

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

LPA No.743 of 2015 (O&M)
Date of Decision: 13.05.2015

Sumita Vig

... Appellant

VS.

Panjab University & Ors.

... Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR.JUSTICE P.B. BAJANTHRI

Present: Mr. RS Bajaj, Advocate for the appellant

SURYA KANT, J. (Oral)

(1) This Letters Patent Appeal impugns the order dated 01.05.2015 whereby learned Single Judge has dismissed the appellant's writ petition in which she laid challenge to the selection on the post of Assistant Professors in the Institute of Educational Technology and Vocational Education run by Panjab University, Chandigarh. Five posts meant for Open category were advertised. The appellant who is working on *ad hoc* basis against one of the posts also applied for regular selection. Since there were 265 candidates who applied for the advertised posts, the University resolved to shortlist them purely on the basis of their academic qualifications. It was decided to call 35 candidates for interview against five posts. The criteria for short-listing the candidates classifies the candidates in various categories. A candidate having first class in M.Ed. & Master's degree in teaching subject/foundation course with Ph.D. and two research publications

was to be put in Category-1 whereas a candidate having first class in M.Ed. & 55% marks in Master's degree with Ph.D. and two research publications was to be placed in Category-2. The candidates were called for interview through the process of short-listing based upon such categorization i.e. first preference was given to the candidates falling in Category No.1 followed by Category No.2, 3 and so on.

(2) The appellant unfortunately did not fall in the requisite Categories for inclusion amongst 35 candidates who were short-listed for interview. Consequently, she missed the opportunity and could not compete for final selection.

(3) The aggrieved appellant approached this Court questioning the very decision of short-listing the candidates.

(4) Learned Single Judge after a detailed discussion and following more than one decisions where the Hon'ble Supreme Court has upheld any fair method of short-listing, has approved the action of University in short-listing the candidates having regard to the total number of applications received for the advertised posts. The criteria for short-listing, namely, the academic achievements of the candidates has also been found not suffering from any illegality. It has further been observed that no ineligible candidate was called for interview nor there are allegations of any pick and choose. Consequently, the writ petition has been dismissed.

(5) We have heard learned counsel for the appellant at a considerable length. It may be true that the appellant is in *ad hoc* service since the year 2007 and has gained good amount of experience. But then experience alone does not make her eligible for the advertised posts in terms of the criteria of short-listing. It is unquestionable that the candidates were short-listed purely on the basis of their academic achievements. Prescription of such a criteria by the University is indeed laudable as it promotes the selection of candidates with sound academic record and merit.

(6) The formulation of a criteria whether for short-listing or for final selection especially for the academic posts, ought to be left with the academicians only. The Courts would be reluctant to interfere unless such criteria is found tainted with perversity or hostile to the equality doctrine. No such case has been made out by the appellant.

(7) In all fairness, the appellant has in the grounds of appeal referred to some candidates who were short-listed though they did not have Ph.D. qualification.

(8) The appellant also did not possess the Ph.D. qualification on the relevant cut-off date. Since no averments with regard to those candidates were made in the writ petition, it is difficult to comment as to in which category they fell and were short-listed amongst 35 candidates. None of them is a party respondent and as such no order adverse to their interest can be

passed. The selection has been finalized and appointments are already made. No effective relief can otherwise be granted to the appellant as none of the selected candidates is a party respondent.

(9) Faced with this, learned counsel for the appellant submits that since the appellant has served the University for the last more than 7 years, her case for absorption on regular basis against the available vacant posts requires sympathetic consideration on the same analogy, as was allegedly followed by Punjab Engineering College – a deemed University to adjust some Assistant Professors. We are afraid, no opinion can be expressed on the basis of such bald averments. If there is any decision of the University or any policy circular which entitles the appellant to seek such relief, she shall be at liberty to approach the competent authority.

(10) For the reasons afore-stated and with liberty afore-mentioned, this appeal stands dismissed.

(Surya Kant)
Judge

13.05.2015
vishal shonkar

(P.B. Bajanthri)
Judge