

**18<sup>th</sup> Meeting of Executive Council**  
**Himachal Pradesh National Law University, Shimla**  
**Minutes of the Meeting**  
**February 24, 2023**

**The 18<sup>th</sup> Meeting of the Executive Council, HPNLU Shimla was held on February 24, 2022 at 12:30 P.M. The Meeting was presided by Professor (Dr.) Nishtha Jaswal, Vice-Chancellor, HPNLU Shimla.**

**Following members were present through online mode:**

1.	Professor (Dr.) Nishtha Jaswal, Vice-Chancellor, HPNLU	Chairperson
2.	Sh. Rajeshwar Goyal, Special Secretary (Home) to the Govt. of Himachal Pradesh	Member
3.	Sh. Sharad Kumar Lagwal, LR-Cum-Secretary (Law) to the Government of Himachal Pradesh.	Member
4.	Dr. Amarjit K. Sharma, Director (Higher Education) H.P. (Shimla) (Representative of Secy. Higher Education)	Member
5.	Prof. Ranbir Singh, Former Vice-Chancellor, National Law University, Delhi.	Member
6.	Prof. Faizan Mustafa, Former Vice-Chancellor, NALSAR, Hyderabad	Member
7.	Prof. Paramjit Singh Jaswal, Vice-Chancellor, SRM University, Sonipat	Member
8.	Prof. Vijender Kumar, Vice-Chancellor, Maharashtra National Law University, Nagpur.	Member
9.	Sh. Ajay Kumar Sharma, Chairman, Bar Council of Himachal Pradesh.	Member
10.	Prof. S.S. Jaswal, H.P. National Law University, Shimla	Member
11.	Dr. Ruchi Sapahia, Associate Professor, HPNLU	Member
	Registrar, H.P. National Law University, Shimla	Secretary






**Note: Following hon'ble members could not attend the meeting:**

1. Chief Secretary to the Government of Himachal Pradesh.
2. Secretary (Finance) to the Government of Himachal Pradesh.
3. Prof. Gurdip Singh Bahari, Chancellor, IMS, University, Dehradun.

## PROCEEDINGS OF THE MEETINGS

Item No. 1	To confirm the Minutes and Action Taken Report of the 17 <sup>th</sup> Meeting of the Executive Council held on November, 02 2022.		
Agenda Note		Discussion	Decision/Resolved
The Vice Chancellor placed the minutes of the 17 <sup>th</sup> Meeting of Executive Council along with the ‘Action Taken Report’ before the members of the Executive Council.		The Vice-Chancellor explained the details of the minutes of last meeting, presented the ‘Action Taken Report’ and explained the Action Taken Report and Proceedings.	After brief deliberation over the minutes along with the Action Taken Report, the same were confirmed.
Item No. 2	To confirm the Minutes of the 14th and 15th Meeting of the Academic Council held on 15th November, 2022 and February, 24 2023 respectively.		
Agenda Note		Discussion	Decision/Resolved
The Vice Chancellor placed the agenda item before the Executive Council to confirm the Minutes of the 14th and 15th Meeting of the Academic Council held on 15th November, 2022 and February, 24 2023 respectively.		<p>The Vice-Chancellor explained the recommendations of the Academic Council in both the meetings agenda item wise.</p> <p>The Executive Council deliberated upon each recommendations of both the meetings of the Academic Council thoroughly and resolved to approve the same.</p>	The Executive Council unanimously approved the Minutes of the 14th and 15th Meeting of the Academic Council held on 15th November, 2022 and February, 24 2023 respectively.
Item No. 3	To confirm the Minutes of the 13th Meeting of the Finance Committee held on February, 24 2023.		
Agenda Note		Discussion	Decision/Resolved
The Vice Chancellor placed the Minutes of 13th Meeting of the Finance Committee held on February, 24 2023.		<p>The Vice-Chancellor explained the recommendations of the Finance Committee in its meeting held on 24<sup>th</sup> February, 2023.</p> <p>The Executive Council deliberated upon each recommendation of the Finance Committee thoroughly and resolved to approve the same.</p>	The Executive Council unanimously approved the Minutes of 13 <sup>th</sup> Meeting of the Finance Committee held on February, 24 2023.

<b>Item No. 4</b>	<b>To consider and approve request of Mr. Munish Kumar Clerk, Establishment Branch regarding Pay Protection.</b>	
<b>Agenda Note</b>	<b>Discussion</b>	<b>Decision/Resolved</b>
<p>The Vice-Chancellor placed the Agenda item before the Executive Council to consider and approve the request of Mr. Munish Kumar Clerk, Establishment Branch regarding Pay Protection.</p>	<p>The Vice-Chancellor informed the members of the Executive Council that Mr. Munish Kumar joined this University on 09-09-2022 to the post of Clerk at Level-3 as per pay matrix of revised pay scale (Rs. 5910-20200+1900 G.P. unrevised). Prior to his appointment as Clerk in this University, he was serving in the Himachal Pradesh Board of School Education, Dharamshala as Junior Office Assistant (I.T.) on regular basis in the revised pay Rs. 31,200/- at Level-4 as per his salary statement submitted by him. The post of Clerk (Level-3), he joined in the University, is in the same cadre and has the same pay scale to that of the post i.e., Junior Office Assistant (IT) on which he was serving in his previous employment.</p> <p>She further informed the members that Mr. Munish Kumar had applied for the post of Clerk in this University through proper channel. He was relieved by his parent department on 09-09-2022 to enable him to join the services of this University.</p> <p>The Vice-Chancellor submitted that Mr. Munish Kumar has requested for the protection of pay, which was drawn by him prior to his appointment to the post of Clerk in HPNLU, Shimla. It is proposed to revise his basic pay from Rs. 21,800/- to Rs. 31,200/- w.e.f. the date of his joining this University.</p> <p>The item was thoroughly deliberated upon by the members and resolved to approve the same.</p>	<p>The Executive Council unanimously approved the pay protection of Mr. Munish Kumar and also approved to revise his basic pay from Rs. 21,800/- to Rs. 31,200/- w.e.f. the date of his joining this University.</p>

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Item No. 5	To consider and approve the Annual Report (Academic Session 2021-2022).		
Agenda Note		Discussion	Decision/Resolved
The Vice-Chancellor placed the Annual Report of the University for the Academic Session 2021-2022.		<p>The Vice-Chancellor, while placing the Annual Report of the University before the Executive Council, explained the details mentioned in Part-I, II and III of the Annual Report.</p> <p>The Vice-Chancellor further informed the esteemed members that the Annual Report Part-II and III has already been approved by Finance Committee with some suggestions.</p> <p>The members of the Executive Council perused the Annual Report thoroughly and congratulated the Vice-Chancellor appreciating for the achievements of the University.</p> <p>The esteemed members unanimously resolved to approve the same.</p>	Executive Council unanimously resolved to approve Annual Report for the Academic Session 2021-2022 with suggestions as recommended by the Finance Committee meeting held on 24 <sup>th</sup> February, 2023, and recommended the same to be placed before the Governing Council.
Item No. 6	To consider the Report submitted by Chairperson, Internal Committee, regarding complaint of Sexual Harassment registered against the two faculty members.		
Agenda Note		Discussion	Decision/Resolved
The Vice-Chancellor placed the Report submitted by Chairperson, Internal Committee, regarding complaint of Sexual Harassment registered against the two faculty members in sealed envelope.		With the permission of the esteemed members of the Executive Council, the Vice-Chancellor opened the sealed envelope containing the report of Internal Committee regarding complaint of Sexual Harassment against two faculty members.	The members unanimously resolved that the Vice-Chancellor is to take final action/decision on the report of Internal Committee (IC) as per the provisions of Sexual Harassment Act, 2013. On the desire of the Vice-Chancellor this item was allowed to be withdrawn from the agenda. Members further, resolved that action/decision taken by the Vice-

	<p>She read the findings in the report and submitted the report to the esteemed members for consideration and approval.</p> <p>The Executive Council deliberated upon the report thoroughly and suggested to withdraw the agenda item, and categorically opined that this matter should not be discussed outside. The members unanimously decided to authorize the Vice-Chancellor to take final action/decision as per the Sexual Harassment Act, 2013.</p> <p>Further, Hon'ble Members, Executive Council cautioned that this matter should not be discussed outside.</p>	<p>Chancellor be reported in the next meeting of the Executive Council.</p> <p>Further, Hon'ble Members, Executive Council unanimously directed that this matter should not be discussed outside.</p>
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Item No. 7	To consider and approve amendment in the Himachal Pradesh National Law University, Shimla Hostel and Discipline Regulations, 2019.						
Agenda Note	Discussion	Decision/Resolved					
The Vice-Chancellor placed the Agenda item before the Executive Council to consider and approve the proposed amendments in the Himachal Pradesh National Law University Hostel and Discipline Regulations, 2019.	The Vice-Chancellor submitted that the Himachal Pradesh National Law University, Shimla Hostel and Discipline Regulations, 2019 Part-II namely HPNLU Discipline Amongst Students/Residents Regulations 2019 deal with cases of indiscipline.  She further submitted that there is no provision for appeal from the decision	The Executive Council unanimously resolved to approved the following amendments in the Himachal Pradesh National Law University Hostel and Discipline Regulations, 2019 with effect from the date of notification of these Regulations with the modification specified below:					
		<div><div>The Himachal Pradesh National Law University Discipline Among Students/Residents Regulations, 2019</div><table><tr><td>Regulation No.</td><td>Proposed Amendment</td></tr><tr><td>7.4</td><td>The Dean Students Welfare, if satisfied on enquiry by himself or with the findings of the Committee on guilt, shall give an opportunity</td></tr></table></div>		Regulation No.	Proposed Amendment	7.4	The Dean Students Welfare, if satisfied on enquiry by himself or with the findings of the Committee on guilt, shall give an opportunity
		Regulation No.	Proposed Amendment				
7.4	The Dean Students Welfare, if satisfied on enquiry by himself or with the findings of the Committee on guilt, shall give an opportunity						



	taken by the competent authority in case of commission of any kind of indiscipline. Therefore, she proposed to make amendments in the Himachal Pradesh National Law University, Shimla Hostel and Discipline Regulations, 2019.		of hearing to the student on proposed punishment and may impose the appropriate punishment as per these Regulations.
	<p>The members suggested that the changes with respect to the inquiry committee and the appellate authority for the different acts of “<i>Indiscipline</i>” “<i>Serious Indiscipline</i>” and “<i>Grave Indiscipline</i>” are required and suggested the structure for the same.</p> <p>The Executive Council deliberated the matter thoroughly and resolved to approve the same.</p>	7.5	<i>Omitted.</i>
		8.5	<p>If the student is found guilty, the Committee shall give an opportunity of hearing to the guilty student on nature and quantum of proposed punishment.</p> <p>After the hearing, the Committee shall make its recommendations to the Registrar regarding guilt and also nature and quantum of the proposed punishment.</p>
		8.6	The Registrar on perusal of the recommendations of the above said Committee and record may pass an appropriate order/ award punishment as prescribed by these regulations for serious indiscipline.
		9.6(i)	<p>The Vice Chancellor may pass an appropriate order / punishment as per these Regulations.</p> <p><i>Provided</i> if the Vice Chancellor is of the view that punishment should be of debarring the student from the examination or rustication of the student from the University or hostel, the decision of the Vice Chancellor along with the report of the Committee and reply filed by student/s shall be submitted to the Executive Council for confirmation.</p>
		9.6 (ii)	The Executive Council may take an appropriate decision on the guilt and punishment after considering the recommendation

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			of the Vice-Chancellor and, if required, perusal of the record of the case.											
	12: Inquiry Committee and Appellate	<table><tr><th>Category of indiscipline</th><th>Inquiry Committee to be headed by</th><th>Appellate Authority against the decision of the Inquiry Committee</th></tr><tr><td>Indiscipline</td><td>Dean Students Welfare</td><td>Registrar</td></tr><tr><td>Serious Indiscipline</td><td>Registrar</td><td>Vice-Chancellor</td></tr><tr><td>Grave Indiscipline</td><td>Registrar</td><td>Vice-Chancellor</td></tr></table> <p>The Council further unanimously further decided that in cases of <b>Indiscipline</b> the decision of the Appellate Authority, namely, Registrar shall be final.</p> <p>In cases of <b>Serious and Grave Indiscipline</b> the decision of the Appellate Authority, namely, Vice-Chancellor shall be final subject to the confirmation by the Executive Council.</p> <p>The Executive Council unanimously authorized the Vice-Chancellor to incorporate the above changes in the existing Regulations.</p>	Category of indiscipline	Inquiry Committee to be headed by	Appellate Authority against the decision of the Inquiry Committee	Indiscipline	Dean Students Welfare	Registrar	Serious Indiscipline	Registrar	Vice-Chancellor	Grave Indiscipline	Registrar	Vice-Chancellor
Category of indiscipline	Inquiry Committee to be headed by	Appellate Authority against the decision of the Inquiry Committee												
Indiscipline	Dean Students Welfare	Registrar												
Serious Indiscipline	Registrar	Vice-Chancellor												
Grave Indiscipline	Registrar	Vice-Chancellor												

Item No. 8	To consider and approve the establishment of Research Centre namely “Centre for Studies relating to Differently Abled”.												
Agenda Note		Discussion	Decision/Resolved										
The Vice-Chancellor placed the Agenda item before the Executive Council to consider and approve the establishment of Research Centre namely “Centre for Studies relating to Differently Abled”.		<p>The Vice-Chancellor informed the esteemed members that Dr. Sachin Sharma, Associate Professor in Law has submitted a proposal to establish a Research “Centre for Studies relating to Differently Abled”.</p> <p>The Executive Council deliberated the matter thoroughly and resolved to approve the same.</p>	<p>The Executive Council unanimously resolved to approved the establishment of Research Centre namely “<i>Centre for Studies relating to Differently Abled</i>”.</p> <p>Further esteemed members unanimously resolved as recommended by the Academic Council compulsory annual academic audit of all the Research Centre of the University shall be done by using UGC format and through external expert.</p>										
Item No. 9	To consider the Creation of Teaching Posts for Research Centre namely “Centre for Studies relating to Differently Abled”.												
Agenda Note		Discussion	Decision/Resolved										
The Vice-Chancellor placed the Agenda item before the Executive Council to consider and approve the Creation of Teaching Posts for Research Centre namely “Centre for Studies relating to Differently Abled”.		<p>The Vice-Chancellor requested the esteemed members to consider and approve the creation of teaching post for the Research Centre namely “<i>Centre For Studies relating to Differently abled</i>”</p> <p>She emphatically stated that the Research Centre cannot be functional without the faculty members for running it.</p> <p>The members thoroughly deliberated the agenda Item and resolved to approve the same.</p>	<p>The Executive Council unanimously resolved to approve the creation of following teaching posts for the Research Centre namely “Centre For Studies relating to Differently abled”:</p> <table><thead><tr><th>Post Name</th><th>No. of Post</th></tr></thead><tbody><tr><td>Professor</td><td>(01)</td></tr><tr><td>Associate Professor</td><td>(01)</td></tr><tr><td>Assistant Professor</td><td>(01)</td></tr><tr><td>Research Associate</td><td>(01)</td></tr></tbody></table>	Post Name	No. of Post	Professor	(01)	Associate Professor	(01)	Assistant Professor	(01)	Research Associate	(01)
Post Name	No. of Post												
Professor	(01)												
Associate Professor	(01)												
Assistant Professor	(01)												
Research Associate	(01)												



<b>Item No. 10</b>	<b>To consider and approve reconstitution of Standing Anti Ragging Committee and Anti Ragging Squad.</b>	
<b>Agenda Note</b>	<b>Discussion</b>	<b>Decision/Resolved</b>
The Vice-Chancellor placed the Agenda item before the Executive Council to consider and approve reconstitution of Standing Anti Ragging Committee and Anti Ragging Squad.	The Vice-Chancellor apprised that as required by Rule 6.3 of the UGC Regulations on Curbing Menace of Ragging in Higher Educational Institution 2009, the proposal for reconstitution of Standing Anti Ragging Committee and Anti Ragging Squad duly constituted as per the UGC Regulations. The Vice-Chancellor placed draft of the reconstituted of Standing Anti Ragging Committee and Anti Ragging Squad as annexure. The members thoroughly deliberated the proposal in light of the UGC Rules and resolved to approve.	The Executive Council unanimously resolved to approved the proposal as placed in the agenda item.

<b>Item No. 11</b>	<b>Any other item with the permission of Chair.</b>
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### **CURRENT AGENDA**

<b>Item No. 1</b>	<b>To Consider and approve shifting of Mr. Digvijay Katoch from the post of Assistant Professor (Management) to the post of Assistant Professor (Law).</b>	
<b>Agenda Note</b>	<b>Discussion</b>	<b>Decision/Resolved</b>
The Vice-Chancellor placed the Current Agenda item before the Executive Council to consider and approve shifting of Mr. Digvijay Katoch from the post of Assistant Professor (Management) to the post of Assistant Professor (Law).	The Vice-Chancellor informed the esteemed members that Mr. Digvijay Katoch joined this University in 2017 as Assistant Professor (Management). She further informed that Mr. Digvijay Katoch is Post Graduate in Management as well as Law. He has cleared UGC-NET in Law as well as Management. Recently, he has enrolled in Ph.D. (Law) in	The Executive Council unanimously resolved not to approve the agenda item.

	<p>HPNLU, Shimla. During the course of his service in HPNLU, Shimla he has been allotted Law subjects also for teaching along with the subjects of Management.</p> <p>The Vice-Chancellor placed before the members the request of Mr. Digvijay Katoch to shift him from the post of Assistant Professor (Management) to the post of Assistant Professor (Law).</p> <p>The Vice-Chancellor pertinently informed the members that posts of Assistant Professor (Law) are lying vacant.</p> <p>The esteemed members suggested that such conversion of seats/posts may not be in accordance with service jurisprudence, therefore, the agenda item should not be approved. Members further unanimously opined that if faculty member wishes to join as a faculty of subject of Law he should apply afresh for the post of Assistant Professor of Law as and when advertised by the University. It is a separate matter that his experience as a faculty of management can be counted after he joins as Assistant Professor of Law.</p>	
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<b>Item No. 2</b>	<b>To consider the proposal sent by Special Secretary (Home) in view of the U.O. Letter No. SPS/CS/Misc./01/2023 dated 14-01-2023 from Chief Secretary, H.P.</b>
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Agenda Note	Discussion	Decision/Resolved
The Vice-Chancellor placed the Current Agenda item before the Executive Council to consider the proposal sent by Special Secretary (Home) in view of the U.O. Letter No. SPS/CS/Misc./01/2023 dated	The Vice-Chancellor informed the esteemed members that the department of Home, Government of Himachal Pradesh has requested the University to supply comments on the suggestion of the Government regarding "Inclusion of MLAs in National Law University, Shimla".	The Executive Council noted and unanimously resolved that there are already three MLAs/Ministers who are the members of the Governing Council and hence, no further representation of MLAs in the

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A proposal regarding inclusion of the MLAs on the analogy of other State Universities is being sent by the State Govt to the NLU

14-01-2023 from Chief Secretary, H.P.	<p>The Vice-Chancellor further informed that the University had replied on 30-01-2023 that the matter shall be placed before the Executive Council for consideration and decision, and accordingly, the decision of the Executive Council, shall be placed before the Governing Council, whose Chairman is the Hon'ble Chief Justice High Court of Himachal Pradesh and Chancellor of HPNLU, Shimla.</p> <p>The decision of the Governing Council shall be communicated to the Home Department and accordingly the Government may take a decision to amend the Himachal Pradesh National Law University, Shimla Act 2016.</p> <p>The Vice-Chancellor submitted before the esteemed members that as per Section 11 of the Himachal Pradesh National Law University, Shimla Act 2016, there are three Hon'ble Ministers of the State Government who are already part of the Governing Council of the University namely: Minister for Finance; Minister for Higher Education; and Minister for Law and they are also Hon'ble MLAs.</p> <p>She also emphasized that a perusal of the Acts establishing different National Law Universities in the country shows that none of these acts prescribes or contains provisions for inclusion of MLAs in the University Bodies.</p> <p>The members thoroughly deliberated the agenda Item and resolved that there are already three MLAs/Ministers who are the members of the Governing Council and hence, no further representation of MLAs in the Bodies of the University may be desirable.</p>	Bodies of the University is desirable.
<b>Item No. 3</b>	<b>To consider and approve the Report of the Screening-cum-Evaluation Committee about the application of Dr. Sarita, Assistant Professor (Law) for promotion under Career Advancement Scheme (CAS), for promotion from Assistant Professor (Academic Level 10) to Assistant Professor (Senior Scale/Academic Level 11).</b>	
<b>Agenda Note</b>	<b>Discussion</b>	<b>Decision/Resolved</b>

<p>The Vice-Chancellor placed the Current Agenda item before the Executive Council to consider and approve the Report of the Screening-cum-Evaluation Committee about the application of Dr. Sarita, Assistant Professor (Law) for promotion under Career Advancement Scheme (CAS), for promotion from Assistant Professor (Academic Level 10) to Assistant Professor (Senior Scale/Academic Level 11).</p>	<p>The Vice-Chancellor informed the esteemed members that Dr. Sarita, Assistant Professor (Law) had applied under UGC Regulations on Minimum Qualifications for Appointment of Teachers and other Academic Staff in Universities and Colleges and Measures for the Maintenance of Standards in Higher Education, 2018, as adopted by the University for promotion from Assistant professor (Academic Level 10) to Assistant Professor (Senior Scale/Academic Level 11).</p> <p>The Vice-Chancellor further informed that the Screening-cum-Evaluation Committee found Dr. Sarita to be eligible for promotion from Assistant Professor (Academic Level 10) to Assistant Professor (Senior Scale/Academic Level 11), w.e.f., 14th July, 2022.</p> <p>Members thoroughly deliberated the agenda Item and resolved to approve the same.</p>	<p>The Executive Council unanimously resolved to approve the Report of the Screening-cum-Evaluation Committee and Dr. Sarita promoted from Assistant Professor (Academic Level 10) to Assistant Professor (Senior Scale/Academic Level 11), w.e.f., 14th July, 2022.</p>
<p><b>Current Item No. 4</b></p>	<p><b>To consider and approve the rules relating to Departmental Promotion examinations/tests.</b></p>	
<p><b>Agenda Note</b></p>	<p><b>Discussion</b></p>	<p><b>Decision/Resolved</b></p>
<p>The Vice-Chancellor placed the Current Agenda item before the Executive Council to consider and approve the rules relating to Departmental Promotion examinations/tests.</p>	<p>The Vice-Chancellor apprised that the esteemed Executive Council in its 14<sup>th</sup> Meeting held on 29th May, 2022 decided that all departmental promotion shall be done through written examination test followed by typing test and/or steno skill test followed by DPC meeting considering the last five ACR and finally interview of the candidate who fulfils the other conditions.</p> <p>She further apprised that in the said meeting of the Executive Council it was also resolved all promotion shall be done in these manners only and shall be reported to the Executive Council.</p> <p>The Vice-Chancellor further informed that the decision of the Executive Council is</p>	<p>The members thoroughly deliberated the agenda item and decided to approve as follows:</p> <ol style="list-style-type: none"> <li>1. A candidate to be promoted to the next higher level shall be required to secure minimum of 45% marks for General Candidates and 40% marks for reserved categories in the written examinations to be eligible to be considered for next stage of test i.e., typing test/steno skill test.</li> <li>2. The minimum score/typing speed required in</li> </ol>

	<p>silent as to what shall be the qualifying marks for the general and reserve category candidates in the written test examinations.</p> <p>A set of rules is proposed to fill in the gap and implement the previous decision of the Executive Council.</p> <p>The members thoroughly deliberated the agenda item and decided to approve the same.</p>	<p>the typing/skill test shall be as follows:</p> <p>Typing Speed for promotion from Clerk to Junior Assistant Cadre:</p> <p>40 Words Per Minutes</p> <p>Typing Speed for promotion from Steno Typist to Junior Scale Stenographer: 40 Words Per Minutes and Shorthand 80 Word Per Minutes.</p> <p>The Hon'ble Members unanimously further decided that if a candidate is rejected at any stage of the written examinations/tests etc., he/she shall be eligible to apply for the promotion again after minimum of one-year period from the date the rejection communicated.</p>
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<b>Current Item No. 5</b>	<b>To consider the case of Dr. Ruchi Sapahia, Associate Professor of Law arising out of Legal Opinion in view of the Writ Petition No. CWP No. 2190 of 2022.</b>
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Before taking up this Current Agenda Item No. 5, the Chairperson requested Dr. Ruchi Sapahia to recuse as matter pertain to her. Accordingly, Dr. Ruchi Sapahia recused during deliberation, discussion and decision on this agenda item.

Agenda Note	Discussion	Decision/Resolved
<p>The Vice-Chancellor placed the Current Agenda item before the Executive Council to consider the case of Dr. Ruchi Sapahia, Associate Professor of Law arising out of Legal Opinion in view of the Writ Petition No. CWP No. 2190 of 2022.</p>	<p>The Vice-Chancellor informed the esteemed members that Dr. Ruchi Sapahia Associate Professor of Law, had made a representation before the Executive Council regarding rejection of her application for promotion to the post of Professor (Law).</p> <p>The representation was placed before the Executive Council in its meeting held on 18-09-2021. The Executive Council, after through deliberations, rejected her representation.</p> <p>She filed a writ petition in the Hon'ble High Court of Himachal Pradesh against</p>	<p>The Executive Council unanimously resolved to decide as follows:</p> <ol style="list-style-type: none"> <li>1. The University shall provide the copy of the legal opinion to Dr. Ruchi Sapahia and require her to submit her comments within 15 days.</li> <li>2. The comments received from Dr. Ruchi Sapahia shall be sent to the University</li> </ol>

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	<p>the rejection of her application for promotion to the post of Professor (Law).</p> <p>The University advertised three posts of Associate Professor (Law) vide Ref. No. HPNLU/Advp/2017/3 dated 09-09-2017. The last date for submission of application form was 15th November, 2017. The selection process was conducted in the Month of February, 2018. Dr. Ruchi Sapahia was appointed to one of the advertised Posts of Associate Professor (Law). She joined at the Post of Associate Professor of Law on 01st March, 2018.</p> <p>On 22nd February, 2021 Dr. Ruchi Sapahia applied for promotion from Associate Professor to the Post of Professor. Her application for promotion was considered by duly constituted Screening Committee and on the basis of the findings of the Committee, she was not found eligible to be promoted to the Post of Professor and, therefore, her application was rejected on 06th July, 2021. Subsequently she gave a representation against the rejection of her candidature for promotion to the Post of Professor. The representation was placed before the Executive Council in its meeting held on 18-09-2021. The Executive Council, after through deliberations, rejected her representation.</p> <p>The University Counsel while preparing reply to the brought to the notice of the University that Dr. Ruchi Sapahia was not even eligible to be appointed to the Post of Associate Professor of Law in 2017/2018.</p> <p>Accordingly, the University sought an Expert Legal Opinion from the University Legal Advisor/Counsel.</p> <p>She further informed that the legal opinion supplied by the University Counsel on the subject matter was placed before the Hon'ble Chancellor for appropriate direction and the Hon'ble Chancellor directed that legal opinion be placed</p>	<p>Counsel for placing as part of record of written statement before the Hon'ble High Court in the writ petition filed by her against the University.</p> <ol style="list-style-type: none"> <li>3. The copy of the comments received from Dr. Ruchi Sapahia shall also be forwarded to the Hon'ble Chancellor of the University for information.</li> <li>4. The comments so received shall be placed before the Executive Council in its next meeting for decision.</li> </ol>
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	<p>before the Executive Council for consideration and decision.</p> <p>The Vice-Chancellor placed before the esteemed members the copy of the legal opinion and copy of the direction of the Hon'ble Chancellor.</p> <p>The Chairperson of the council asked Dr. Ruchi Sapahia to recuse her self from the deliberation of this meeting when this item came for decision and deliberation.</p> <p>The members thoroughly deliberated the agenda Item. One of the esteemed member, Professor Faizan Mustafa opined that if Dr. Ruchi Sapahia was not eligible, or did possess/fulfil minimum conditions of eligibility, at the time of appointment for the post of Associate Professor of Law, her appointed, as per law, should immediately be terminated.</p> <p>The esteemed members namely Professor P.S. Jaswal and Professor Vijender Kumar opined that before taking any action as per law she may be asked to give comments on the expert legal opinion supplied by the University Counsel. The University should provide the copy of the legal opinion and require her to submit her explanation within 15 days.</p> <p>The explanation submitted by Dr. Sapahia should be considered by the Executive Council and shall also be forwarded to Hon'ble Chancellor for information.</p>	
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The Vice-Chancellor concluded the meeting by expressing her gratitude towards the esteemed members of the Executive Council.

  
**Sh. Rajeshwar Goyal**  
 Special Secretary (Home) Govt.  
 of Himachal Pradesh

  
**Sh. Sharad Kumar Lagwal**  
 LR-Cum-Secretary (Law)  
 Government of Himachal  
 Pradesh







**Dr. Amarjit K. Sharma,**  
Director (Higher Education)  
H.P. (Shimla)  
(Representative of Secy. Higher  
Education)

**Prof. Ranbir Singh**  
Former Vice-Chancellor  
National Law University Delhi.


**Prof. Faizan Mustafa**  
Former Vice-Chancellor  
NALSAR, Hyderabad




**Prof. Paramjit Singh Jaswal**  
Vice-Chancellor, SRM  
University, Sonipat




**Prof. Vijender Kumar**  
Vice-Chancellor  
MNLU, Nagpur




**Sh. Ajay Kumar Sharma**  
Chairman  
Bar Council of Himachal  
Pradesh



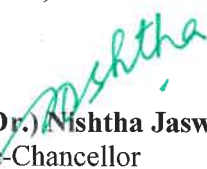
**Prof. S.S. Jaswal**  
HPNLU, Shimla



**Registrar**  
HPNLU, Shimla



**Dr. Ruchi Sapahia,**  
Associate Professor, HPNLU



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