

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

LPA No.2136 of 2014 (O&M)

Date of decision:12.3.2015

Renu

....Appellant

VERSUS

**Vice Chancellor, Maharishi Dayanand University, Rohtak and
others**

.....Respondents

CORAM: HON'BLE MR. JUSTICE HEMANT GUPTA

HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Shalender Mohan, Advocate for the appellant.

HEMANT GUPTA, J.(Oral)

The present Letters Patent Appeal under Clause X of the Letters Patent is directed against an order passed by learned Single Bench of this Court on 10.10.2014 whereby the admission granted to the appellant as a “teacher fellow” to undergo Ph.D course was rejected for the reason that the appellant is not entitled to exemption from appearing in the entrance test.

The appellant is a Lecturer working in a Government Polytechnic, Uttawar, District Palwal. She sought admission for Ph.D course by seeking exemption from preliminary entrance test as a member of the teaching faculty. After the appellant was admitted, it was found that the appellant has been wrongly granted exemption and therefore, her registration to undergo Ph.D course was declined. Learned Single Judge has found that the petitioner was not entitled to exemption from appearing in the entrance test. The writ petition

challenging her rejection stands dismissed by the order challenged in appeal.

The appellant relies upon clause 3.1.9 of conditions of eligibility for teacher fellowship and also clause 10 from the brochure for admission to contend that the appellant has rightly sought exemption from appearing in the entrance test.

Clause 3.1.9 permits a “teacher fellow” to undergo M.Phil course in the Institution in which such teacher is employed provided the University/College is running M.Phil course in the concerned subject. Such Teacher Fellow is also permitted to do research work leading to Ph.D in the Institution where the teacher is employed provided the Institution has postgraduate teaching in the concerned subject with adequate facilities for conducting research.

It is not disputed and has been rightly found by learned Single Bench that Institution where the appellant is employed does not have the postgraduate course and therefore, the petitioner is not entitled to undergo Ph.D course in the said Institution as there is no postgraduate teaching in the said Institute.

Clause 10 of the brochure is again of no help to the appellant as there is no averment on behalf of the appellant that she is employed in an affiliated college. The exemption is to regular/whole-time teachers including those on probation working either in any University Teaching Department or in an affiliated college. Since the appellant is not working as a regular teacher in an affiliated college, the appellant is not entitled to exemption from appearing in the entrance test.

Another argument raised by learned counsel for the appellant is that one Ms. Pooja Saini, who is similarly situated, has been exempted from appearing in the entrance test. Learned Single Judge has found that she was working in an affiliated college of the University i.e. R.K.S.D. College of Pharmacy. Therefore, the appellant cannot claim any parity on the basis of the exemption granted to Ms. Pooja Saini.

We do not find any error in the order passed by learned Single Bench which may warrant interference in the present Letters Patent Appeal.

Dismissed.

(HEMANT GUPTA)
JUDGE

MARCH 12, 2015
‘D. Gulati’

(LISA GILL)
JUDGE