

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.24645 of 2017

ORDER:

The petitioner belongs to Scheduled Caste category and completed her Ph.D., Degree. She published an article in the international journal of Probiotics and Health by Omics on 10.02.2016. The 3rd respondent issued a notification on 25.09.2016 inviting applications from the qualified candidates for appointment of the following Faculties in the respective categories of posts:

Faculty	Associate Professor	Assistant Professor
Agriculture	8	103
Agricultural Engineering & Technology	--	15
Home Science	1	21

2. The petitioner applied for the post of Assistant Professor in Home Science. In respect of Home Science Faculty, three posts were reserved for various categories, in Apparel and Textiles, seven posts were reserved for various categories including SC (W) in Food and Nutrition branch. She states that she is also qualified in National Eligibility Test (NET) in the subject concerned. The 3rd respondent invited applications from the qualified candidates in the NET in the subject concerned along with one publication in National Academy of Agricultural Science (NAAS) rating referred journal for the post of Assistant Professor General Cadre. In respect of total posts, 13 applications were received from the Scheduled Caste candidates and one I.Jyothi, who possessed NET as well as publication in NAAS rating journal, was alone qualified out of 13 applications. When the petitioner was not selected, she filed the present Writ Petition challenging the action of the respondents in

not considering her candidature for the post of Assistant Professor in the Discipline of Foods and Nutrition in the vacancy of Home Science.

3. This Court while admitting Writ Petition on 25.07.2017, granted two interim directions in W.P.M.P.No.30516 of 2017 and W.P.M.P.No.30517 of 2017 and seeking vacation of the same W.V.M.P.No.3898 of 2017 was filed by the 3rd respondent - University. The interim application related to stay of finalization of result and appointment for the post of Assistant Professor in the Discipline of Foods and Nutrition in the Faculty of the Home Science, for which interviews were already conducted.

4. One K.Sudha Rani, who appeared for the interview, belonging to OC category, filed separate W.V.M.P.No.4049 of 2017 after getting herself impleaded. But, her presence is not necessary in view of the case of the petitioner being confined to the Scheduled Caste category.

5. The counter-affidavit filed by the 3rd respondent discloses that applications are invited from NET qualified candidates with publication of one article in NAAS rating journal. The candidates who are not qualified in NET, but possessing Ph.D., must have submitted two full length publications in NAAS rating journal not less than four and the applicants who have not complied with the same were not considered for the post of Assistant Professor. The application of the petitioner was rejected on the ground that she does not furnish requisite certificates as on the last date of submission of application besides she does not have possessed the requirement of publications.

6. Learned counsel for the petitioner submitted that as per University Grants Commission (UGC) Regulations, there is no requirement of publication in NAAS rating journal and in any event, the

publication is required by teachers in the Faculties in Agriculture and Veterinary Science, whereas for Home Science Faculty, there is no requirement or norms for publication of journals. The notification inviting applications is very clear with regard to eligibility conditions and the applications were invited only from NET qualified candidates in the subject concerned along with one publication in NAAS rating referred journal for the post of Assistant Professor Cadre. Initially, there was some confusion with regard to rejection of petition based on para 5 of the General Information by insisting publication of two full length publications having NAAS rating and the arguments of the petitioner were also based on the said misconception. The relevant para 5 of the General Information reads as follows:

“The NET can be exempted 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 at least two full length publications having a NAAS rating not less than 4 on the last date of submission of application.”

7. A reading of the above makes it clear that if there is a NET qualification, there is no need to go for Ph.D candidates, but, NET can be exempted in respect of Ph.D candidates, who submitted at least two full length publications having NAAS rating journals. The detailed instructions were given to the candidates at page 12 of the General Information, which read as follows:

“Applications in the prescribed form are invited for the following vacancies in the University so as to reach the Registrar of the University on or before 26.10.2016 by 04.00 PM. candidate should possess the prescribed qualifications as on the last date of application and should have qualified (himself/herself) in the National Eligibility Test (NET) in the subject concerned along with one publication in NAAS rated referred journal for the post of Assistant Professor cadre. The NET can be exempted for the candidates holding Ph.D degree, provided it has been done with course work as prescribed by the UGC Regulations 2009 and the

candidates has atleast two full length publications having a NAAS rating not less than 4 on the physically and visually handicapped persons for the post of Assistant Professor is allowed.”

8. Admittedly, the petitioner did not publish any paper in the publication having NAAS rating. The information furnished to this Court by the candidates relating to Scheduled Caste category showed that only one I.Jyothi is having a publication in one journal though seven other candidates possessed NET qualification, they did not have any publication. The petitioner also did not possess Ph.D., Degree as on the date of notification, but she submitted Thesis and she was not awarded Ph.D., Degree.

9. In view of the above circumstances, this Court sees no substance in the writ petition and the same is liable to be dismissed.

10. Accordingly, the Writ Petition is dismissed. Miscellaneous petitions, if any, pending in this petition shall stand closed. There shall be no order as to costs.

A.RAMALINGESWARA RAO, J

NOVEMBER 28, 2017
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THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO



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Date: 28.11.2017

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