

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.24606 of 2017.

Date of Decision: November 24, 2017

Ajad Singh

.....Petitioner

versus

Maharishi Dayanand University, Rohtak and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE AVNEESH JHINGAN.

Present: Mr.R.N.Lohan, Advocate, for the petitioner.

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Surya Kant, J. (Oral)

The petitioner's grievance in the instant writ petition is against the order dated 11.10.2017 (P-6) passed by Maharishi Dayanand University, Rohtak (for short, 'MDU'), whereby his claim for the grant of weightage of 5 marks being a 'University Teacher' for the purpose of admission in Ph.D. (Economics), has been turned down . The petitioner is equally aggrieved by the decision dated 17.10.2017 taken by the Grievance Redressal Committee constituted by Vice Chancellor of the University, who in its meeting held on 12.10.2017 (P-7) resolved that weightage of 2.5 marks for each cumulative year (maximum weighate of 5 marks) to the Project Fellows working in various projects..... and the teachers working on regular basis, is admissible to the “University Teachers of MDU only”.

[2] The facts may be noticed briefly.

[3] MDU issued admission notice for the session 2017-18 inviting online applications for admission to Ph.D. Programmes, a copy of which is

Prospectus stipulates, *inter-alia*, that 'weightage of 2.5 marks for each cumulative year (maximum weightage of 5 marks) will be granted to the University Teachers working on regular basis for admission to Ph.D. Programmes. The said provision reads as follows:-

“CHAPTER-VII

Criteria for Preparing Merit List and Admission for M.Phill/Ph.D. Programme.

In case number of applicants who qualify the entrance examination alongwith the applicants who are exempted from entrance test is more than the number of seats for this course, then the merit list shall be prepared by the Department according to the following criteria:-

- (i) 30% marks of the percentage of marks in the Master's degree examination.
- (ii) 10% marks of the percentage of marks in the Bachelor's degree examination.
- (iii) 40% marks in the entrance test.

OR

Weightage of 25 marks to those candidate who have qualified for JRF.

OR

Weightage of 20 marks to those candidates who have passed NET/GATE/GPAT/SLET (Haryana State only)/M.Phill./Pre-Ph.D. Examination/Ph.D course work of M.D. University, Rohtak.

OR

Weightage of 3 marks for each cumulative year of teaching experience as full time Assistant Professor in University/College after becoming eligible for the same subject to maximum of 20 marks.

- (iv) Weightage of 5 marks to the candidates who have passed Master's examination/M.Phill examination from Maharshi Dayanand University, Rohtak.

- (v) Weightage of 2.5 marks for each cumulative year (maximum weightage of 5 marks) to the Project Fellows working in various projects funded by the UGC and other Government agencies and the University Teachers working on regular basis.
- (vi) 10 marks for Interview....”

(emphasis applied)

[4] The petitioner is working as an Assistant Professor in the Department of Economics at Motilal Nehru College affiliated with the University of Delhi. He being fully eligible for admission to Ph.D. Programme in Economics, submitted online application to MDU and he appeared in the written examination held on 03.10.2017. The petitioner secured 73 marks in the written examination followed by his Interview held on 06.10.2017. It appears that the petitioner could not get admission on the basis of his overall merit and he thus staked his claim for the award of weightage of 2.5 marks to each cumulative year i.e., 5 marks being the 'University Teacher working on regular basis'. As noticed at the outset, his claim was turned down on the premise that he is not a University Teacher working in MDU.

[5] We have heard learned counsel for the petitioner at a considerable length and gone through the record.

[6] Firstly, the petitioner has failed to point-out any *per se* illegality in granting weightage by MDU to its own University Teachers or in declining such benefit to the Teachers of other Universities. The benefit of a limited weightage by an Institution to its own alumni does not offend Article 14 of the Constitution, hence, the Teachers working in a University other than MDU cannot claim as a matter of right the benefit under Clause

the session 2017-18.

[7] Secondly, it appears to us that the petitioner does not qualify the definition of a “University Teacher”. On our asking, the petitioner has placed on record his appointment letter dated 04.02.2006 which suggests that he was appointed in Motilal Nehru College, New Delhi on the recommendations of the Selection Committee constituted by the Governing Body of the College. It is admitted in the affidavit that the Governing Body of the College is his Appointing and Disciplinary Authority. Motilal Nehru College receives 95% grant in aid from UGC and 5% from Delhi Government. The said College is affiliated with Delhi University and is governed by the Statutes and the Guidelines of Delhi University. That would not mean that the teachers working in a college are employees of the University of Delhi.

[8] The reliance placed on the definition of “Teacher of University” as given in Section 2 (h) of the Delhi University Act, 1922, also does not advance the petitioner's case. The said provision says that “Teachers of the University” means the persons 'appointed' or 'recognized' by the University 'for the purpose of imparting instructions' in the University or in any College. The petitioner is admittedly not appointed by the University. Even if he has been recognized by the University for the purpose of imparting instructions, for which no material has been placed on record, yet he does not qualify the condition of a “University Teacher” working on regular basis for the purpose of claiming weightage under the provisions of MDU. For that purpose, a University Teacher means an Assistant Professor/Associate Professor/Professor appointed in the University Teaching Department.

[9] For the reasons afore-stated, we are satisfied that no interference with the order passed by the respondent-University declining weightage to the petitioner, is called for.

[10] Dismissed.

[SURYA KANT]
JUDGE

November 24, 2017
mohinder

[AVNEESH JHINGAN]
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No

103 CM No.16915 of 2017 in
CWP No.24606 of 2017

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Ajad Singh vs. Maharishi Dayanand University, Rohtak and others

Present : Mr.R.N.Lohan, Advocate,
for the applicant-petitioner.

* * *

For the reasons mentioned in the application, the same is
allowed subject to all just exceptions and the document (P-8) is taken on
record.

CM stands disposed of.

(SURYA KANT)
JUDGE

November 24, 2017
mohinder

(AVNEESH JHINGAN)
JUDGE