

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

**203**

**CWP-4727-2013 (O&M)  
Date of decision:11.05.2017**

Reena and others

....Petitioners

Versus

State of Haryana and others

.... Respondents

**CORAM: Hon'ble Mr. Justice P.B. Bajanthri**

Present: Mr.J.S.Dahiya, Advocate for the petitioners.

Mr. Ravi Partap, AAG, Haryana.

Mr. Ashe Kumar Goyal, Advocate  
Standing counsel for UGC-respondent No.2.

Mr. A.S.Virk, Advocate for respondent No.3.

Mr. R.K.Malik, Sr. Advocate with  
Mr. Bhupinder Malik, Advocate for respondents No.4 to 6.

**P.B. Bajanthri, J. (Oral)**

In the instant writ petition, petitioners have questioned the validity of order dated 22.10.2012 (Annexure P4) by which 5<sup>th</sup> respondent has been appointed to the post of Assistant Professor (Political Science). 4<sup>th</sup> respondent issued an advertisement for the post of Assistant Professor in English, Political Science, Economics and History. Petitioner and 5<sup>th</sup>

respondent are candidate for the post of Assistant Professor (Political Science). Qualification prescribed for the post reads as under:-

- “Qualification:** 1. Good academic record with at least 55% marks at **Master's degree level in relevant subject** or an equivalent grade of B in the 7 points scale with letter grades O, A, B, C, D, E, & F. Relaxation in age and marks as per Haryana Govt. rules for S.C./S.T. differently-abled Physically handicapped.
2. NET or similar test accredited by the UGC shall remain compulsory. However, candidates having Ph.D. Degree in the concerned subject or enrolled for Ph.D. up to 31.05.2009 shall be eligible.
3. Age limited 21 to 40 years.

Learned counsel for the petitioner submitted that petitioners possess the qualification of Master Degree in Political Science whereas 5<sup>th</sup> respondent possess the Master degree in Public Administration. Therefore, it was contended that 5<sup>th</sup> respondent do not possess the relevant subject qualification for the purpose of considering his name for the post of Assistant Professor (Political Science). Hence the selection and appointment of the 5<sup>th</sup> respondent is liable to be set aside and further sought for a direction to consider his name for selection and appointment to the post of Assistant Professor (Political Science).

Per contra, learned counsel for 4<sup>th</sup> respondent submitted that the post of Assistant Professor (Political Science) is required to be filled up with reference to the rule called the Haryana Affiliated colleges (Seniority and Service) Rules, 2006. Rule 6 relates to qualification which reads as under:-

**“Qualification- 6.** No person shall be appointed to any post in the service for this he has not possessed all qualification and experience as specified by the UGC/University/State government, as the case may be.”

Pursuant to Rule 6 of 2006 Rules, 4<sup>th</sup> respondent proceeded to fill up the post of Assistant Professor in Political Science and other subjects. With reference to the qualification whether the Political Science and Public Administration are equivalent or in this regard he relied on number of communications like dated 09.03.2012, between the Director General, Higher Education and Secondary Haryana Public Service Commission, 09.10.2012 between the Director General Higher Education, State of Haryana and Universities like Kurukshetra University, Kurukshetra, Maharishi Dayanand University, Rohtak and all the Principals of Aided Private Colleges in the State of Haryana, between Director General Higher Education Haryana and Haryana Public Service Commission dated 09.09.2011. Further communication of UGC dated 22.07.2016 addressing to the Head of the Department of the Public Administration and Political Science Chhotu Ram Kisan (P.G.) College, Jind ( respondent No.4 herein). Learned counsel for 4<sup>th</sup> respondent further submitted that 4<sup>th</sup> respondent are following the regulation issued by UGC for the purpose of filling up of the post of Assistant Professor and other posts. It was further submitted that having regard to the language employed in the prescribed qualification namely Masters Degree level in relevant subject amounts to related subject therefore, public Administration is one of the related subject to the political science. Hence 4<sup>th</sup> respondent has entertained the candidate who possess

public administration qualification for the post of Assistant Professor in Political Science. Therefore, there is no infirmity whatsoever insofar as selection and appointment of the 5<sup>th</sup> respondent to the post of Assistant Professor (Political Science).

Learned counsel for the University also submitted that having regard to the language in respect of qualification of Master degree level in relevant subject the public administration subject could be taken into consideration as equivalent to Political Science so as to consider for appointment to the post of Assistant Professor in Political Science. Therefore, there is no infirmity.

Heard learned counsel for the parties.

Crux of the matter in the present case is whether for the purpose of filling up of the post of Assistant Professor in political science, the selecting authority-4<sup>th</sup> respondent can entertain the candidatures application with the qualification of public administration or not? Perusal of the qualification prescribed for the post read with post which has been advertised and to be filled up is Assistant Professor in Political Science therefore, the qualification is with reference to Master Degree level in relevant subject/Political Science and not relating to Assistant Professor , Public Administration. Qualification prescribed in the advertisement do not specify that Political Science and Public Administration qualifications are equivalent therefore, eligible candidates i.e. those who possess the qualification of political science and public administration can apply for the post of Assistant Professor in Political Science. In the absence of same, one

cannot draw inference that public administration subject is equivalent to political science. If the advertisement is crystal clear then there would not have been any difficulty. In other words, the candidates who possess the public administration qualification have been denied the benefit of participating in the process of selection and appointment to the post of Assistant Professor in Political Science. If the candidates who possess the public administration is selected for the post of Political Science in that event there will be arbitrary and violation of Article 14 and 16 of the Constitution to the extent that there will be denial of participation by the public administration master degree holders. Reliance on the various communications between different authorities cited (supra) do not change the qualification criteria for the post of Assistant Professor for various subjects including Political Science. Unless and until rules/regulations/statutory rules are amended appropriately to the extent that Public Administration subject is equivalent to Political Science or vice-versa any reliance on various communications between two officers or two authorities does not change the qualification prescribed for the post. In other words, unless and until rule/statutory rules are amended appropriately umpteen number of communications does not give any right to the persons who holds the qualification like Public Administration in the present case for the purpose of appointment to the post of Assistant Professor in Political Science. In fact the UGC vide Annexure R3 communication it was pointed out that the subject of Political Science and Public Administration are entirely two different subjects. An extract of communication reads as

under:-

***“Comments of UGT-NET Bureau on the orders dated April, 04, 2014 passed by the Hon'ble High Court of Punjab & Haryana at Chandigarh in CWP No. 4727 of 2013 (O&M) filed by Reena and others Vs. State of Haryana and others.***

*The Hon'ble Court, vide aforesaid orders, has directed UGC to file a written statement by mentioning the stand taken in case Dr. Rajbir Singh Dalal vs. Chaudhari Devi Lal University 2008(9) SCC 284 as well as the present status regarding inter-changeability of Political Science and Public Administration and also the subject in NET, explaining as to why two different test instead of common test are there for both the subjects.*

*In this regard, it is stated that at present, NET is conducted in 79 subjects including Political Science (subject code 02) and Public Administration (Subject Code 14). A copy of the recent Notification issued for June, 2014 UGC-NET is enclosed as ANNEXURE for kind perusal wherein conditions of eligibility, age limit & relaxation; examination fee and mode of payment; scheme and date of test; subjects, test centres; general instructions etc. are mentioned. It may be seen that under Para 3(iv) of the said Notification, it is notified that “candidates are advised to appear in the subject of their post-graduation only. The candidates whose post-graduation subject is not covered in the list of subjects in item No. 9, may appear in a related subject.” Since Master's Degree Courses are offered separately in Political Science and Public Administration by Indian Universities, hence, the candidates having Master's*

*Degrees in Political Science are advised to appear in NET in the subject Political Science and similarly candidates having Master's Degrees in Public Administration are advised to appear in NET in Public Administration.”*

#### **9. SUBJECTS:**

*The list of NET subjects along with their respective codes is as given below:-*

| <b><i>Subject Code</i></b> | <b><i>Name of the Subject</i></b>    |
|----------------------------|--------------------------------------|
| <i>01</i>                  | <i>Economics</i>                     |
| <i>02</i>                  | <i>Political Science</i>             |
| <i>03</i>                  | <i>Philosophy</i>                    |
| <i>04</i>                  | <i>Psychology</i>                    |
| <i>05</i>                  | <i>Sociology</i>                     |
| <i>06</i>                  | <i>History</i>                       |
| <i>07</i>                  | <i>Anthropology</i>                  |
| <i>08</i>                  | <i>Commerce</i>                      |
| <i>09</i>                  | <i>Education</i>                     |
| <i>10</i>                  | <i>Social Work</i>                   |
| <i>11</i>                  | <i>Defence and Strategic Studies</i> |
| <i>12</i>                  | <i>Home Science</i>                  |
| <i>14</i>                  | <i>Public Administration”</i>        |

The above communication is dated 22.04.2014 which is crystal clear that subject of political science and public administration are two different subjects. Therefore, selection and appointment of the 5<sup>th</sup> respondent is not in accordance with the regulation or rules. Read with UGC communication which distinguishes political science and public administration are two different and independent subjects. Therefore, question of relevant subject and inter-related subject argument cannot

accepted. Supreme Court in the case of ***Nair Service Society versus Dr. T. Beermasthan*** reported in (2009)5 SCC 545 in para 48 held as under:-

*“48. Several decisions have been cited before us by the respondents, but it is well established that judgments in service jurisprudence should be understood with reference to the particular service rules in the State governing that field. Reservation provisions are enabling provisions, and different State Governments can have different methods of reservation. There is no challenge to the Rules, and what is challenged is in the matter of application alone. In our opinion the communal rotation has to be applied taking 20 vacancies as a block.”*

Perusal of the Supreme Court decision and the principle laid down in the above decision is crystal clear that while deciding the matter one must examine the relevant rules of recruitment before applying any decision. ***Rajbir Singh Dalal vs. Chaudhari Devi Lal University and another*** reported in 2008(9) SCC 284 case has been taken note of by the UGC while assigning the subject code of No.2 for Political Science and Public Administration Subject Code as 14.

In view of these facts and circumstances, the selection and appointment of 5<sup>th</sup> respondent to the post of Assistant Professor (Political Science) is hereby set aside.

Civil writ petition stands allowed.

Concerned selecting/appointing authority is hereby directed to

consider petitioners' names in accordance with the rules if the petitioners fulfill the requisite qualification for the post of Assistant Professor (Political Science) and if they are otherwise eligible their candidature be considered for selection and appointment to the post of Assistant Professor in Political Science within a period of 3 months from today.

**11.05.2017**  
pooja saini

**(P.B. BAJANTHRI)**  
**JUDGE**

Whether speaking/reasons

Yes/No

Whether Reportable:

Yes/No