

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Case No. : C. W. P.No. 9443 of 2012

Reserved On : May 20, 2015

Pronounced On : 27.05.2015

Dr. Narinder Singh Petitioner

vs.

Vice Chancellor, Guru Nanak Dev
University, Amritsar and others Respondents

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL.

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To be referred to Reporters or not ?

Whether the judgment should be reported in the digest ?

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Present : Mr. Naresh Jain, Advocate
for the petitioner.

Mr. Amrit Paul, Advocate
for respondents no. 1 to 5.

Mr. Pawan Kumar, Senior Advocate
with Mr. Rozer Kumar Aggarwal, Advocate
for respondent no. 7.

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DEEPAK SIBAL, J. :

Through the present writ petition, the petitioner has
approached this Court seeking quashing of appointments of respondents no.

6 and 7, who were appointed by the respondent Guru Nanak Dev University

(hereinafter referred to as – the respondent University) as Assistant Professors in Psychology, in pursuance to advertisement dated 19.01.2011 (Annexure P-4).

The petitioner further seeks the issuance of a direction to respondent University to appoint him as Assistant Professor in Psychology with all consequential benefits as, according to the petitioner, he is more meritorious than respondents no. 6 and 7.

The above reliefs have been sought for by the petitioner on the ground that while making the impugned selections, the official respondents have not followed any criteria and that when the academic record of the petitioner is compared to that of the selected candidates, he is ex-facie more meritorious than them, and therefore, deserves appointment in preference to them.

Before proceeding further with the matter, order dated 18.05.2012, passed by this Court may be referred to, which is as under :-

“The petitioner, in person, submits that he does not have any serious objection against selection of respondent no. 6 (Nisha Chhabra) who is of equivalent terms, but contends that the academic qualification and/or experience of respondent No. 7 does not match to his

qualification and experience.

*Notice of motion to
respondents No. 1 to 5 and 7 for
28.08.2012.*

*Records be produced on the
adjourned date.”*

A perusal of the order of this Court as reproduced above shows that the petitioner, at the time of preliminary hearing, had restricted his challenge only qua respondent no. 7 and had, thus, impliedly accepted the appointment of respondent no. 6.

Once the petitioner has given up his challenge to the appointment of respondent no. 6, it would amount to the acceptance by him to the appointment of respondent no. 6. As a necessary consequence, it would also include the acceptance by the petitioner to the selection process, through which respondent no. 6 had been appointed and once, by necessary implication, the selection process qua the appointment of respondent no. 6 has not been objected to by the petitioner, he would clearly be estopped from laying a challenge to the selection process leading to the appointment of respondent no. 7 as both respondents no. 6 and 7 were appointed in pursuance to the same selection process.

The above reproduced order further shows that on the statement of the petitioner, made by him in person, even no notice had been

issued to respondent no. 6 and the record reveals that till date, the petitioner has not sought review of that order.

The record further reveals that the criteria adopted by the respondent University was as per the guidelines of the University Grants Commission (hereinafter referred to as the Commission), which provides that for selection of Assistant Professors, the following criteria should be followed :-

	<i>Assistant Professor/ equivalent cadres (Stage 1)</i>
<i>Minimum API Scores</i>	<i>Minimum Qualification as stipulated in these regulations</i>
<i>Selection Committee criteria/ weightage (Total Weightages = 100)</i>	<i>a) Academic Record and Research Performance (50%) b) Assessment of Domain Knowledge and Teaching Skills (30%) c) Interview Performance (20%)</i>

It is undisputed that the above quoted criteria had been followed by the respondent University in making the impugned selections. This fact is also duly reflected in the score card, which was given to the petitioner in pursuance to the application moved by him under the Right to Information Act, 2005. The said score card reads as under :-

Sr. No.	Name of the Candidates	Academic Record & Research Performance (50%)	Assessment of domain knowledge and Teaching Skills (30%)	Interview Performance (20%)	Total
1.	Neha Pandeya D/o Sh. Maheshwar Pandeya	26	10	8	44
2.	Parwinder Singh S/o Sh. Ram Singh	37	20	15	72
3.	Raman Kumar S/o Sh. Raghuvir Chand	23	10	7	40
4.	Sh. Jitender Dahiya S/o Sh. Ram Krishan Dahiya	Absent	-	-	-
5.	Ms. Archana D/o Sh. Kuldeep Singh Sindhu	24	10	5	39
6.	Dr. Narinder Singh S/o Sh. Naseeb Singh	32	10	5	47
7.	Dr. Nisha Chhabra D/o Sh. Krishan Kumar Chhabra	39	20	16	75
8.	Rajneesh Choubisa S/o Prof. R. K. Choubisa	29	10	6	45
9.	Hardeep Kaur Shergill D/o Sh. Balbir Singh	23	10	5	38
10.	Leena Bharti D/o Sh. Dharampal Vashisht	Absent	-	-	-

A perusal of the above clearly shows that the respondent University has followed the criteria, as laid down by the Commission.

The above referred criteria has not been challenged by the petitioner.

The records of the case, which had been summoned, were

perused, which reflected that the interviewing panel comprised of experts in the field including the Vice Chancellor of the respondent University, nominee of the Chancellor, nominees of the Commission, outside subject experts etc. These experts, after adjudging the relative merit of each candidate, have marked them. In the absence of any allegation of mala fides, nepotism or favouritism, I am not inclined to interfere with the decision of the experts and this opinion of mine would be in line with the law laid down by the Apex Court in **Dr. Basavaiah vs. Dr. H. L. Ramesh and others** reported as **(2010) 8 Supreme Court Cases 372**, in which it has been held as under :-

“38. We have dealt with the aforesaid judgments to reiterate and reaffirm the legal position that in the academic matters, the courts have a very limited role particularly when no mala fide has been alleged against the experts constituting the selection committee. It would normally be prudent, wholesome and safe for the courts to leave the decisions to the academicians and experts. As a matter of principle, the courts should never make an endeavour to sit in appeal over the

*decisions of the experts. The courts must
realize and appreciate its constraints and
limitations in academic matters.”*

In view of the above, finding no merit in the present writ
petition, the same is ordered to be dismissed.

No costs.

**(DEEPAK SIBAL)
JUDGE**

Pronounced On : 27.05.2015

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