

IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) No. 568/2017

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20th January, 2017

AMIT SINGH KHOKHAR

..... Petitioner

Through: Mr. Santosh Kr. Yadav, Advocate.

versus

AMBEDKAR UNIVERSITY DELHI AND ANR.

..... Respondents

Through: Mr. M.J.S. Rupal, Advocate for R-1.
Mr. Peeyoosh Kalra, Advocate for R-2.

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

To be referred to the Reporter or not?

VALMIKI J. MEHTA, J (ORAL)

C.M. Appl. No. 2620/2017 (for exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

W.P.(C) No. 568/2017 and C.M. Appl. No. 2619/2017 (for stay)

1. By this writ petition under Article 226 of the Constitution of India, the petitioner seeks quashing of the replies/rejection letters dated 9.1.2017 and 13.1.2017 given by respondent no. 1/employer rejecting the

candidature of the petitioner for the post of Assistant Registrar with the respondent no. 1.

2. The case of the petitioner is that as per the advertisement dated 9.6.2016, for the post of Assistant Registrar, it is nowhere specified that a candidate must have experience of teaching at university level and it was enough if the candidate had teaching experience even at the school level and which the petitioner has. Accordingly, it is argued that the petitioner who admittedly has teaching experience as a TGT his candidature has been wrongly rejected for the post of Assistant Registrar.

3. Learned counsel for respondent no. 1 states that the advertisement which is relied upon by the petitioner itself states that the qualifications prescribed are only 'minimum' qualifications and which is clear from para 2(A) of the advertisement and that thus the respondent no.1 can require higher teaching experience. This aspect is to be taken also with the fact that para 8 of General Conditions given at the end of the advertisement refers to the condition that fulfillment of minimum educational qualifications and experience will not entitle a candidate to be called for test/interview.

4. Learned counsel for respondent no. 1 submits that no candidate has been invited for the post of Assistant Registrar in question who does not have experience of teaching at university level and that no candidate who is a TGT in a school or even a PGT in a school i.e. only having experience of teaching in school has been called, inasmuch as, respondent no. 1 has found that candidates who are more qualified than minimum qualifications would apply for the posts and such higher qualified persons are available in the pool for being selected as Assistant Registrars.

5. It is clear from the reading of the advertisement relied upon by the petitioner itself that what are prescribed are only 'minimum' qualifications i.e. respondent no. 1/proposed employer can require higher qualifications for the post in question, and which also is clear from the General Condition no. 8 of the said advertisement.

6. Petitioner can only have a grievance if respondent no. 1 was not uniformly applying the criteria with respect to candidates and calling candidates who do not have university level experience but are yet called for selection process. It is argued by the respondent no.1 that such persons who have only teaching experience at school level are not called, and therefore in view of the statement made on behalf of respondent no. 1 which shall bind

the respondent no. 1, petitioner cannot have any grievance once the respondent no. 1 uniformly applies its policy of requiring teaching experience at university level for being appointed to the post of Assistant Registrar with the respondent no. 1 in terms of the advertisement dated 9.6.2016.

7. Once, there is no picking and choosing of candidates to be called for appointment to the subject post, then there is no arbitrariness and hence no violation of Article 14 of the Constitution of India, and therefore, petitioner cannot raise a grievance if higher standards are uniformly required by the respondent no.1/proposed employer for the employment to the posts of Assistant Registrars.

8. In view of the above, there is no merit in the writ petition and the same is dismissed. Parties are left to bear their own costs.

JANUARY 20, 2017/ AK

VALMIKI J. MEHTA, J