

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP No. 14847 of 2016 (O&M)
Date of Decision: 31.08.2016.

Dr. Renu Gupta

--Petitioner

Versus

State of Haryana and others

--Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Sardavinder Goyal, Advocate for the petitioner.

Mr. Ravi Pratap Singh, A.A.G., Haryana.

Mr. D.S. Rawat, Advocate for respondent no.2.

TEJINDER SINGH DHINDSA.J

C.M. No.9985 of 2016

Application is allowed subject to all just exceptions.

Documents at Annexures P-18 to P-21 are taken on record.

C.M. No.9986 of 2016

Application is dismissed as not pressed.

Main Petition

Mr. D.S. Rawat, Advocate has put in appearance on behalf of the contesting Lala Lajpat Rai University of Veterinary & Animal Sciences, Hisar-respondent no.2 and has filed a written statement. Same is taken on record. Copy has been furnished to learned counsel for the petitioner.

The short controversy raised in the petition emanates from the issuance of a memo dated 25.6.2016 issued by the respondent-university inviting nominations from the interested faculty members for training on “Animal Trans Boundary and Emerging Diseases” starting from 5.9.2016 to 22.9.2016 in Israel. The criteria for consideration of the applications was as

follows:-

- “1. Nominee must be young Faculty (40 years).*
- 2. Nominee must have completed the probation period.*
- 3. Nominee must be from the faculty of Microbiology/VPHE/any other faculty involved in research on “Animal Trans Boundary and Emerging Diseases.”*

It so transpires that the petitioner, who was part of the Teaching Faculty of V.P.H.E (Veterinary Public Health Epidemiology) also submitted her application in response to memo dated 25.6.2016.

The grievance raised in the instant petition is that the application of the petitioner has not even been considered and private respondent no.3 i.e. Dr. Aman Kumar, Assistant Scientist, Department of Animal Bio Technology has been nominated to attend the training session w.e.f. 5.9.2016 to 22.9.2016 in Israel.

In the written statement filed on behalf of the University it has been stated that private respondent no.3 was eligible in terms of the criteria disclosed in the memo dated 25.6.2016 as he belongs to the Faculty of Animal Bio Technology, which otherwise is involved in research on “Animal Trans Boundary and Emerging Diseases” and as such, has been duly considered and nominated. In so far as the petitioner is concerned, the stand taken is that she does not possess any experience in the concerned field and as such has not been considered even eligible for consideration.

This Court is prima facie of the view that the action of the respondent University in having excluded the petitioner from even the zone of consideration in pursuance to memo dated 25.6.2016 cannot sustain. Clause 3 of the criteria was in clear terms i.e. the nominee must be from the Faculty of Microbiology/V.P.H.E/any other faculty involved in research.

There is no ambiguity in the language whatsoever. As per the university itself, nominees from the faculty of Microbiology/V.P.H.E in any case were eligible. In addition thereto nominees even from other faculties could apply subject to the proviso that such faculties also involved in research on the relevant topic/field. The petitioner, however, has been excluded from the zone of consideration on the pretext that she is a member of the teaching faculty and does not possess research experience. The criteria as regards research was relatable to the faculty. Even as per the criteria nominees from both the faculties of Microbiology and V.P.H.E were in any case eligible.

When this matter came up for hearing Mr. Rawat, learned counsel appearing for the university sought deferment in hearing for a few hours to complete instructions as regards such position. Mr. Rawat has now apprised the Court that after having got in touch with the Vice Chancellor of the respondent university he has telephonic instructions to the effect that in case the petitioner submits a comprehensive representation with regard to her claim in pursuance to memo dated 25.6.2016 during the course of the day, such representation would be dealt with strictly in the light of the criteria mentioned in the memo dated 25.6.2016 and a final decision would be taken within a period of one working day.

I find such stand taken on behalf of the university to be fair and acceptable.

The instant petition is, accordingly, disposed of in terms of granting liberty to the petitioner to submit a representation as regards her claim for the training from 5.9.2016 to 22.9.2016 in Israel on the subject of “Animal Trans Boundary and Emerging Diseases”. In the eventuality of the

representation being submitted during the course of the day, the Vice Chancellor of the respondent university would be obligated to consider the same, to take a final view in the matter and to convey the decision to the petitioner in terms of a well reasoned speaking order positively on 1.9.2016.

Petition disposed of.

A copy of this order be furnished to learned counsel for the parties under the signatures of Bench Secretary.

(TEJINDER SINGH DHINDSA)
JUDGE

31.08.2016
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Whether speaking/reasoned: Yes

Whether Reportable: No