by way of promotion or by any other method approved by the Senate is equal, then the Chairman/Head will be designated on the basis of their inter-se seniority in the lower cadre. However, from amongst Professors directly recruited on the same day by the same Selection Committee, their turn for designation as Chairman/Head shall be determined on the basis of the ranking approved by the Senate.*



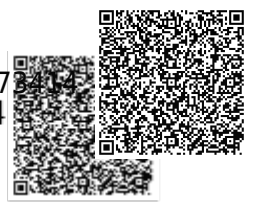
(ii) *In case of a Department where there is no Professor or where all the Professors have been designated Chairman/Head on their turn and have served on resigned or declined the offer:*

(a) *The Chairman/Head shall be designated, by rotation, from amongst the Readers in the Department appointed by way of direct recruitment or by way of promotion or by any other method approved by the Senate according to length of service as such in the Panjab University, irrespective of the method of appointment.*

(b) *In case the length of service as Readers appointed by way of direct recruitment or by way of promotion or by any other method approved by the Senate is equal, then the Chairman/Head will be designated on the basis of their inter-se seniority in the lower cadre.*

However, from amongst Readers directly recruited on the same day by the same Selection Committee, their turn for designation as Chairman/Head shall be determined on the basis of the ranking approved by the Senate.

(c) *In case a Reader in the Department is not available the Chairman/Head shall be designated, by rotation, from amongst the Lecturers in the Department who have at least 8 years teaching experience as*

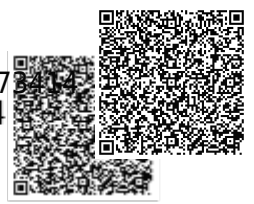


Lecturer in the Department, according to length of service. The period of service as temporary ad hoc Lecturer on a full-time basis in the Department will be counted towards the requisite period of 8 years teaching experience as Lecturer in the Department. Provided that in exceptional circumstances, for reasons to be recorded, the Vice-Chancellor in making recommendations to the Syndicate on designation of a Chairman/Head, may deviate from the principle of length of service or the stipulation of length of teaching experience as the case may be.

- 2.2.** (i) *No Professor, Reader or Lecturer in a Department shall be compelled to accept the offer of Chairmanship/Headship of the Department.*
- (ii) *As and when the turn of a faculty member comes up for appointment as chairmanship/Headship, he will, have no right to have it postponed.*

2.3. *A person designated as Chairman/Head of the Department shall hold office as such for a period of three years and shall not be eligible for designation for the second time till all the Professors/Readers/Lecturers in the Department have been designated Chairman/Head in accordance with Rule 2.1.*

However, where no other Professor/Reader/Lecturer is available or eligible, the same person can be allowed to continue as Chairman/Head of the Department for a period of another three years or till the next person in the Department becomes eligible, whichever is earlier.



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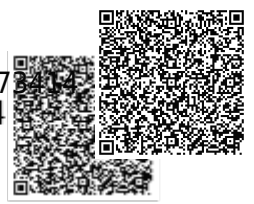
Provided that a Chairman/Head of a Department on attaining the age of superannuation i.e. 60 years shall cease to hold office as such.

2.4. When Professors/Readers/Lecturers in a Department have been designated as Chairman/Head for one term, in accordance with rule 2.1., the next Chairman/Head of the Department shall be designated by rotation according to the said rule 2.1.”

13. Mr. Suvir Sidhu, learned counsel representing respondent Nos. 1 and 2, reiterates the pleadings raised in the written statement filed by the said respondents before this Court, by submitting that as per Rule 2.3 of the Panjab University Calendar, Volume III, 2016, ‘*a person*’, designated as ‘*Chairman/Head of the Department*’ shall hold the office as such for a period of three years and shall not be eligible for designation, for the second time, till all the Professors/Readers (Associate Professors)/eligible Lecturers (Assistant Professors) in the Department, have been designated as Chairman/Head, in accordance with Rule 2.1.

14. Mr. Suvir Sidhu, further submits that the petitioner has already availed her term of Headship, w.e.f. 22.01.2008 to 21.01.2011, when she was Lecturer (Assistant Professor), whereas respondent No. 3 had never availed Headship in the Department.

Thus, defending the designation of respondent No. 3 as Chairman/Head of the Department, Mr. Suvir Sidhu heavily relies upon Rule 2.3 of Chapter LII (ROTATION OF HEADSHIP – TEACHING DEPARTMENTS), of the Panjab University Calendar, Volume III, 2016 (Annexure R-5).



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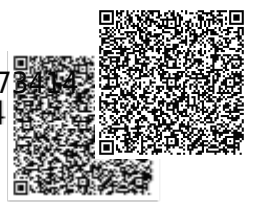
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15. Reiterates that petitioner – Dr. Mohanmeet Khosla, has already availed her term of Headship, i.e. from 22.01.2008 to 21.01.2011, in the cadre of Lecturer (Assistant Professor). In the meantime, Dr. Archana R. Singh, who was next to the petitioner in rotation, for designation as Chairman/Head of the Department, had been promoted as Reader (Associate Professor), and at that time, no other Lecturer (Assistant Professor) was available to be designated as Chairman/Head of the Department. Therefore, Dr. Archana R. Singh, Reader (Associate Professor), was designated as Chairman/Head of the Department, in the Cadre of Reader (Associate Professor), w.e.f. 22.01.2011 to 22.01.2014, inasmuch as, before that she had never availed the term of Headship.

Further submits that Dr. Archana R. Singh could not complete her entire period of Headship, as she had proceeded for study leave. Therefore, rotation for the term of Headship moved in the Cadre of Professor, as no other person was eligible/available for designation as Chairman/Head of the Department.

Accordingly, Dr. Sanjay Wadwalker, Professor, was designated as Chairman/Head of the Department. However, he expressed his inability to act as such, due to some domestic commitments.

16. Since, there was no other person in the cadre of Professors, the rotation of the term of Headship again moved in the cadre of Readers (Associate Professors), and Shri Jayant N. Pethkar, Reader (Associate Professor) was designated as Chairman/Head of the Department, w.e.f. 01.10.2013 to 30.09.2016, by the respondent – University.



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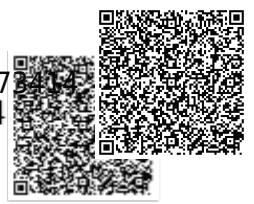
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However, in the meantime, both the petitioner Dr. Mohanmeet Khosla and Dr. Archana R. Singh, were promoted as Professors and at that time, Dr. Sumedha Singh (respondent No.3) and Ms. Bhavneet Bhatti (respondent No. 4), were not eligible for Headship, in consonance with Rule 2.1(ii)(c) of Chapter LII (ROTATION OF HEADSHIP – TEACHING DEPARTMENTS), of the Panjab University Calendar, Volume III, 2016 (Annexure R-5), which prescribes minimum period of eight years teaching experience as Assistant Professor in the Department, as a pre-requisite, for designation as a Chairman/Head of the Department.

Therefore, the term again moved to the cadre of Professor and accordingly, Dr. Archana R. Singh was designated as Chairman/Head of the Department, w.e.f. 01.10.2016 to 30.09.2019, in the cadre of Professor.

17. Mr. Suvir Sidhu also submits that during this time, Dr. Sumedha Singh (respondent No.3) became eligible to be designated as Chairman/Head of the Department, in the cadre of Lecturer (Assistant Professor), as she completed the requisite period of eight years as Assistant Professor in consonance with Rule 2.1(ii)(c) of Chapter LII (ROTATION OF HEADSHIP – TEACHING DEPARTMENTS), of the Panjab University Calendar, Volume III, 2016 (Annexure R-5).

This is how, Ms. Sumedha Singh, respondent No. 3, got an opportunity of being designated as Chairman/Head of the Department, w.e.f. 01.10.2019 to 30.09.2022.



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18. At this juncture, Mr. Rupinder Khosla, learned Senior counsel for the petitioner points out that as per the current situation, Ms. Sumedha Singh (respondent No.3), served as the Chairperson/Head for the period from 01.10.2019 to 30.09.2022, being Lecturer (Assistant Professor), and said Chairmanship, is now taken over by another Lecturer (Assistant Professor), namely, Ms. Bhavneet Bhatti (respondent No. 4), for the period from 01.10.2022 to 30.09.2025.

It shows that despite the availability of the petitioner – Dr. Mohanmeet Khosla, being a Professor, Ms. Bhavneet Bhatti, Lecturer (Assistant Professor), has been handed over the charge of Chairmanship w.e.f. 01.10.2022. Thus, for the second consecutive term, charge of the Chairmanship has been handed over to a Lecturer (Assistant Professor), ignoring the candidature of the petitioner, who is a Professor.

19. Mr. Rupinder Khosla further argues that, in fact, as per the Rules, after completion of tenure of Dr. Archana R. Singh, as Chairperson/Head of the Department, on 30.09.2019, the said charge ought to have been handed over to a Professor, i.e. the petitioner herein, instead of Ms. Sumedha Singh, respondent No. 3, who is a Lecturer (Assistant Professor). To substantiate his submission, learned Senior counsel for the petitioner furnished a chart prepared by him, showing the actual rotation position in terms of relevant rules vis-a-vis the actual incumbency position. The chart produced by Mr. Khosla, during course of arguments, reads as under:-



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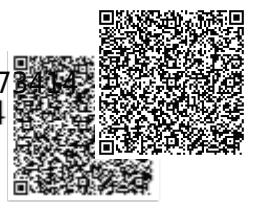
Incumbency Chart (as per Rules)

1.	Shri Jayant Pethkar (Lecturer)	01.12.2004 to 30.11.2007
2.	Dr. Mohanmeet Khosla (Lecturer)	22.01.2008 to 21.01.2011
3.	Shri Sanjay Wadwalker (Professor)	22.01.2011 to 30.09.2014
4.	Dr. Archana R. Singh (Professor)	01.10.2014 to 30.09.2017
5.	Dr. Mohanmeet Khosla (Professor)	01.10.2017 to 30.09.2020
6.	Dr. Sumedha Singh (Lecturer)	01.10.2020 to 30.09.2023
7.	Dr. Bhavneet Bhatti (Lecturer)	01.10.2023 to 30.09.2026

Incumbency Chart (as per factual position)

1.	Shri Jayant Pethkar (Lecturer)	01.12.2004 to 30.11.2007
2.	Dr. Mohanmeet Khosla (Lecturer)	22.01.2008 to 21.01.2011
3.	Dr. Archana R. Singh (Reader)	22.01.2011 to 30.09.2013 (thereafter proceeded on study leave)
4.	Dr. Jayant Pethkar (Reader)	01.10.2013 to 30.09.2016
5.	Dr. Archana R. Singh (Professor)	01.10.2016 to 30.09.2019
6.	Dr. Sumedha Singh (Lecturer)	01.10.2019 to 30.09.2022
7.	Dr. Bhavneet Bhatti (Lecturer)	01.10.2022 to 30.09.2025

Thus, by projecting the comparison from both the aforementioned charts, learned Senior counsel for the petitioner submits that had Rule 2.1 been complied with in its letter and spirit, instead of respondent No. 3; being the next eligible and suitable Professor, it was only the petitioner who could be designated as Chairperson/Head of the Department.

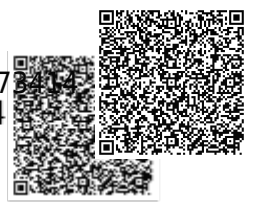


20. From the facts and the rules reproduced here above, it is clear that the substantial issue for consideration before this Court is, as to whether cycle of designation as Chairperson/Head of the Department, from amongst the cadres of Professors, Readers (Associate Professors) and Lecturers (Assistant Professors) can be broken midway or not, which works on rotation basis, in consonance with the provisions of Rules 2.1, 2.3 and 2.4 of Chapter LII of the Panjab University Calendar, Volume-III.

Another question, requiring its answer is that, if, '*a person*' has already availed the term of Chairperson/Head of the Department, can such a person be considered as an eligible candidate for second time/term also, despite availability of '*a person*', who is also eligible for being designated as Chairperson/Head of the Department for the first time, in terms of the rules, irrespective of his stature as a junior in the concerned teaching department.

21. After going through the pleadings raised by the respective parties and also by hearing the submissions addressed, this Court realizes that the issue before it is only to interpret the true intent and spirit of framing of rules, i.e. Rules 2.1 to 2.4, as contained in Chapter LII of the Panjab University Calendar, Volume-III, as per which Chairman/Head of the Department of each of the teaching department requires to be designated by the Senate on the recommendation of the Syndicate, on rotation basis.

While doing this exercise, this Court would remind itself that the post of Chairman/Head of the Department in a teaching department, is not a promotion to a particular position, rather it is merely



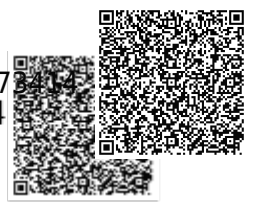
a designation, and that too for a specific tenure of three years at a given time.

Since there are no specific pleadings in that regard from either side, in a way this Court understands that the rules for designation as Chairman/Head of the Department in the teaching department, have been formulated in a manner and with a specific purpose of embedding and developing the quality of leadership amongst all the members of the teaching faculty for leading a particular teaching department, as an efficient Chairman/Head of it, irrespective of the post, i.e. Professor, Associate Professor or Assistant Professor. However, the Syndicate of the University would recommend the name of the Chairman/Head of the Department by following the parameters prescribed within Rules 2.1 to 2.4 of Chapter LII of the Panjab University Calendar, Volume-III.

While deciding the issue, this Court is also required to keep in mind the impact of barring the Headship for a second time, as mentioned under Rule 2.3.

22. The first and foremost condition is that the designation of Chairman/Head of the Department in a teaching department, is to be assigned by **rotation** and the exercise of rotation has to be accomplished strictly in consonance with the manner provided under Rule 2.1(i)(a)(b) to Rule 2.1(ii)(a)(b)(c).

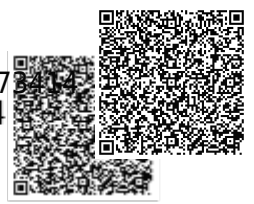
Broadly speaking, for designating '**a person**' as Chairman/Head of the Department, all the steps detailed under Rule 2.1 are to be followed.



A simple and complete reading of Rule 2.1 would reveal that at the first instance, for the purpose of designating '*a person*' as Chairman/Head in the concerned teaching department, respondent-University has to exhaust the quota of all the Professors, who fall within the category of Rule 2.1(i)(a), and only thereafter, the next category of Readers, falling under Rule 2.1(ii)(a), shall be considered for the purpose of designating as Chairman/Head; and in the last, the Chairman/Head can be designated by rotation from amongst the eligible Lecturers, who have minimum teaching experience of 8 years as Lecturer in the Department, as prescribed under Rule 2.1(ii)(c).

The provision of Rule 2.1 further makes it clear that in the three-tier system adopted by the respondent – University, Headship would be designated in the teaching department to '*a person*' on a rotation basis. Meaning thereby, once the rotation/quota of Professors is started, it would be exhausted completely, and in case no Professor is available, the chance of consideration for designation as Chairman/Head of the Department would spill over to the quota of Readers (Associate Professors) and once the quota of Readers (Associate Professors) is exhausted, the turn of eligible Lecturers (Assistant Professors) would come. Rule 2.1 nowhere creates a situation where after exhausting the quota of Readers (Associate Professor), if any Professor is available alongwith the availability of eligible Lecturer (Assistant Professor), the chance would be given to the Professor on priority basis.

23. Mr. Rupinder Khosla, learned Senior Advocate, has based his argument upon the same provision, i.e. Rule 2.3, and submitted that



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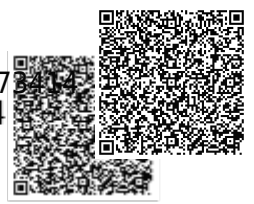
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the petitioner's eligibility for designation for second term of Chairman/Head of the Department, as Professor, cannot come in her way because as per Rule 2.3 itself, the three-tier cycle of rotation for designation has to restart with Rule 2.1 every time. To substantiate his submission, Mr. Rupinder Khosla pointed out that in the past, i.e. for the period from 01.12.2004 to 30.11.2007, Shri Jayant Pethkar (Lecturer) was designated as Chairman/Head of the Department, and he was again designated as such for the second time for the period from 01.10.2013 to 30.09.2016, when he was working in the cadre of Reader (Associate Professor).

As a second instance, Mr. Rupinder Khosla has referred the case of Dr. Archana R. Singh. She was designated as Chairperson/Head of the Department for the period from 22.01.2011 to 30.09.2013, i.e. first time, when she was in the cadre of Reader (Associate Professor). Again, Dr. Archana R. Singh was designated as Chairperson/Head of the Department, for the period from 01.10.2016 to 30.09.2019, i.e. for the second time, while she was in the cadre of Professor.

Thus, Mr. Rupinder Khosla submitted that on expiry of the term of Professor (Dr.) Archana R. Singh, the petitioner being a Professor, was available for designation as Chairperson/Head of the Department second time. However, this time in the capacity of Professor only.

24. After deeply examining the situation and the quoted examples by the petitioner, this Court realises that past practice cannot be probed now until it was challenged by the concerned at the relevant time,



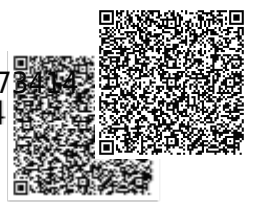
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by explaining the peculiar factual circumstances prevailing during that period. However, this Court has no hesitation in observing the correct interpretation of the Rules, looking at the intent and purpose of framing of it, i.e. irrespective of the stature as junior and senior in the teaching department, everyone has to be given chance of Headship to lead the department on rotation basis. This interpretation is strengthened from Rule 2.3 itself, where instead of mentioning any post of a person, such as Professor, Reader or Lecturer, the word with which the rule starts is '**A person**'. Petitioner herself was designated as Chairperson/Head of the Department, in the capacity of Lecturer, for the period from 22.01.2008 to 21.01.2011.

25. For reaching to the correct and meaningful interpretation of Rule 2.1 (as a whole), reading of Rules 2.3 and 2.4 become necessary. As per Rule 2.3, '**a person**' designated as Chairman/Head of the Department, shall hold office for a period of three years and shall not be eligible for designation for second time, till all the Professors/Readers/Lecturers in the department has been designated as Chairman/Head in accordance with Rule 2.1, as a whole.

Framers of the rules also visualized a situation when at the time of expiry of the term of working/designated Chairman/Head of the Department, no other person from all the three segments, i.e. Professor, Reader and Lecturer, is available or eligible for being designated as Chairman/Head of the Department. In such a situation, provision contained in sub-para of Rule 2.3, comes into play and can be invoked, whereunder it is specifically stipulated that "*where no other*



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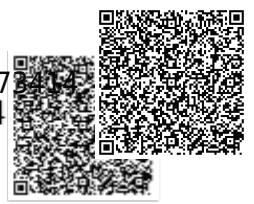
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Professor/Reader/Lecturer is available or eligible, the same person can be allowed to continue as Chairman/Head of the Department for a period of another three years or till the next person in the Department becomes eligible, whichever is earlier". Proviso to Rule 2.3 also clarifies that a Chairman/Head of a Department on attaining the age of superannuation shall cease to hold office as such.

Rule 2.4 again unambiguously mandates that when Professors/Readers/Lecturers in a Department have been designated as Chairman/Head for one term, in accordance with Rule 2.1, the next Chairman/Head of the Department shall be designated by rotation according to the said Rule 2.1.

26. Thus, reading of Rule 2.1 in conjunction with Rule 2.3, would clear the position that it has to be read as a whole and designation of Chairman/Head of the Department in teaching department has to run on rotation basis, as defined under Rule 2.1(i), 2.1(ii) and thereafter 2.1(ii)(c).

27. There is no dispute by any of the parties before this Court that for the purpose of designating anyone as Chairman/Head of the Department, it would not matter whether proposed candidate is manning the post of Professor, Reader (Associate Professor), or Lecturer (Assistant Professor). For example, if rotation of Lecturers/Assistant Professors is continuing and another eligible Lecturer, having minimum 8 years teaching experience as Lecturer in the Department, is available, he can lead the department by being designated as Chairman/Head of the Department, despite there being availability of the Professors or Readers.



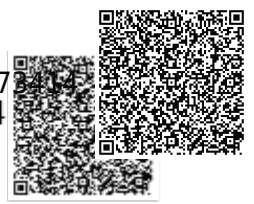
Thus, firstly, the cycle of rotation of Lecturers (Assistant Professors) is to be completed, as prescribed under Rule 2.1(ii) and only thereafter, the rotation will switch over to the Professors, i.e. under Rule 2.1(i).

While observing so, this Court finds reason behind it, i.e. the intent and purpose of formulating the rotation system by the framers of the Rules for Headship in the teaching department(s), i.e. to create good and maximum qualitative teachers, who can manage the affairs of the teaching departments, in a more efficient and effective manner.

28. Moreover, the parties before this Court have also not set up their plea that the designated Chairman/Head of the Department is getting any extra benefits in service in the shape of salary, seniority or any promotional avenues etc.

29. Thus, it is clear that as per Rule 2.3, once '*a person*' has been designated as Chairman/Head of the Department, he/she will not be eligible for same designation for the second time, until all other available and eligible Professors, Readers and Lecturers in the department, have availed the chance of being designated as Chairman/Head, in accordance with Rule 2.1.

30. The prohibition contained in Rule 2.3 is very clear to the effect that the present petitioner cannot claim her right for being designated as Chairman/Head of the Department, for the second time, unless all the Professors, Readers and eligible Lecturers have been given chance of being designated as such, as per comprehensive reading and interpretation of Rule 2.1, and this view stands emboldened/corroborated by Rule 2.4.



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31. Plea of the petitioner that at the time of expiry of the term of Prof. (Dr.) Archana R. Singh on 30.09.2019, the petitioner being available as Professor, was to be designated as Chairperson/Head of the Department, for the period for which respondent No. 3 – Ms. Sumedha Singh, Lecturer/Assistant Professor, was designated, seems to be misconceived, rather without any force by virtue of Rule 2.3.

32. In view of the aforementioned reasoning and interpretation of the Rules recorded by this Court, the present writ petition sans merit and accordingly the same is dismissed.

Pending miscellaneous application, if any, also stands disposed of.

**(SANJAY VASHISTH)
JUDGE**

June 25, 2024
Lavisha/P Kapoor

Whether speaking/reasoned ✓ **Yes/No**
Whether reportable ✓ **Yes/No**