

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

CWP No.7735 of 2017

Date of Decision:26.05.2017

Kulvir Singh

.....Petitioner

vs.

**Council for Scientific and Industrial Researcher
and others**

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present: Mr. G.S. Bal, Senior Advocate with
Mr. Tarun Singhal, Advocate for the
petitioner.

Ms. Nimrata Shergill, Advocate for
respondents No.1 and 2.

Rakesh Kumar Jain (Oral)

The petitioner passed his M.Sc in Human Biology from Punjabi University, Patiala in the year 2011 obtaining 77.85% marks. He undertook a Special Assistance Project held by University Grants Commission (UGC) in Human Biology Department in Punjabi University from December, 2011 to October, 2012. A certificate in this regard was issued by the concerned Coordinator on 03.10.2012. He was also granted scholarship of Maulana Azad National Fellowship for Minority students in M.Phil/ Ph.D Course by the UGC. The petitioner is allegedly doing Ph.D on the topic of "Human Genetics" and also presented Research Papers in various conferences. It is alleged that in order to be eligible for being appointed as a College Cadre Lecturer in Higher Education Department, Punjab, one is required to pass National Eligibility Test (NET) which is conducted by the Council for Scientific and Industrial Research (CSIR)-respondent No.1.

Respondent No.1 issued an advertisement inviting online

applications to appear in the NET. The petitioner submitted online

application and was issued Roll No.313895. He appeared in the exam and stated to have secured 55.25% marks but was informed by respondent No.1 that he has not been found qualified although the cut-off for the unreserved candidates was 50.40% and the petitioner had secured 55.25%. The reason for disqualification was that in the online application form he did not mention that he is M.Sc in Human Biology. Counsel for the petitioner has submitted that this is the only fault on the part of the petitioner for which he should not be penalised. It is also submitted that the petitioner even after doing M.Sc has also done M.Phil and is doing Ph.D at present.

Counsel for respondent No.1 has submitted that the information submitted about the qualifying degree in the online application was only to the extent of Human Biology. If the petitioner was M.Sc then he should have mentioned M.Sc in Human Biology. It is also submitted that respondent No.1 has no other mechanism to find as to whether the petitioner is M.Sc or not except for declaration made in the application form and since he did not mention that he is M.Sc in Human Biology, therefore, he was declared unqualified.

On the other hand, counsel for the petitioner has submitted that the petitioner has placed on record the Degree of M.Sc obtained from Punjabi University, Patiala as Annexure P.1 which has not been disputed by the respondent. The averment has been made about it in para 2 of the petition which is admitted as matter of record means that the validity of the degree obtained by the petitioner has not been disputed.

Be that as it may. The fact remains that the petitioner has obtained a degree in M.Sc wayback in the year 2011 and, thereafter, he has

UGC in Human Biology Department in Punjabi University from December, 2011 to October, 2012. Not only that, the petitioner is also at present doing Ph.D on the topic of 'Human Genetics' and presented Research Papers as alleged. The petitioner, after having appeared in the test, secured more than the cut-off marks, i.e. 55.25% and was otherwise qualified but for the mistake he had committed in not mentioning the M.Sc with Human Biology in the column of 'Qualifying Degree' is an error of omission on the part of the petitioner for which he should not be penalised to the extent that he is being disqualified though he appears to be a meritorious student.

Thus, in these facts and circumstances, the present petition is allowed and it is directed that the order by which the petitioner has been declared not qualified by respondent No.1 be withdrawn and the result of the petitioner be declared in accordance with the marks obtained by him in the said test. The needful be done within a period of one month from the date of receipt of certified copy of this order.

May 26, 2017

renu

(Rakesh Kumar Jain)

Judge

Whether Speaking/reasoned Yes/No

Whether Reportable Yes/No