

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.2015 of 2018

Date of decision : 31.10.2018

Kalpana Arya

... Petitioner

Versus

Chaudhary Sarwan Kumar Himachal Pradesh Krishi
Vishvavidyalaya, Palampur and another

... Respondents

Coram:

The Hon'ble Mr. Justice Sanjay Karol, Judge.

The Hon'ble Mr. Justice Chander Bhusan Barowalia, Judge.

*Whether approved for reporting?*¹ No.

For the Petitioner : Mr. R.L. Chaudhary, Advocate.

For the Respondents : Mr. Naresh K. Sharma, Advocate.

Sanjay Karol, Judge (Oral)

Petitioner, by the medium of this petition, has mainly prayed for the following relief:-

“(i) That writ of certiorari may kindly be issued, quashing the impugned order dated 20.08.2018 (Annexure P-3), since the same has been passed in violation of guidelines issued by Indian Council of Agriculture & Research (ICAR) for KVK (Annexure P-5) as well as against the notification dated 10.03.2018 (Annexure P-4) issued by the respondent

¹**Whether reporters of Local Papers may be allowed to see the judgment?**

University, since as per Annexure P-4 & P-5, Professor cannot be posted in KVK, but in the present case, the petitioner, who is eligible to be posted in KVK Sundernagar as Subject Matter Specialist as per couple case and in light of her compelling family circumstances, has not been posted in KVK Sundernagar and the private respondent who is Professor has been ordered to be posted in KVK Sundernagar in violation of the rules.

(ii) That writ of mandamus may kindly be issued, directing the respondents to allow the petitioner to continue to work as Subject Matter Specialist in KVK Sundernagar as per the ICAR guidelines (Annexure P-5) and furthermore by taking into consideration the couple case of the petitioner and her compelling family circumstances, since she having two minor daughters and old age mother-in-law to be looked-after, since her husband is serving as Surgeon in Zonal Hospital Mandi and present place of posting is about 180 Kms. away from her native village."

2. Learned counsel for the petitioner, under instructions, submits that the petitioner shall be content if a direction is issued to respondents to consider and decide the petitioner's representation, venting out her grievances, which

she shall be making within a period of one week from today. Also, petitioner does not press the issue raised in the present petition, for the reliefs as orally prayed for, is that of a mere direction to the respondents to consider and decide the petitioner's representation which she shall be making within a period of one week from today.

3. Mr. Vikas Rathour, Learned Additional Advocate General, undertakes that the representation of the petitioner, shall positively be decided by respondent No.1 within a period of four weeks. His statement is accepted and taken on record.

4. No other point is urged.

5. Leaving all questions of law open, in view of the statement made by the learned counsel more so, for the reason that the petition, as prayed for is not pressed, we dispose of the present petition with direction to the respondents to consider and decide the petitioner's representation expeditiously and preferably within a period of four weeks from the receipt thereof, in accordance with law, by affording opportunity of hearing to all concerned.

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6. Needless to add, if the order is not in favour of the petitioner, the authority shall assign reasons while deciding the same, which shall be communicated to the petitioner. Liberty is reserved to the petitioner to approach the Court, if need so arises subsequently.

7. It is clarified that we have not expressed any opinion on the merits of the case.

With the aforesaid observations, present petition stands disposed of, so also pending application(s), if any.

Copy Dasti.

**(Sanjay Karol),
Judge.**

(Chander Bhusan Barowalia),

October 31, 2018 (KS)

Judge.