

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

**CWP No.27561 of 2013  
Date of Decision: 09.12.2016**

**Parveen Kajal**

**..... Petitioner(s)**

**Versus**

**State of Haryana and others**

**..... Respondent(s)**

**CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL**

Present: Mr. Rakesh Nagpal, Advocate  
for the petitioner.

Mr. Harish Rathee, Sr. DAG, Haryana  
for respondents No.1 and 2.

Mr. Ramesh Hooda, Advocate  
for respondent No.3.

Mr. Ankit Goel, Advocate  
for respondents No.4 and 5.

**ANUPINDER SINGH GREWAL J. (ORAL)**

The petitioner has sought the issuance of mandamus to the respondents to interview him for the post of Assistant Professor (English). The petitioner had applied for the post of Assistant Professor (English) in the respondent-college in pursuance to the advertisement issued on 14.05.2013. After scrutiny of documents, the eligible candidates were called for interview. It is the case of the petitioner that he was not called for interview, although the respondents are stated to have sent him letter by post in this regard on 12.08.2013.

Learned counsel for the petitioner has contended that the petitioner did not receive the letter sent by the respondents for interview to other similarly situated candidates, and therefore, he could not appear in the interview. He has further contended that the action of the

respondents in later rejecting the candidature of the petitioner on the ground that he has not qualified the NET/SLET/SET is unjustified as the petitioner had duly obtained the M-Phil and he would be exempted from NET, in terms of the resolution of UGC dated 27.09.2010.

Per contra, learned counsel for the respondents has contended that the petitioner had been duly sent communication by speed post on 12.08.2013 and the petitioner did not appear in the interview. He has further contended that even otherwise the petitioner is ineligible for the post of Assistant Professor (English) as he has not obtained the NET qualification, which is mandatory for all the posts of Lecturers/Assistant Professors.

Learned counsel for the State appearing for respondents No.1 and 2 has contended that the Government of Haryana has made it mandatory for all the applicants for the posts of Lecturers to have the qualification of NET and no exemption is being given in this regard.

I have heard learned counsel for the parties and with their assistance, perused the writ petition.

It is apparent that earlier after scrutiny of documents, the petitioner is stated to have been called for interview for the post of Assistant Professor (English). In the reply filed by the respondent-college, it is stated that the interview letter was sent to the petitioner by speed post on 12.08.2013. This has been denied by the petitioner. However, I need not dwell on this aspect any further for the reason that the petitioner was in any case held ineligible by the respondents for the post of Assistant Professor (English) on account of not having passed the NET/SLET/SET.

There is no doubt that the UGC had passed the resolution on

27.09.2010, whereby the candidates who had obtained M-Phil qualification before 10.07.2009 were to be exempted from passing the NET for consideration for the post of Lecturers/Assistant Professor. However, the Government of India vide letter dated 03.11.2010 did not approve of these resolution and insisted that the passing of NET would be mandatory and there should be no dilution therein. This aspect has also come for adjudication before the Supreme Court in the case of ***“P. Suseela and others Vs. University Grants Commission and others”*** reported as 2015(8) SCC 129, wherein the action of the Government of India vide letter dated 03.11.2010 in not permitting the exemption in terms of the resolution of the UGC dated 27.09.2010 was approved and it was held that it is necessary that excellence of teaching standards in Universities/Colleges governed by the UGC should be maintained. Therefore, the petitioner having not qualified the NET was not entitled for consideration for the post of Assistant Professor (English) and, thus, the action of the respondents in rejecting his candidature does not suffer from any infirmity, which would call for interference by this Court while exercising extraordinary writ jurisdiction.

In the result, the petition stands dismissed.

(ANUPINDER SINGH GREWAL)  
JUDGE

**December 09, 2016**

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No