

IN THE PUNJAB & HARYANA HIGH COURT AT CHANDIGARH

CWP-2654-2017

Date of decision : 16.11.2017

Rajesh Kumar

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Dalbir Singh, Advocate
for the petitioner.

Mr. R.K.S. Brar, Addl.A.G. Haryana.

AMOL RATTAN SINGH, J.(ORAL)

By this petition, the petitioner seeks that he be deemed to be eligible for applying for the post of an Assistant Professor (Tourism Management), pursuant to the advertisement, Annexure P-1. (The translated version of the annexure does not show the subject of Tourism Management, but the photo copy of the advertisement in Hindi, duly shows the said post advertised).

The petitioners' candidature has been rejected vide the impugned order, Annexure P-7, on the ground that he does not have 55% marks in his Post Graduation, which is a necessary qualification for such appointment.

Learned counsel for the petitioner submits that the petitioner belonging to a backward class, he is entitled to relaxation of 5%, inasmuch as, persons of his category who apply for posts of Assistant Professors, are only required to have 50% marks at the post graduate level,

and not 55%, even as per the UGCs' notification dated 11.07.2016 (copy Annexure P-4).

Even if it is accepted that the petitioner is covered in the term 'Other Backward Classes', it is seen that the advertisement, Annexure P-1, invites applications not from the category of Backward Classes/Scheduled Castes/ or any other reserved category of persons, but from the general public, and as such, all persons as are eligible in the general category would be applying for the said post.

That being so, the essential qualification, in the opinion of this Court, would be as is applicable to all persons other than those belonging to the reserved categories and therefore, it is essential that for competing for the said position pursuant to the aforesaid advertisement, the candidate possesses 55% marks at the post graduate level.

If, of course, any post is advertised specifically for the reserved categories, obviously the petitioner would be entitled to apply for the same, if he falls within the category of 'Other Backward Classes', as have been given a relaxation of 5% marks at the post graduate degree level and have been exempted vide the notification of the UGC (Annexure P-4).

Dismissed with the aforesaid observations.

(AMOL RATTAN SINGH)
JUDGE

November 16, 2017.

Davinder Kumar

Whether speaking / reasoned

Yes/No

Whether reportable

Yes/No