

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

**CWP No.12415 of 2015
Decided on :14.12.2015**

Ritu Devi

... Petitioner

Versus

Punjabi University, Patiala and others

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present : Mr. G.S. Samra, Advocate
for the petitioner.

Mr. Ajaivir Singh, Advocate
for respondents No.1 to 5.

None for respondents No.6 to 8.

G.S. Sandhawalia , J. (Oral)

In the present writ petition the petitioner seeks the quashing of the benefit of award given to the private respondents of UGC/BSR Research Scholarship for the year 2014-15, in pursuance of the notice dated 16.03.2015 (Annexure P-1) and as per the interview dated 18.05.2015.

Counsel for the petitioner has vehemently argued that as per the terms of the advertisement, applications were invited from registered research students, who were to be admitted to the Ph.D. Programme as per the latest guidelines of UGC 2009. A research paper published with the proof of acceptance, was a necessary pre condition for selection and in the absence of the same, the private respondents were not qualified to be the

beneficiaries of the said scholarship. Reference is made to the two research papers duly accepted and published by the petitioner to submit that the petitioner had the due qualification, whereas, the private respondents did not have so. It is further submitted that only one publication was taken into account while granting marks.

In the reply filed by the respondent-University, it has been pleaded that 14 candidates appeared for the interview before the selection committee, which was constituted as per UGC guidelines (Annexure R-1). The selection criteria also formulated by the syndicate of the University and there was no illegality involved as the selection committee was chaired by the Dean (Research) of the University and consisted of 7 members. The awards were given under various heads in the interview as per the overall collective assessment of the members of the selection committee and approved by the Vice-Chancellor and there was no unfairness or arbitrariness involved. The petitioner had never approached the respondents for her grievance. The selected candidates were given the appointment letter for the fellowship after the proceedings were confirmed by the Vice-Chancellor. The respondent No.2, being the Head of the selection committee was not authorized to disclose the details prepared by the selection committee. The same were appended as Annexure R-3. The allegations regarding the benefit given to respondent No.8 who

was pursuing her Ph.D under the supervision of Head of the Department were also rebutted by replying that he was only one of the several members of the said selection committee and there was no question of his influencing the unanimous assessment of the selection committee. There were no malafides alleged against him and the non-publication of the research paper did not make any candidate ineligible as per the selection criteria. The same was followed since 2012 and is duly approved by the syndicate of the University.

A perusal of the instructions issued by the UGC dated 20.01.2015 (Annexure R-1) would go on show that for promoting the research culture in the University, five fellowship had been allocated to the Department of Botany. The selection of candidates were to be made by the University itself as per the process indicated in the enclosed guidelines. The alleged criteria prescribed in the guidelines reads as under:-

“3. Eligibility

The candidates who have been registered for Ph. D. in Science subjects in Universities with Potential for Excellence/Centres with Potential for Excellence/Centres of Advance Studies and Department of Special Assistance identified by UGC.”

Similarly the procedure for applying and the selection to be made under the scheme was not having any mandatory clause that the research paper has to be duly accepted as now

contended. The relevant portion reads as under:-

“5. Procedure for Applying and Selection under the Scheme

Only those candidates who have been registered for Ph.D. in science subjects in Universities with Potential for Excellence/Centres with Potential for Excellence/Centres of Advance Studies and Department of Special Assistance identified by UGC are eligible to apply for fellowship under the scheme. They will have to apply for Research Fellowship to the identified Universities/Institutions. The selections would be made by the concerned institution as per the provisions contained in these guidelines.”

The University shall select the Research Fellows under the Scheme from amongst the eligible candidates through a process for interview by Selection Committee with the following constitution:-

- (a) An eminent scientist to be nominated by the Vice-Chancellor;*
- (b) Head of the Department;*
- (c) One Professor and one Reader from the department, to be nominated by the Vice-Chancellor;*
- (d) Two Experts from outside the university to be nominated by Vice-Chancellor, out of the Panel of names proposed by Head of the Department.*

A perusal of the above would also go on to show that the selection committee was to be of academic experts specified in the criteria. A perusal of the details of the interview proceedings would also go on to show that Dr. A.S. Ahluwalia from the Department of Botany, Panjab University, Chandigarh was a eminent scientist, who was nominated by the Vice-Chancellor and was a duly separate individual not associated with the respondent-University. Similarly one Dr. Kushal Singh, from the Department of

Floriculture, Punjab Agriculture University, Ludhiana was an outside expert alongwith Dr. Ashok Aggarwal, from Department of Botany, Kurukshetra. Annexure R-3 would go to show that the allocation of marks was to be done under various heads including the interview which was of 50 marks. The petitioner has secured only 162.8 marks in the total merit against the last candidate of 163.4 marks, who got exceptionally high marks in the interview to the tune of 47 whereas the petitioner got only 15. There is no allegation of any favourable bias against the said candidate.

A perusal of the Kamlesh Kumari-respondent No.8's marks against whom allegations have been made would go on to show that she has research experience and was awarded as many as 10 marks, whereas, the petitioner was not granted any marks against the same. The said candidate has also been granted 10 marks for publication work, whereas, the petitioner has been granted only 5 marks. The said respondent got 20 marks on account of NET/GATE qualification whereas, the petitioner did not have any marks on that account. In pursuance of these differences, it is apparent that the petitioner lost out in the race on account of her not having any marks of NET/GATE/lack of research experience.

No replication has been filed that the benefit of the second research paper was not given. The petitioner having taken

a chance as such and being not successful now cannot turn around and challenge the allocation of marks as such. As noticed above, this Court has found that it was not mandatory as such for the research paper to be duly accepted and it was only one of the conditions for applying as per advertisement which was not mandatory as per the UGC guidelines. That a candidate was not to be considered in the absence of the same and totally ineligible, which was backbone of the case of the petitioner thus is without any basis. In the absence of the same, no relief can be granted, once the petitioner has taken part in the interview and has been found unsuccessful on the strength of her academic qualifications for which marks had been affixed and duly given.

In view of above, there is no scope in the present writ petition and the same is accordingly dismissed.

DECEMBER 14, 2015
Naveen

(G.S. SANDHAWALIA)
JUDGE