

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

LPA No.1614 of 2015 (O&M)

Date of Decision: 23.8.2016

State of Punjab and others

..Appellants

Vs.

Dr.Oma Wati Sharma

..Respondent

**CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR.JUSTICE SUDIP AHLUWALIA**

Present: Mr. Rajesh Bhardwaj, Addl.AG Punjab for the appellants.
Mr.M.K.Tiwari, Advocate for the respondent.

SURYA KANT, J.

The question that arose for consideration before the learned Single Judge was whether the respondent was entitled to continue to serve in the 'College Cadre' as a Lecturer or she could be repatriated to 'School Cadre', for she had not passed the National Eligibility Test (NET)? The case of the respondent was that since she holds Ph.d. degree, it was not necessary to pass National Eligibility Test (NET) as per the UGC guidelines dated 30.6.2010.

Learned Single Judge has answered the above question in favour of the respondent on the basis of Division Bench judgment of this Court rendered in *LPA No.76 of 2012 titled as Hari Dutt Sharma and others Vs. State of Punjab and another decided on 26.3.2013*. It is stated by learned counsel for the respondent and is not disputed by learned State

counsel also that the cited judgment has attained finality.

Regardless of that, somewhat similar question came up for consideration of the Hon'ble Supreme Court in ***CA Nos.6691-6692 of 2015 titled as Gurdas Singh and others Vs. State of Punjab and others decided on 1.9.2015*** and while setting aside the Division Bench judgment of this Court whereby claim of the similarly placed College Teachers was rejected, their Lordships have held that the appellant/teachers, who are working for the last 25 years, cannot be subjected to the eligibility condition of State Level Eligibility Test (like NET). Following the analogy in ***Gurdas Singh and others' case (supra)***, the appellants cannot insist that the respondent, notwithstanding the fact that she holds Ph.d. degree, should also be qualified in NET for the purpose of her retention in College Cadre.

For the afore-stated facts, we do not find any merit in this appeal, which is accordingly dismissed.

**(SURYA KANT)
JUDGE**

**(SUDIP AHLUWALIA)
JUDGE**

23.8.2016
Meenu

Whether speaking/reasoned	-	Yes/No
Whether Reportable	-	Yes/No