

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

**CWP No. 21313 of 2015
Date of decision: October 06,2015**

Monika Kumari

...Petitioner

Versus

State of Haryana and ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

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Present: - Mr. Kulvir Narwal, Advocate
for the petitioner.

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HARINDER SINGH SIDHU, J.

Respondent No.4-College issued advertisement dated 13.09.2014(Annexure P-1) inviting applications for various posts including Assistant Professor in the subject of English. The respondent-college vide letter dated 25.10.2014 had requested the Deputy Registrar (Colleges), M.D. University, Rohtak to appoint a nominee for the selection committee for the Selection of Assistant Professors in various subjects. The University appointed various professors as nominees. The respondent-College also sent letter to the Director Higher Education, Haryana to appoint a nominee on its behalf. Due to some reason, the date of the interviews was changed to 23.3.2015 by the College. Thereafter the University issued order dated 31.3.2015 cancelling the interviews.

Aggrieved,respondent No.4-College, filed
CWPs No.6312 of 2015 and 6481 of 2015. These petitions were disposed of vide order dated 02.07.2015. In defence of its action, the University had taken a stand that for making regular appointments on teaching-non-teaching posts in affiliated colleges, the posts need be re-advertised in case earlier advertisement became six month's old. This Court rejected the arguments advanced on behalf of the respondent-university and held that those instructions would be applicable where delay had been caused due to the inaction on the part of the College and not where the delay would be attributable to the university and the State Government in nominating the nominee within the stipulated time or their nominees not participating in the interviews. Accordingly, the writ petitions were allowed and the respondent-college was asked to fix a new date for interview and intimate the university with regard to the same and the respondent-University and the State were directed to ensure that the nominees are present for the interview. It is in pursuance of that direction, now the date for holding the interviews has been fixed vide Annexure P-2 i.e. 8.10.2015 for the post of Assistant Professor in English and for 7th and 10th October for the other subjects.

The present petition has been filed seeking quashing the advertisement dated 13.9.2014 and to restrain the respondents from filling post pursuant thereto and to direct the respondents to re-advertise the posts.

The primary basis for claiming the aforesaid relief is that the Hon'ble Supreme Court of India while disposing SLP(Civil) No.36023 of 2010 titled as P. Susheela vs. UGC on 16.3.2015 has held that NET is the mandatory condition of eligibility for the post of Lecturers. Before this judgment, candidates having Phd. prior to 2009 were exempted from the eligibility condition of qualifying the UGC-NET examination. But now in terms of the decision of the Hon'ble Supreme Court such candidates would not be eligible.

Learned counsel for the petitioner states that a number of candidates, who have not qualified the NET exam, have been shortlisted and may be considered for selection. He states that a communication (Annexure P-4) has been sent by the University to All the Principals of Non-Govt. Aided, Degree and Education Colleges, affiliated with M.D. University, Rohtak requesting them to postpone the interviews till clarification is received from the Government and the UGC in view of the decision of the Supreme Court regarding eligibility for appointment to the post of Assistant Professor. It is argued that the respondents should not be permitted to make selection till the clarification is received.

I have heard learned counsel for the petitioner and in my view there is no merit in the petition.

The petitioner has not applied in pursuance to the advertisement dated 13.09.2014. Such candidate from amongst those, who have applied have been rendered ineligible in terms of the decision of Hon'ble Supreme Court will obviously not be considered for the selection when the selection process takes place. Hence any apprehension of non-qualified candidates being appointed is misplaced.

This Court while disposing of the aforesaid two writ petitions had already rejected the action of the University in scrapping the advertisement and directed that selections be made and dates of interview be fixed. It is not the petitioner's case that this decision has been reversed in appeal.

Consequently, there is no merit in the writ petition and the same is dismissed.

06.10.2015
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(Harinder Singh Sidhu)
Judge