

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.24826 of 2015 (O&M)

Date of Decision: 24.05.2016

Satish Kumar

... Petitioner

VS.

UOI & Ors.

... Respondents

CORAM: HON’BLE MR.JUSTICE SURYA KANT
HON’BLE MR.JUSTICE A.B. CHAUDHARI

- 1. Whether Reporters of local papers may be allowed to see the judgment?
- 2. To be referred to the Reporters or not?
- 3. Whether the judgment should be reported in the Digest?

Present: Mr. Lalit Rishi, Advocate for the petitioner

Mr. AS Virk, Advocate for respondents No.2 to 4

SURYA KANT, J. (Oral)

(1) The petitioner has laid challenge to the Model Recruitment Rules for Non-Teaching posts in the National Institutes of Technology (NITs) as notified/circulated by the Ministry of Human Resource and Development, Department of Higher Education, Government of India so far as the same prescribes qualification for recruitment to the post of Registrar in the NIT. He has also questioned the advertisement issued by NIT, Kurukshetra for recruitment of Registrar as per the qualification prescribed in the Recruitment Rules.

(2) With a view to appreciate the controversy, it is useful to reproduce the following educational and other qualifications prescribed for direct recruitment to the post of Registrar in the Recruitment Rules (R2/3):-

<i>“Educational and other qualifications required for direct recruits</i>	<i><u>Essential:</u> Masters’ degree in any discipline with at least 55% marks or its equivalent grade ‘B’ in the UGC 7 point scale from a recognized University/Institute.</i>
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	<u>Experience:</u> i) <i>At least 15 years' experience as Assistant Professor in the AGP of ₹7000/- and above or with 8 years of service in the AGP of ₹8000/- and above including as Associate Professor along with experience in educational administration, or</i> ii) <i>Comparable experience in research establishment and/or other institutions of higher education, or</i> iii) <i>15 years of administrative experience, of which 8 years shall be as Deputy Registrar or equivalent.</i> <u>Desirable</u> i) <i>Qualification in area of Management/ Engineering/Law.</i> ii) <i>Experience in handling computerized administration/ legal/ financial/ establishment matters."</i>
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(3) The petitioner's objection is against the requirement of experience as Assistant Professor in the "AGP of ₹7000 and above...".

(4) The challenge is two-fold, namely, (i) that the petitioner served as a Lecturer, for which no AGP was prescribed till it was re-designated as Assistant Professor in the year 2006, hence the respondents cannot insist that the incumbent should have served as Assistant Professor in the "AGP of ₹7000/- or above"; (ii) the condition of serving as an Assistant Professor in the AGP of ₹7000/- is irrational and arbitrary as the pay scale has no bearing on the quality of 'experience'.

(5) On the other hand, learned counsel for NIT explains that the Ministry of Human Resource and Development has vide Circular dated

04.06.2009 (R2/7) explained the scheme of revision of pay of teachers and equivalent cadres in Universities and Colleges for fixation of pay of the incumbents who were in position as on 01.01.2006. He refers to Table-1 and Table-2 to submit that the AGP of Assistant Professor who was getting the pre-revised pay-scale of ₹8000/- is equivalent to ₹6000/- and the AGP of Assistant Professor (formerly Lecturer) whose pre-revised pay scale was ₹10000/- (Senior Scale) and above, comes to ₹7000/-.

(6) In this manner, it is urged that the experience gained by an incumbent as a Lecturer before 01.01.2006 is duly accounted for provided that such experience was in the pre-revised pay scale of ₹10000/- or above i.e. equivalent to AGP of ₹7000/-. It is pointed out by the respondents that the petitioners till date has not reached the AGP of ₹7000/- hence the question of counting his experience as Lecturer for eligibility does not arise. On this premise, it is maintained that the petitioner is ineligible for the advertised post of Registrar. It is further pointed out that the petitioner is still working on *ad hoc* basis due to which he has not reached to the requisite AGP.

(7) We have heard learned counsel for the parties and gone through the record.

(8) The Recruitment Rules have been notified/circulated by Government of India and are uniformly applicable to all the National Institutes of Technology. It is not a case of prescription of any tailor-made qualification for the post of Registrar in NIT Kurukshetra only. There is thus no pre-conceived move to oust the petitioner from zone of consideration. The rule-making authority apparently took a conscious decision to consider only those Assistant Professors as eligible who are

having 15 years' experience in the AGP of ₹7000/- or above, namely, the Assistant Professors in senior scale. Such a decision having been taken by the experts as a matter of policy cannot be interfered with by the Court unless found to be hit by any Constitutional or Statutory mandate. No such case has been made out by the petitioner.

(9) The scheme of the Rules suggests that the post of Registrar has been kept at a higher pedestal than that of Assistant Professor (senior scale) or even the Associate Professor. We say so for the reason that clause 4 of the Recruitment Rules prescribes the Scale of Pay as PB-4 (₹37400-67000) with Grade Pay of ₹10000/- for the post of Registrar. As the Grade Pay of the post of Registrar is ₹10000/- it is obvious that the rule-making authority has restricted the zone of consideration for those Assistant Professors/Associate Professors only who have served in the AGP of ₹7000/- or ₹8000/- with experience of 15 years or 8 years, as the case may be. The prescription of minimum AGP of ₹7000/- thus has a rationale and logic behind it.

(10) For the reasons stated above, we do not find any ground for interference with the Recruitment Rules

(11) Dismissed.

(Surya Kant)
Judge

24.05.2016
vishal shonkar

(A.B. Chaudhari)
Judge