

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

LPA No. 312 of 2013 (O&M)
DATE OF DECISION : 12.03.2015

Dr. Tejeshwar Dyal Singh

.... APPELLANT

Versus

Punjab Agricultural University, Ludhiana

.... RESPONDENT

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL
HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present : Mr. Amit Mehta, Advocate,
for the appellant.

Mr. Har Naresh Singh Gill, Advocate,
for the respondent.

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SATISH KUMAR MITTAL, J. (Oral)

This intra-court appeal under Clause X of the Letters Patent has been filed against the order dated 24.01.2013 passed by the learned Single Judge, whereby the writ petition (CWP No. 1488 of 2013) filed by the appellant seeking direction to the respondent University to consider him eligible for appointment to the post of Assistant Director (Physical Education) has been dismissed, while observing as under :-

“Admittedly, the petitioner has completed his Ph.D. in the year 2006 without the course work and he has also not passed NET. As per the prescribed qualifications, as noticed above, for being eligible for the said post of Assistant Director (Physical Education), a person must have Master’s Degree in Physical Education and must

have qualified NET in the relevant discipline conducted by ASRB/UGC/ CSIR and it is only if a person has completed his Ph.D. with course work then he need not pass the NET. Admittedly, the petitioner does not fulfill the prescribed qualifications and therefore, he cannot be considered eligible to the post of Assistant Director (Physical Education).

It is well settled that suitability of a candidate to a post or prescription of qualification for such a post is the prerogative of the employer. The grievance raised by the petitioner to the effect that pre Ph.D. course work is required to be undertaken under the UGC Regulations 2009 and the petitioner could not have done the pre Ph.D. course work in the year 2006 when he passed his Ph.D. and further his reliance upon Annexure P-4 is of no consequence, as it is for the respondents to prescribe the qualifications for a post and consider suitability of a candidate as per their requirement. Thus, this Court finds no merit in this petition.”

On 04.05.2013, while issuing notice of motion, the respondent University was directed to interview the appellant provisionally on the assumption that he is fully eligible. However, it was ordered that his result be not declared and be kept in a sealed cover.

In pursuance of the aforesaid interim order, the Selection Committee interviewed the appellant along with other candidates.

Today, learned counsel for the respondent-University has produced the result of the selection in a sealed cover. We have opened the sealed cover and it has been found that appellant, namely Dr. Tejeshwar Dyal Singh, has not been selected for the post and the Selection Committee has recommended one Shri Sukhbir Singh at number one and Shri Paramvir

Singh at number two. After retaining photo-stat copy of the aforesaid result on the record of the case, the original has been returned to learned counsel for the respondent-University.

In view of the aforesaid factual position, we are of the opinion that this appeal has become infructuous.

Ordered accordingly.

(SATISH KUMAR MITTAL)
JUDGE

March 12, 2015
ndj

(HARINDER SINGH SIDHU)
JUDGE