

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.10239 of 2017

Date of Decision:-12.05.2017.

Manju Rani and another

.....Petitioners

Versus

Haryana Public Service Commission and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present: Mr. Sardavinder Goyal, Advocate for the petitioners.

P.B. BAJANTHRI, J. (Oral)

1.) The petitioners have sought for relaxation of certain clauses in the advertisement. Further they have sought for quashing orders dated 3.2.2017 issued by respondent No.1 (Annexure P-21 and P-22) wherein the petitioners have not been invited for interview to the post of Assistant Professor (College Cadre) HES-II, in the subject of Zoology under Scheduled Caste category pursuant to the advertisement dated 16.2.2016 (Annexure P-1).

2.) The petitioners possessed the qualification of Masters Degree in Fisheries whereas their candidature is for the post of Assistant Professor Zoology. Essential qualifications for the post of Assistant Professor in Zoology are as follows:-

5. Essential Qualifications:-

(1) ASSISTANT PROFESSORS (all subjects except

Fine Arts and Mass Communication)

(a) Good academic record with at least 55% of the marks or an equivalent grade of B in the 7 point scale with letter grades O, A, B, C, D, E and F at the Master's Degree level in the relevant subject from an Indian University or an equivalent degree from a Foreign University.

(b) Knowledge of Hindi/Sanskrit upto Matric standard.

(c) "National Eligibility Test (NET) conducted by the University Grant Commission, Counsel of Scientific Commission like SLET/SET shall remain accredited by the University Grant Commission like SLET/SET shall remain the minimum eligibility condition for recruitment and appointment as Assistant Professor in Colleges:

Provided that the candidates, who are, or have been awarded a Ph.D degree in accordance with the University Grant Commission (minimum standards and procedure for award of Ph.D degree) regulation, 2009 shall be exempted from the requirement of the minimum eligibility condition of NET/SLET/SET for recruitment and appointment of Assistant Professor or equivalent position in colleges.

Provided further that NET/SLET/SET shall not be required for such Master's Programmes in disciplines for which NET/SLET/SET is not conducted".

- 3.) Learned counsel for the petitioners submitted that even though petitioners' candidature is for Zoology and the fact that they possessed the educational qualification in the Fisheries but still their candidature is required to be considered for the post of Assistant Professor Zoology with reference to the communication dated 28.5.1994 and 17.12.2012 (Annexure P-7 and P-8, respectively) by which Registrar of the University Chaudhary

educational qualification of M.Sc. Fisheries to that of Molecular Biology & Biotechnology, Microbiology, Zoology, Botany, Food Science & Technology, Bioinformatics, Fisheries, Plant Physiology and Biochemistry are covered under Life Science subjects. Therefore, the petitioners' candidature is required to be considered for the purpose of selection and appointment to the post of Assistant Professor Zoology. Counsel for the petitioner further pointed out that while issuing certificate in Fisheries, it was stated that Department of Zoology and Aqua Culture, major field is Fisheries and minor field is Zoology. Therefore, the petitioners' qualification of Masters degree in Fisheries is required to be equated to that of Zoology. In not considering the petitioners' candidature for the post of Assistant Professor in Zoology in view of the above facts and circumstances, it is incorrect on the part of the respondent-University. Therefore, the petitioners claim that their candidature is required to be considered.

4.) Heard learned counsel for the petitioner.

5.) Perusal of the advertisement read with the essential qualification, it is evident that one must have a Masters Degree level in the relevant subject from an Indian University. Nowhere relevant subject has been defined. That apart, the advertisement do not stipulate for the purpose of Zoology or any other subject which are the related subjects as qualified or letter has been issued by the University cited supra. In the absence of definition of relevant subject and further expansion of any related subjects and in the absence of notifying the same in the advertisement, one has to draw inference that relevant subject means with reference to relevant subjects to the post like in the present case Assistant Professor Zoology.

Therefore, Masters Degree level in Zoology and not the Fisheries. If the advertisement is not crystal clear so as to include the Masters Degree in Fisheries, candidates with the Masters Degrees in Fisheries i.e., petitioners and other candidates who possess the Masters Degree in Fisheries their right would be affected if the petitioners' candidature is considered. In other words there will be a violation of Articles 14 and 16 of the Constitution. Further it is to be noted that as long as relevant rule is not amended appropriately insofar as inter-related subjects as argument advanced by counsel for the petitioners that Masters Degree in Fisheries is part and parcel of Zoology subject. Unless and until rules are amended to include the Masters Degree in Fisheries is equivalent to Masters Degree in Zoology, the petitioner has no claim. Consequently, the petitioner has not made out a case.

6.) Petition stands dismissed.

(P.B. BAJANTHRI)
JUDGE

May 12, 2017.
sandeep sethi

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.