

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Civil Writ Petition No. 25302 of 2015 (O&M)

Date of decision : December 22, 2015

Sarabjit Kaur

.....Petitioner

Versus

Union of India and others

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. RTPS Tulsi, Advocate and
Mr. Sunil K. Sahore, Advocate
for the petitioner.

LISA GILL, J.

C.M. No. 16541 of 2015

Annexure P-16 is taken on record subject to just
exceptions.

Application is disposed of.

C.M. No. 16542 of 2015

Filing of certified copy of Annexure P-16 is exempted.

Application is disposed of.

Civil Writ Petition No. 25302 of 2015

Prayer in this writ petition is for quashing of letter dated
19.11.2015 (Annexure P-10) whereby approval for appointment of
petitioner to the post of Assistant Professor in English has been
declined by Vice Chancellor of Punjab University, Chandigarh as well

as communication dated 24.11.2015 (Annexure P-11) seeking to relieve her from duties.

Petitioner submitted an application for appointment to the post of Assistant Professor in English, pursuant to advertisement dated 12.02.2015 (Annexure P-3). Her name was recommended by Selection Committee on 22.08.2015 and letter of appointment dated 24.08.2015 (Annexure P-9) was issued by Sikh Educational Society, Chandigarh in petitioner's favour. It is specifically mentioned therein that her appointment is subject to approval from Vice chancellor, Punjab University, Chandigarh as well as Director, Higher Education, Chandigarh Administration, Chandigarh. Director, Higher Education, Chandigarh Administration, Chandigarh accorded approval to her appointment vide order dated 24.11.2015 (Annexure P-16).

However, Vice Chancellor, Punjab University, declined approval vide impugned order dated 19.11.2015 on the ground that petitioner did not fulfil mandated conditions of having cleared NET/SLET and did not have Ph.D degree in accordance with UGC (Minimum Standard and Procedure for award of Ph.D degree) Regulation, 2009 as held by the Hon'ble Supreme Court in the case of **P. Suseela versus University Grants Commission 2015 (8) SCC 129.**

Learned counsel for the petitioner vehemently argues that once appointment has been offered to the petitioner pursuant to her selection by Selection Committee consisting of representatives of Vice Chancellor as well as Chandigarh Administration (Annexure P-7), there is no question of denial of approval to her appointment by

the Vice Chancellor. Reference is made to newspaper report (Annexure P-6) wherein it is mentioned that UGC had itself requested Human Resource Development Ministry, Union of India to provide relaxation to Ph.D. holders registered before 2009. It is submitted that grave injustice is meted out to the petitioner by adherence to the said conditions. It is forcefully urged that relaxation should be afforded as petitioner having earlier worked for Government institutions, as reflected in Annexure P-2, is a meritorious candidate. Therefore, necessary relaxation should be afforded and denial of approval on the ground as mentioned above is unjustified.

It is not denied that petitioner did not fulfil mandated conditions as mentioned in the impugned order. Petitioner is not NET/SLET qualified, neither does she have Ph.D degree in accordance with UGC (Minimum Standard and Procedure for Award of Ph.D. Degree) Regulation, 2009. Keeping in view the categorical decision of the Hon'ble Supreme Court in case of **P. Suseela** (supra), approval for appointment of petitioner on the post of Assistant Professor (English) has been rightly denied by the Vice Chancellor. Having been approved for selection by the Selection Committee dehors the provisions does not vest the petitioner with any right. Further grant of approval by Chandigarh Administration cannot strengthen petitioner's case as this aspect has clearly not been looked into by the Director, Chandigarh Administration, while passing order dated 24.11.2015 (Annexure P-16). Corrigendum (Annexure P-4) to the advertisement dated 12.02.2015 (Annexure P-3) clearly

mentions the said stipulations. Reference to the newspaper reports in the absence of any categoric decision by the competent authority is of no relevance. Learned counsel for the petitioner is unable to point out any ground for interference by this Court.

This writ petition is, accordingly, dismissed.

December 22, 2015
rts

(Lisa Gill)
Judge