

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.26614 of 2013

Date of Decision:-27.02.2017.

Pawan Kumar

.....Petitioner

Versus

Guru Jambheshwar University of Sciences & Technology, Hisar and others

.....Respondents

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

Present: Mr. Ram Niwas Sharma, Advocate for the petitioner.

Mr. Arvind Seth, Advocate for respondent Nos.1 and 2.

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

P.B. BAJANTHRI, J. (Oral)

1.) In the instant writ petition, petitioner has questioned the selection and appointment of the third respondent to the post of Director, Youth Welfare pursuant to the advertisement vide Annexure P-1.

2.) Learned counsel for the petitioner submitted that the third respondent is not eligible for the post of Director as he do not possess 5 years of minimum teaching experience after acquisition of Post Graduate degree. Therefore, the third respondent selection is contrary to rules governing the post of Director, Youth Welfare. It was submitted that the third respondent acquired the Post Graduation from the Bikaner University, Bikaner in the year 2008. Since the last date prescribed for the post of

Director is dated 31.5.2012, thus, the third respondent has not gained 5

years of experience after acquisition of Post Graduate qualification. Therefore, his selection is illegal and contrary to Rules. It was further submitted that the respondent No.3 has gained experience during the period from July, 2002 to till 2012 in the Amar Jyoti Senior Secondary School, Bhuthan Kalan (Fatehabad). It is evident that experience gained by respondent No.3 from 2002 to 2009 cannot be treated and accepted towards 5 years of teaching experience. Hence the third respondent is not eligible for the post of Director, Youth Welfare.

3.) Per contra, learned counsel for respondent No.3 submitted that teaching experience of 5 years in an affiliated college/institute is required to be taken into consideration irrespective of date of acquisition of Post Graduate qualification and rule governing the post of Director, Youth Welfare do not stipulate that 5 years experience of teaching experience is required to be gained only after acquisition of Post Graduate degree. Therefore, the petitioner's contention that candidate must have 5 years of teaching experience after acquisition of Post Graduate qualification is contrary to Rules.

4.) Heard learned counsel for the parties.

5.) Crux of the matter in the present case is whether the third respondent is eligible for the post of Director, Youth Welfare or not. Relevant extract of rule governing the post of Director, Youth Welfare reads as under:-

“2. There is no other document in this regard despite prescribed qualifications for the said post. However, the Screening Committee considered the experience keeping in view of the following qualifications advertised for the post of Director Youth

Welfare:-

“Postgraduate Degree at least 2nd Division in any discipline from recognized University with a minimum teaching experience of five years in an affiliated college/institute alongwith experience of organizing Youth Festivals/Youth Leadership Training Camps and other related Youth Welfare activities.

OR

Postgraduate Degree with atleast 2nd Division in any discipline from recognized University with a minimum ten years experience of organizing Youth Festivals/Youth Leadership Training Camps and other related Youth Welfare activities.”

6.) The third respondent was working in the Amar Jyoti Senior Secondary School, Bhuthan Kalan (Fatehabad) institution during the period from 2002 to 2012. In the meanwhile, he has acquired the Post Graduate qualification in the year 2008 from the Bikaner University, Bikaner. Faced with these factual aspects read with the qualification prescribed for the post of Director, Youth Welfare, it is evident that for the purpose of minimum teaching experience of 5 years from an affiliated college/institute is not after acquisition of Post Graduate degree. Rule does not stipulate that teaching of 5 years experience is required to be gained after acquisition of Post Graduate degree. Rule say that *“Postgraduate Degree at least 2nd Division in any discipline from recognized University with a minimum teaching experience of five years in an affiliated college/institute along with experience.....”*. In view of these facts and circumstances, the petitioner has not made out a case so as to interfere with the selection and appointment of third respondent to the post of Director Youth Welfare.

8.) At this stage, learned counsel for the petitioner further submitted that having regard to the Government of India instructions dated 18.9.2010 for jobs of experience, experience is required to be counted after acquisition of Post Graduate qualification. The post of Director, Youth Welfare is governed by rules of recruitment. Government of India Instructions dated 18.9.2010 vide Annexure P-10 cannot override the rules of recruitment unless and until rule is amended appropriately by the competent authority. Hence, the contention is rejected.

(P.B. BAJANTHRI)
JUDGE

February 27, 2017.
sandeep sethi

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.