

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

CWP No.6915 of 2013

Date of decision: 11.02.2016

Charu Bhardwaj

...Petitioner

versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Sunil Kumar Nehra, Advocate,
for Mr. Sanjeev Kodan, Advocate,
for the petitioner.

Mr. Hitesh Pandit, Addl. A.G., Haryana.

Mr. Satyawar Ahlawat, Advocate,
for respondent No.2.

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

RITU BAHRI, J.

The petitioner, by way of present petition, is seeking setting aside of appointment of Mrs. Manju Sharma-respondent No.4 to the post of Assistant Professor.

Pursuant to the advertisement (Annexure P-2), the petitioner made an application for the post of Assistant Professor in English. She had been informed that her interview would be held in the office of College Governing Body on 19.01.2013. As per the modified Haryana Service Rules, 2010 and Rules of Haryana Education (College Cadre) Group B Services (Amendment) Rules, 2013, notified on 10.01.2013, only those candidates could apply, who have Ph.D. degrees awarded by the State/Central University and only those private Universities which have accredited as 'A'

grade Universities by the National Assessment and Accreditation Council (NAAC) shall be considered for relaxation in lieu of NET. The petitioner did not have the qualification of NET and was not having any Ph.D. degree awarded by 'A' grade University. Respondent No.4, who was eligible for the said post, was selected and she had joined on 13.03.2013 after approval from the University.

The petitioner is trying to take benefit on the ground that she had filed CWP No.806 of 2013 challenging the amendment made with regard to the qualification. This petition was allowed by a Division Bench of this Court vide order dated 05.03.2013 (Annexure P4, Colly.).

A perusal of the order 05.03.2013 (Annexure P-4) passed by the Division Bench of this Court shows that while allowing the petition, it was observed that the UGC has given exemption from clearing NET for recruitment and appointment to the posts of Assistant Professor to all those candidates who possessed Ph.D. degrees from any university and only condition imposed was that such a university is recognized by the UGC as deemed university under Section 4 of the University Grants Commission Act, 1956. There is no distinction between 'A' Grade Universities and Universities graded otherwise. As per provisions contained in University Grants Commission (Minimum Qualifications required for the appointment and Career Advancement of teachers in Universities and Institutions affiliated to it) Regulation, 2009, framed by the UGC, all the candidates who have been awarded Ph.D. degrees are to be exempted from the requirement of the minimum eligibility condition of NET/SLET for recruitment and appointment of Assistant Professor or equivalent positions in Universities/Colleges/Institutions. The petitioners, who had obtained Ph.D.

degrees in compliance of Regulations, 2009, cannot be debarred by virtue of impugned Regulations, which are contrary to the regulations framed by the UGC. Ultimately, the Service Rules, 2010 and the Haryana Education (College Cadre) Group B Service (Amendment) Rules, 2013 to that extent were set aside.

The aforesaid judgment of the Division Bench of this Court was pronounced on 05.03.2013 and respondent No.4 in the present case, had joined on 13.03.2013 after participating in the interview which was held on 19.01.2013, as she was found eligible for appointment to the post of Assistant Professor as per amended Rules. Operation of the aforesaid Division Bench judgment shall be prospective.

In a separate written statement filed by respondent No.2- university, it is stated that respondent No.1, vide letter dated 05.11.2012 (Annexure R3/1) had informed that for appointment of Assistant Professor, Ph.D. degree awarded by the State/Central University/those Private Universities which have been accredited as 'A' grade Universities by the NAAC shall be considered for relaxation in lieu of NET.

Since the petitioner was not eligible at the time of interview, the selection of respondent No.4 does not require any interference.

Resultantly, the present petition is dismissed.

(RITU BAHRI)
JUDGE

11.02.2016
ajp