



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)
(ITANAGAR BENCH)

Case No. : WP(C)/64/2024

Kurmendra
Department of Electronics and Communication Engineering,
Rajiv Gandhi University,
Rono Hills,
Doimukh,
PO Doimukh,
Arunachal Pradesh

VERSUS

The Rajiv Gandhi University ad 3 Ors
represented by Registrar, Rajiv Gandhi University,
Rono Hills, Doimukh,
PO Doimukh,
Arunachal Pradesh

2:The Vice Chancellor
Age: 0
Occupation :
Rajiv Gandhi University
Rono Hills Doimukh
PO Doimukh
Arunachal Pradesh
791112

3:The Registrar
Age: 0
Occupation :
Rajiv Gandhi University
Rono Hills Doimukh
PO Doimukh
Arunachal Pradesh

791112

4:The Joint Registrar
Age: 0
Occupation :
Rajiv Gandhi University
Rono Hills Doimukh
PO Doimukh
Arunachal Pradesh
791112

Advocate for the Petitioner : Geken Jini

Advocate for the Respondent : Tamar Gadi SC RGU

**BEFORE
HONBLE MR. JUSTICE MANASH RANJAN PATHAK**

ORDER

Date : 20-06-2024

Heard Mr. Geken Jini, learned counsel for the petitioner and Mr. Tamar Gadi, learned standing counsel for the Rajiv Gandhi University, Arunachal Pradesh, appearing for all the respondents.

2. Petitioner stated that he is a person with 40% locomotor disability, diagnosed with Post Polio Residual Paralysis in his right lower limb. On 22.03.2016 he was appointed as an Assistant Professor at Level-10 in the Department of Electronics and Communication Engineering (ECE, in short) in the Rajiv Gandhi University, Arunachal Pradesh (RGU, in short) and that after rigorous service of eight years he would get promotion to Assistant Professor Selection Grade Level-12 on 22.03.2024, for which he is required to go for the industrial training as per the Notification of the All India Council for Technical Education (AICTE), 2019.

3. It is stated by the petitioner that there is no specific notification for industrial training as the teaching faculty of any University can approach any industry for

providing industrial training in the respective industry. As such he approached the Banaras Locomotive Works (BLW), Varanasi [formerly known as Diesel Locomotive Works] for two weeks training since the said industry provides industrial training to the electronic discipline candidates, where he had done summer training during his third year of Bachelor of Technology.

4. On his such request the Deputy General Manager, BLW, Varanasi instructed the petitioner to bring a letter from the concerned authority from the RGU addressing the Deputy General Manager, BLW, Varanasi in the specified format directing him to submit such letter before 28.02.2024, so that his application can be forwarded to the concerned industry, informing him that his two weeks industrial training will commenced from 04.03.2024 to 15.03.2024, which is before the date of his promotion to Assistant Professor Selection Grade/Level-12.

5. For that purpose, the petitioner on 30.01.2024, through the Head of the ECE Department submitted an application before the Registrar of the RGU seeking necessary permission to attend the said two weeks training at BLW, Varanasi. However, the authorities of RGU vide communication No. AC-1817/DL-K/2017 dated 07.02.2024, informed the petitioner that his request to attend the said industrial training for two weeks at BLW, Varanasi has not been approved.

6. The petitioner submitted that rejection of his said request to attend the two weeks industrial training at BLW, Varanasi by the RGU was without any reasonable justification and if the respondent University do not allow him to undergo such two weeks industrial training as required under AICTE Notification, 2019 there will be delay in his promotion to the next Selection Grade Level-12 for which he shall suffer heavy damage in his teaching career in his promotion in service.

7. The petitioner contended that the action of the RGU in rejecting his application to attend two weeks industrial training is illegal, arbitrary and with

malafide intention, which is not only in violation of the provisions of Article 14 and 16 of the Constitution but also in violation of the provisions of Section 3, 7, 12 and 20 of the Right to Person with Disability Act, 2016, he being a person with disability.

8. Hence this writ petition by the petitioner praying, amongst others, for a direction to the respondent RGU to allow him to attend two weeks industrial training at Banaras Locomotive Works, Varanasi.

9. The respondent RGU has filed its affidavit on 06.06.2024. It is stated that on the basis of recommendation of the Selection Committee, the RGU, on 25.02.2016 issued the offer letter, to which the petitioner submitted his acceptance/joining letter dated 22.03.2016. Pursuant to the same the respondent RGU by order dated 31.03.2016 appointed the petitioner to the post of Assistant Professor in the Department of Electronics and Communication Engineering of the said University in the pay scale of Rs. 15,600/- — Rs. 39,100/- with Academic Grade Pay of Rs. 6,000/- and other allowances as admissible from time to time, under the Rules in force.

10. Respondent University also stated that the petitioner w.e.f. 22.03.2021 is serving as an Assistant Professor at Senior Scale, Level-11 in its Department of ECE and his pay has been accordingly fixed as per the University/UGC norms. It is urged by the respondent University that as per the University Grants Commission notification dated 18.07.2018, an Assistant Professor in an University in the Senior Scale/Level-11 can be promoted to the Assistant Professor Selection Grade/Level-12 only after completion of five years of service in Senior Scale/Level-11 and that in the case in hand, since he was promoted to Senior Scale/Level-11 on 22.03.2021, the petitioner will be eligible for his promotion to Assistant Professor Selection Grade/Level-12 w.e.f. 22.03.2026, after completion of his five years of

service as an Assistant Professor in the Senior Scale at Level-11 and therefore, the claim of the petitioner for his promotion to the Selection Grade, Level-12 w.e.f. 21.03.2024 is not correct being not in accordance with relevant provisions of UGC Regulations.

11. Respondent RGU further submitted that though the petitioner applied to attend two weeks industrial training at Banaras Locomotive Works, Varanasi during the period from 04.03.2024 to 15.04.2024, but the same could not be granted to him considering the said time being the peak period of academic classes of the University. It is stated that had he been allowed to participate in the two weeks industrial training programme for the said period from 04.03.2024 to 15.04.2024, the academic classes of the respondent University would have hampered that would have directly affect the career of the students of the University and in that regard, the respondent University by its circular dated 12.09.2023 have already communicated to its all concerned including the petitioner that at a time not more than two faculty from same department shall be permitted to attend Faculty Induction Programme and other similar Seminar/Workshop and such courses should be done during Summer Holidays or Winter Holidays, so that academic activities/classes of the University are not affected

12. In reply to his letter dated 20.01.2024, the respondent University by its communication dated 12.02.2024 informed the petitioner about the reasons for not granting permission to him to attend the Industrial Training stating the ground noted above and further informed him that since he has more than two years to complete concerned course, training etc. as his next promotion will be due on 22.03.2026 add he may attend any courses, training etc. on online mode that are now available

13. The petitioner on 17.06.2024 filed his rejoinder to the affidavit of the

respondent RGU denying the statements made by the said University, reiterating the statements made by him in his writ petition and specified that as he joined the said University as Assistant Professor Level-10 on 22.03.2016 in the Department of ECE, he was eligible for the post of Assistant Professor Senior Scale/Level-11 after four years as per AICTE 2019 Notification; whereas on 14.06.2021, he was promoted after five years w.e.f. 22.03.2021 and now he is eligible for promotion to the post of Assistant Professor Selection Grade/Level-12 as per AICTE 2019 Notification. Petitioner stated that he submitted representation before the Registrar of the RGU for correction of the due date of his promotion from Assistant Professor Level-10 to Assistant Professor Senior Scale/Level-11, which is yet to be responded and therefore, the memo dated 14.06.2021 by which the respondent University promoted him to Assistant Professor Senior Scale/Level-11 w.e.f. 22.03.2021 is not correct.

14. Petitioner has annexed the All India Council for Technical Education (AICTE) Notification, Annexure-2 in his writ petition and Annexure-3 in his rejoinder relying on which he submitted before the Court that he was eligible for promotion to the Assistant Professor Level-11 on 22.03.2020 after four years from the date of his appointment as Assistant Professor Level-10 on 22.03.2010 and now Selection Grade Level-12 on 22.03.2024, again after four years from 22.03.2020.

15. But the Order dated 14.06.2021 of the respondent University by which it promoted the petitioner to Assistant Professor Level-11 w.e.f. 22.03.2021 from Assistant Professor Level-10 is not under challenge in this petition. Moreover, the Order dated 14.06.2021 promoting the petitioner to Assistant Professor Level-11 w.e.f. 22.03.2021 that was issued by the respondent University annexed to its affidavit-in-opposition clearly reflects that petitioner's pay fixation would be done as per University/UGC Norms.

16. On perusal of said AICTE 2019 Notification dated 01.03.2019, which the petitioner is relying, it can be seen that it is an AICTE Regulation called the All India Council for Technical Education Pay Scales, Service Conditions and Minimum Qualifications for Appointment of Teachers and Other Academic Staff such as Library, Physical Education and Training & Placement Personnel in Technical Institutions and Measures for the Maintenance of Standards in Technical Education – (Degree) Regulation, 2019. As per the provisions of Qualifications for promotion to the post of Assistant Professor Selection Grade Level-12 prescribed in the said AICTE Regulation, 2019 an incumbent is required completed minimum two weeks of relevant Industrial Training/Professional Training at the level of Assistant Professor Senior Scale.

17. However, the said AICTE Regulation, 2019, issued vide Notification dated 01.03.2019, relied by the petitioner, clearly indicates that it is meant only for Technical Institutions and of Technical Educations of Degree standards/level; whereas the petitioner is an Assistant Professor in the Senior Scale and a Faculty in the Department of Electronics and Communication Engineering at the Rajib Gandhi University at University Level i.e., imparting education to Master Degree students and Ph.D. scholars, etc. and not to Degree level students. Moreover, the respondent Rajib Gandhi University is not a Technical Institution imparting Technical Education at Degree standards. It is also not the case of the petitioner that Minimum Qualifications for Appointment of Teachers and Other Academic Staff and Measures for the Maintenance of Standards in the respondent Rajib Gandhi University, it do not follow the University Grants Commission Regulations and follows some others.

18. The petitioner failed to establish that the said AICTE Notification, dated 01.03.2019/AICTE Regulations, 2019, is applicable for his promotion from the post

of Assistant Professor Senior Scale/ Level-11 to the post of Assistant Professor Selection Grade/Level-12 in the respondent RGU.

19. It is already noted earlier that the order of promotion of the petitioner under the Career Advancement Scheme to the post of Assistant Professor Senior Scale/Level-11 w.e.f. 22.03.2021, issued by the respondent University dated 14.06.2021 clearly reveals that his pay fixation shall be guided by the University/UGC norms and it did not reflect about the said AICTE 2019 Regulations, which is clearly meant for Technical Institutions and Technical Education of Degree Standards.

20. Moreover, as per the University Grants Commission (Minimum Qualifications for Appointment of Teachers and Other Academic Staff in Universities and Colleges and other Measures for the Maintenance of Standards in Higher Education) Regulations, 2018, as been placed by the respondent University, as applicable to it, under the Career Advancement Scheme of the UGC, an Assistant Professor who have completed five years of service in Senior Scale/Level-11, amongst others, is only eligible for promotion to the post of Assistant Professor Selection Grade/Level-12. As per said UGC Regulations, 2018, the petitioner, from 22.03.2021, shall complete the period of five years as Assistant Professor in Senior Scale/Level-11, on 21.03.2026 only.

21. For the reasons above, the Court found that the claims and the prayers made by the petitioner in this writ petition are not sustainable in law. Accordingly, this writ petition, being devoid of merit, stands dismissed.

JUDGE

Comparing Assistant