

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

CWP No. 9406 of 2013

Date of decision: November 17, 2015

Sunil Kumar

...Petitioner

Versus

Kurukshetra University, Kurukshetra and ors.

..Respondents

CORAM:HON'BLE MR.JUSTICE HARINDER SINGH SIDHU

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Present: - Mr. Naresh Kaushik, Advocate for
the petitioner.

Mr.Mahavir Sandhu, Advocate
for respondents No.1 and 2.

Mr. Rajesh Bansal, Advocate
for respondent No.3.

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HARINDER SINGH SIDHU, J.

Vide advertisement No.4/2011 (Annexure P-1)

Kurukshetra University, Kurukshetra- respondent No.1 invited applications for the posts of Assistant Professor in different subjects including three posts in the subject of Sociology. Out of these three posts, one was reserved for Scheduled Castes Category and two were General. The last date for submitting the applications was 03.10.2011. The petitioner applied for the said post. However, he was not successful and one Vijender Singh-respondent No.3 was appointed.

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As per clause 5 and 6 of the general instructions in the advertisement, the eligibility of every candidate would be determined on the basis of qualification acquired and communicated to the office by him/her up to the last date fixed for receipt of applications, it was specified that incomplete applications or the applications received without the prescribed fee or received after the last date of receipt of the applications were liable to be rejected.

As per clause 10 of the General Instructions in the advertisement, application not supported with required application fee, attested copies of certificates/testimonials/reprints of Research Publications, title page (s) and contents page(s) of each Journal in which the publication under reference were published and the applications received after the expiry of last date would be liable to be rejected.

The petitioner obtained information under the Right to Information Act, 2005 (Annexure P-2) whereby marks awarded by the Selection Committee to the candidates were disclosed to him as under:-

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Sr. No.	Name of the candidate	Father's Name	Cat.	Marks Obtained				
				Out of 50 marks	Out of 30 marks		Out of 20 marks	
				'A' Academic Record and Research Performance	'B' Assessment of Domain knowledge 25 marks	Teaching Exp./Skills 5 marks	'C' Interview Performance	Total
1/1	Subhash	Sh.Om Parkash	SC	04	05	00	05	14
2/2	Kuldeep Singh	Sh.Dalbir Singh	SC	03	02	00	02	07
3/3	Virender Singh	Sh.Nafe Singh Rathi	SC	03	05	00	06	14
4/4	Samrat Ashok	Sh.Soney Lal	Gen	07	08	00	07	22
5/5	Amit Kumar	Sh.Bhagwan Dass	Gen	27	ABSENT			
6/6	Narottam Bal	Mr.Surendra Kumar	Gen	20	10	01	10	41
7/8	Ghanshyam Kushwaha	Sh.Hariram Kushwaha	Gen	08	10	00	11	29
8/9	Prakash Chandra Dilare	Sh.RamDas Dilare	SC (MP)	14	05	00	06	25
25	Dr.Amrendra Kumar	Sh.Chandra Bhan Mishra	Gen	03*	ABSENT			
10/11	Shamsher Singh	Sh.Ram Kumar	SC	01	00	00	02	03
11/12	Gyan Sagar Mishra	Sh.Chhedi Ram Mishra	Gen	10	ABSENT			
12/13	Narinder Singh	Sh.Om Parkash	Gen	10	13	01	12	36
13/14	Manita	Sh.Baljeet Singh	SC	03	08	00	10	21
14/15	Sunil Kumar	Sh.Om Parkash	Gen	16	18	05	16	55
15/16	Kadam Ibotombi Singh	Sh.Kadam Pratap Singh	OBC	20	ABSENT			
16/17	Vandana Kumari	Sh.Vinod Bhushan	SC	25	11	00	12	48
17/18	Joginder Singh	Late Sh.Jagdish Chand	SC	01	02	01	02	06
18/19	Dr.Sunil Kumar	Sh.Radha Kishan	DESM	23	06	00	05	34
19/20	Sudha Yadav	Sh.Narinder Singh Yadav	BC	19	05	01	04	29
20/21	Manju Bala	Sh.Azad Singh	SC	05	01	01	01	08
21/22	Sarbjit Singh	Sh.Kulwant Singh	SC	03	00	00	00	03
22/23	Surpreet	Sh.Dilbag Singh	Gen	08	13	00	12	33
23/24	Vijender Singh	Sh.Satpal Singh	Gen	21*-4=17	22	03	18	60

The petitioner has secured the total 34 marks whereas respondent no.3 has secured total 60 marks.

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The grievance of the petitioner is that respondent No.3 has been wrongly awarded marks for Research Performance /Publications. As per the selection criteria, 25 marks were reserved for Research Performance/Publications, which were to be awarded as per the Criteria/ Weightage, vide Annexure P-10, as follows:-

Sr.No.	Criteria	Score
1	Book published by International Publisher	9
2	Book published by National/Regional publisher	6
3	Publication/Book review in International Journal with ISSN No.	5
4	Publication/Book review in National Journal with ISSN No.	4
5	Publication/Book review in National Journal without ISSN No.	3

The petitioner submits that at the time of the submission of his application (Annexure P-3), respondent No.3 had no published work to his credit. As mentioned in application form, two papers were in Press, one was accepted for Publication and two were under Preparation. Accordingly, it is contended that respondent No.3 could not have been awarded any mark for Publication whereas as per result sheet, respondent No.3 had been awarded 7 marks for Publication.

In the written statement filed on behalf of respondents No.1 and 2, it has been stated that respondent No.3 in his application form submitted on 3.10.2011 had disclosed that his two research publications were in press, one accepted for publication and two were in preparation. The Screening Committee after scrutinizing the application of respondent No.3, awarded him 11

marks for two research publications with ISSN No. by giving 4 marks in each paper and 3 marks for publication without ISSN No. However, these marks were awarded subject to verification of these publications at the time of interview. As respondent NO.3 could not produce one of his research publications with ISSN No., so the Selection Committee reduced 4 marks from his score on account of research performance.

It has been further stated that the performance of the petitioner was very much on the lower side, so he was not even in the waiting list. Even if the marks awarded on account of research publications are excluded from total score of respondent No.3, even then the petitioner does not qualify for selection as his total score is 34 as against total 60 in respect of respondent No.3.

This fact has not been disputed by learned counsel for the petitioner. This being the position, even if the marks which the petitioner alleges have been wrongly awarded to respondent No.3, are reduced from the score awarded to him, the petitioner does qualify for selection.

Accordingly, there is no merit in the petition.

Dismissed.

(Harinder Singh Sidhu)
Judge

17.11.2015
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