

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

1.

CWP No.13250 of 2016
Date of Decision: 16.05.2017

Anil Kumar and others

....Petitioners

Vs.

University Grants Commission

....Respondent

2.

CWP No.16072 of 2016

Suman and others

....Petitioners

Vs.

University Grants Commission

....Respondent

3.

CWP No.21470 of 2016

Ritu Rani

....Petitioner

Vs.

State of Haryana and others

....Respondents

4.

CWP No.20531 of 2016

Renu Bala

....Petitioner

Vs.

State of Haryana and others

....Respondents

5.

CWP No.19982 of 2016

Sunita

....Petitioner

Vs.

University Grants Commission

....Respondent

6.

CWP No.20864 of 2016

Reena

....Petitioner

Vs.

University Grants Commission

....Respondent

7.

CWP No.22587 of 2016

Sandeep Kumar

....Petitioner

Vs.

University Grants Commission

....Respondent

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: Mr.Atul Lakhanpal, Sr. Advocate, with
Mr.R.S. Chahal, Advocate, and
for the petitioners (in CWP No.13250 of 2016).

Mr.Sansar Kundu, Advocate,
for the petitioners (in CWP No.20531 of 2016).

Mr.Mohan Singla, Advocate,
for the petitioners (in CWP No.21470 of 2016).

Mr.A.K. Singh Goyat, Advocate,
for the petitioners
(in CWP Nos.16072, 19982 & 20864 of 2016)

Mr.Ajay Chaudhary, Advocate,
for the petitioners (in CWP No.22587 of 2016).

Mr.Salil Sablok, Advocate, for the respondent/UGC.

RAKESH KUMAR JAIN, J. (ORAL)

This order shall dispose of a bunch of 7 cases bearing
CWP Nos.13250, 16072, 19982, 20531, 20864, 21470 & 22587 of
2016 as the issues involved in all the writ petitions are common.

However, for the sake of brevity, the facts are being extracted from CWP No.13250 of 2016.

This petition is filed for seeking a writ in the nature of certiorari for quashing the order dated 12.5.2016 by which the University Grants Commission [for short 'the UGC'] declared the petitioners ineligible.

In brief, the petitioners have alleged that vide notification No.63 dated 4.3.2014, the Jats in the State of Haryana were declared Other Backward Classes [for short 'OBC']. The petitioners were issued OBC certificates by the competent authority being Jats of the State of Haryana. The respondent held UGC-NET test for the JRF and eligibility for Assistant Professor for issuance of NET certificate on 28.12.2014. The petitioners applied under the OBC category in the said test and allegedly qualified the test for Assistant Professor only. It is alleged that the notification No.63 dated 4.3.2014 was challenged before the Supreme Court by way of Writ Petition (Civil) No.274 of 2014 titled as "Ram Singh and others Vs. Union of India". The said writ petition was allowed by the Supreme Court vide its order dated 17.3.2015 and the notification No.63 dated 4.3.2014 was quashed holding that the Jats are not to be treated as OBC in the State of Haryana. Thereafter, the respondent/UGC has passed the impugned order dated 12.5.2016 declaring the petitioners disqualified in the UGC-NET held on 28.12.2014. Aggrieved against the said decision of the UGC, the present petition has been filed.

Learned counsel for the petitioners has basically relied upon an order passed by the Supreme Court in various Interlocutory

Applications filed in Writ Petition(s) (Civil) No(s).274 of 2014, which were taken up together and disposed of by common order dated 12.4.2016 (Annexure A-1), exercising its power under Article 142 of the Constitution of India. The Supreme Court made three categories of interlocutory applications filed before it. The first category was of the applicants those, who had appointed as Probationary Officers in the State Bank of India, it was decided by the Supreme court that they would be entitled to have the benefit of such appointment and the order dated 17.3.2015 would not effect them. The second category was of the applicants, who were held entitled to complete their diploma/training course and on successful completion thereof would be entitled for their appointments. However, the third category was of the applicants, who had commenced diploma/training course after the date of the judgment, were not protected and their applications were dismissed.

Learned counsel for the petitioners has vehemently argued that since the result of the petitioners was declared before the decision of the Supreme Court rendered on 17.3.2015, therefore, they are also protected in terms of the aforesaid order passed by the Supreme Court dated 12.4.2016.

On the other hand, the stand taken by the respondent/UGC in their reply, which has gone unrebutted, is that the examinations were held on 28.12.2014 in which the examining body was CBSE at the instance of the UGC and the result was declared on 15.6.2015 by the UGC and not before 17.3.2015. Thus, according to the respondent/UGC, the status of the petitioners was still fluid and

had not crystallized into a right, before the Supreme Court took the decision on 17.3.2015 as they were not declared either pass or fail before the said date, therefore, they would fall within the third category as has been held by the Supreme Court in the Interlocutory Applications decided on 12.4.2016 and thus they were considered in General category and not in the OBC category in which they had applied for the examination.

Learned counsel for the petitioners has also submitted that even after the declaration of the result, four petitioners, namely, Anju, Surender, Ravinder and Mohan Lal were appointed as Resource Personal/Assistant Professors by the Director General of Higher Education.

Learned counsel for the respondent/UGC has submitted that the averments in this regard has been denied for want of knowledge and supporting documents because the petitioners have neither impleaded their employer nor brought on record supporting documents like their appointment letters to support the said contention.

I have heard learned counsel for the parties and after examining the available record, am of the considered opinion that there is no force in this petition as the petitioners had not become eligible by the time when the result has been declared by the respondent/UGC on 15.6.2015 as in between the decision of the Supreme Court dated 17.3.2015 had come, quashing the notification No.63 dated 4.3.2014 by which the petitioners, belonging to Jat community, were declared OBC in the State of Haryana. The matter

would have been altogether different had the petitioners' result been declared before 17.3.2015 then perhaps the right would have been vested in them after the declaration of result and they might have been protected in terms of the order passed by the Supreme Court on 12.4.2016 but since the result has been declared after the date on which notification No.63 dated 4.3.2014 was quashed by the Supreme Court, therefore, they cannot take advantage of the said notification because no right was crystallized in them pursuant to the notification No.63 dated 4.3.2014.

Thus, in view of the above, there is hardly any reason with this Court to interfere in these petitions and as such the same are hereby dismissed.

A photocopy of this order be placed on the files of connected cases.

(RAKESH KUMAR JAIN)
JUDGE

16.05.2017
Vivek

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*