

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

CWP No.3545 of 2015
Date of Decision : 27.2.2015

Balwinder Singh

.....Petitioner

Vs.

Union of India and another

.....Respondents

...

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

...

Present : Ms. Harpinder Kaur Sandhu, Advocate for the petitioner.

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1. To be referred to the Reporter or not ?
2. Whether the judgement should be reported in Digest ?

RAMESHWAR SINGH MALIK, J

Feeling aggrieved against the recruitment notice Annexure P-1, allegedly prescribing the lower qualification than prescribed by UGC guidelines, petitioner has approached this court by way of instant writ petition, under Articles 226/227 of the Constitution of India, seeking a writ in the nature of Certiorari.

The only argument raised by learned counsel for the petitioner is that the impugned recruitment notice (Annexure P-1) runs counter to the UGC guidelines contained in Annexure P-2, in so far as it pertains to the post of Assistant Professor in Engineering/Technology. She further submits that respondent no.2 was under legal obligation to keep in mind the UGC guidelines, while issuing the impugned recruitment notice. She prays for setting aside the

offending clause of the impugned recruitment notice, by allowing the present writ petition.

Having heard the learned counsel for the petitioner at considerable length, after careful perusal of the record of the case and giving thoughtful consideration to the contentions raised, this court is of the considered opinion that keeping in view the peculiar fact situation of the present case, instant one has not been found to be a fit case, warranting interference at the hands of this court, while exercising its jurisdiction under Articles 226/227 of the Constitution of India, for the following more than one reasons.

Minimum qualifications for appointment of teaching faculty in universities and colleges-Engineering and Technology discipline, as provided in para 4.4.6.1 of UGC guidelines (Annexure P-2), read as under :-

“4.4.6.1 Minimum qualifications for appointment of teaching faculty in universities and colleges-Engineering and Technology discipline :

1. Assistant Professor

i) Essential

First Class Master's Degree in the appropriate branch of Engineering (Engg.) and Technology (Tech.)

ii. Without prejudice to the above, the following conditions may be considered desirable :

1. Teaching, research industrial and/or professional experience in a reputed organisation.
2. Papers presented at Conference and/or in referred journals.”

As per the impugned recruitment notice, following qualification is

required for the post of Assistant Professor in Engineering/Technology :-

1. Assistant Professor :-

Assistant Professor in Engineering/Technology :

BE/B.Tech and ME/M.Tech in relevant branch with First Class or equivalent both in BE/B.Tech and ME/M.Tech. Candidates with advanced stage of completion of Ph.D will be preferred. The candidates with PH.D may be considered for higher AGP of Rs.7000/-.”

A bare combined reading of the UGC guidelines and the alleged offending clause of impugned recruitment notice would show that respondent no.2 has committed no illegality, while requiring the abovesaid qualification, which is strictly in accordance with UGC guidelines. During the course of hearing, when a pointed question was put to learned counsel for the petitioner, as to what was the illegality committed by respondent no.2, while issuing the impugned recruitment notice, she had no answer and rightly so, because it was a matter of record. Having said that, this court feels no hesitation to conclude that the only plea raised by the petitioner is misconceived on the face of it.

Further, petitioner is not even an applicant for the post in question, because he did not apply, pursuant to the impugned recruitment notice (Annexure P-1). In this view of the matter, petitioner has neither any locus standi nor cause of action to file the present writ petition. Thus, the instant writ petition is liable to be dismissed, for this reason also.

No other argument was raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this court is of the considered view that the present writ petition is wholly misconceived, bereft of merit and

without any substance, thus, it must fail. No case for interference has been made out.

Resultantly, the instant writ petition stands dismissed, however, with no order as to costs.

27.2.2015
GS

(RAMESHWAR SINGH MALIK)
JUDGE