

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

CWP No.14888 of 2016 (O&M)

Date of decision:27.07.2016

Anmol

... Petitioner

Vs.

*Registrar, Lala Laj Pat Rai University of Veterinary & Animal Sciences,
Hisar & another*

... Respondents

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

Present: Mr. Harish Nain, Advocate for the petitioner.

...

TEJINDER SINGH DHINDSA, J.

Petitioner is aggrieved of the action of respondent/Lala Laj Pat Rai University of Veterinary & Animal Sciences, Hisar (hereinafter to be referred to as the 'University') in having rejected her candidature for the post of Assistant Professor in physical education.

Advertisement No.2/2014 was issued by the University inviting applications from eligible candidates for appointment to various administrative and teaching posts. One post of Assistant Professor in physical education was also advertised and the essential qualifications prescribed were as follows:

“29. Asstt. Professor, Physical Education:

Essential qualification:

- i) Masters degree in physical education with 55% (55% for SC/PWD) or equivalent grade point*
- ii) Diploma in Sport Coaching in from NSNIS or other recognized institution*
- iii) Besides fulfilling the above qualifications, candidates should have cleared the eligibility test (NET) conducted by the UGC, CSIR, ASRB or similar test accredited by*

UGC.

Desirable: Outstanding sports persons having positions at National/International Level.

Note: For the candidates having masters degree, NET shall remain compulsory along with one publication in ISSN marked journals for recruitment to the post of Assistant Professor and equivalent in Physical Education, Essentiality of NET can be waived off for the candidates holding Ph.D. Degree provided it has been done with course work as prescribed by the UGC regulations 2009 and the candidate has atleast two full length publication in ISSN marked journals, on or before the last date of submission of application. Those candidates who Ph.D. without course work will not qualify.”

The petitioner having applied for such post, her candidature has been rejected on the ground that she does not possess the Diploma in Sports Coaching from NSNIS or equivalent.

Learned counsel for the petitioner would vehemently contend that the petitioner has qualified National Eligibility Test as also the Masters degree in Physical Education with 66.66% marks and as such, was fully eligible in terms of UGC Regulations prescribed for the post of Assistant Professor (Physical Education). It is argued that the University has rejected the candidature of the petitioner in the light of qualification i.e. Diploma in Sports Coaching which has not been prescribed in the UGC Regulations and as such, the action of the University in rejecting the candidature of the petitioner cannot sustain. In support of such contention, instances have been cited, whereby even State of Haryana and Hemwati Nandan Bahuguna Garhwal University, Uttrakhand had also advertised the identical post of Assistant Professor in physical education and wherein Diploma in Sports Coaching had not been prescribed as the essential qualification. Argument

has also been raised that prescribing such additional qualification of Diploma in Sports Coaching has been done with an malafide intent and only to oust the petitioner from the zone of consideration.

Counsel for the petitioner has been heard at length and the pleadings on record have been perused.

The submission advanced by learned counsel would require examination in the light of the relevant UGC Regulations i.e. University Grants Commission (Minimum Qualification for Appointment of Teachers and other Academic Staff in Universities and Colleges and other Measures for the Maintenance of Standards in Higher Education) Regulation, 2010.

Regulation 3.0.0 governs recruitment and qualifications and would be relevant for the issue at hand. The relevant extract thereof is reproduced herein:

“3.0.0 RECRUITMENT AND QUALIFICATIONS:

3.1.0 *The direct recruitment to the posts of Assistant Professors, Associate Professors and Professors in the Universities and Colleges shall be on the basis of merit through all India advertisement and selections by the duly constituted Selection Committee as per the provisions made under these Regulations to be incorporated under the Statutes/Ordinances of the concerned university. The composition of such committee should be as prescribed by the UGC in these Regulations.*

3.2.0 *The minimum qualifications required for the post of Assistant Professors, Associate Professors, Professors, Principals, Assistant Directors of Physical Education and Sports, Deputy Directors of Physical Education and Sports, Directors of Physical Education and Sports, Assistant Librarians, Deputy Librarians, Librarians will be those as prescribed by the UGC in these regulations.*

3.3.0 *The minimum requirements of a good academic record,*

55% marks (or an equivalent grade in a point scale wherever grading system is followed) at the master's level and qualifying in the National Eligibility Test (NET), or an accredited test (State Level Eligibility Test – SLET/SET), shall remain for the appointment of Assistant Professors.

3.3.1 NET/SLET/SET shall remain the minimum eligibility condition for recruitment and appointment of Assistant Professors in Universities/Colleges/Institutions.

Provided however, that candidates, who are or have been awarded a Ph.D. Degree in accordance with the University Grants Commission (Minimum Standards and Procedure for Award of Ph.D. Degree) Regulations, 2009, shall be exempted from the requirement of the minimum eligibility condition of NET/SLET/SET for recruitment and appointment of Assistant Professor or equivalent positions in Universities/Colleges/Institutions.

3.3.2 NET/SLET/SET shall not be required for such Masters Degree Programmes in disciplines for which NET/SLET/SET accredited test is not conducted.”

There would be no dispute with the proposition that the Regulations framed by the University Grants Commission (UGC) would have binding effect on the respondent/University. A reference in this regard may be made to the decision of the Hon'ble Supreme Court in ***University of Delhi Versus Raj Singh, 1995 (1) SCT 1.***

A conjoint reading of Regulation 3.2.0 and 3.3.0 would make it clear that minimum qualifications have been prescribed for the post of Assistant Professors, Associate Professors, Professors, Principals, Assistant Directors, Deputy Directors etc. Regulation 3.3.0 stipulates the minimum requirement of possessing a good academic level and qualifying the National Eligibility Test (NET) for appointment to the post of Assistant Professor. Such regulations have been framed by the UGC with the

objective of maintenance of standards in higher education. The minimum qualifications/requirements envisaged under Regulations 3.2.0 and 3.3.0 reproduced hereinabove lay down the minimum benchmark and which the respondent/University would be obligated to adhere to. In the present case, the University in addition to prescribing the minimum requirement for the post of Assistant Professor (Physical Education) has prescribed a Diploma in Sports Coaching in addition thereto. In the considered view of this Court by doing so there has been no violation insofar as the UGC Regulations are concerned. The University has chosen to raise the benchmark and has prescribed a qualification i.e. Diploma in Sports Coaching over and above the minimum requirement prescribed. It is not the case of the petitioner that Diploma in Sports Coaching would have no relevance as regards selection of an incumbent to the post of Assistant Professor (Physical Education). Furthermore, merely because the Haryana State Government or any other University has chosen to prescribe only the minimum qualifications/requirements in an advertisement for filling up the post of Assistant Professor (Physical Education), the same would not vest a right for the petitioner to seek issuance of a writ of mandamus to command the respondent/University herein to delete the qualification which may be over and above the qualifications prescribed by the UGC. In any case, the advertisement at Annexure P-1 issued by the respondent/University and in response to which, the petitioner had submitted her application for the post of Assistant Professor (Physical Education) and wherein the qualifications for the post had been prescribed is held to be not in violation or derogation of the minimum standards stipulated for such post in the 2010 UGC Regulations.

As regards the question of malafides is concerned, the averments in the petition are utterly vague. It has nowhere been pleaded that the qualification of Diploma in Sports Coaching has been prescribed only to suit or to favour any particular candidate. There is not even a suggestion to this effect. The assertion of any malafide intent on the part of the respondent/University in having prescribed the qualifications and having rejected the candidature of the petitioner is held to be without substance.

For the reasons recorded above, no interference is called for.

Writ petition is dismissed.

27.07.2016

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

i) Whether speaking/reasoned? Yes

ii) Whether Reportable? Yes