

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

CWP No.20831 of 2013 (O&M)

Date of decision: 26.09.2018

Dharminder Singh

...Petitioner(s)

Versus

Guru Nank Dev University and others

...Respondent(s)

**CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN**

Present: Mr. Vikas Chatrath, Advocate for the petitioner(s).

Mr. Amrit Paul, Advocate  
for respondent Nos.1 & 2.

Mr. Pawan Kumar, Sr. Advocate with  
Mr. Rozer Kumar Aggarwal, Advocate  
for respondent Nos.3 & 4.

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**Jitendra Chauhan, J. (Oral)**

The petitioner seeks quashing of the appointment of respondent Nos.3 & 4 as Assistant Professor (Economics) made in pursuance of advertisement dated 13.03.2013 (Annexure P-1).

The petitioner in pursuance of the advertisement dated 13.03.2013 (Annexure P-1) applied for the post of Assistant Professor (Economics) under physically handicapped category (visually handicapped). It is contended that the petitioner is a Gold Medalist and had performed well in the interview and after the interview, he came to know that there were many persons who were less meritorious than the

petitioner had been selected and had in fact joined at the university/college. Learned counsel refers to the information sought by one Dr. Narinder Singh under Right to Information Act, 2005 regarding break up of scores of the candidates who appeared for interview and in response thereto, the respondent University replied that the interviews are held as per UGC guidelines and recommendations of the Selection Committee, however, the information qua break up of scores was not supplied. Later on, on inspection of the original record by said Dr. Narinder Singh it came to light that no break up of scores available with the respondents. The scores have been awarded only on the basis of judgment of Selection Committee and the same is in contravention of Section 6.0.1 of the UGC Guidelines, 2010. It is submitted that the selection process and appointment to the post in question has been done under the political and administrative influence since the criteria is neither fair nor reasonable whereby 50% has been allocated to the interview so that the respondent University could bring persons of their choice within the selection zone especially when the written examination was conducted. Learned counsel refers to Annexure P-17 the information gathered by the petitioner qua respondent Nos.3 & 4 which shows that the merit of the petitioner was ignored and the selection had been done by the university on its whims and fancies. In support of his contentions, learned counsel cites LPA No.2081 of 2011 titled as **Babita Rani** Vs. **Punjabi University, Patiala and others**, decided on 14.11.2011 and CWP-18735-2009 titled as **Dr. Sunil Kumar and others** Vs. **Punjabi**

**University and others**, decided on 23.08.2011.

On the other hand, learned counsel for respondent Nos.1 & 2 states that the impugned selections are based on University Grants Commission (Minimum Qualification for Appointment of Teachers and other Academic Staff Universities and Colleges and Measures for the Maintenance of Standards in High Education) Regulations, 2010. Respondent No.1 vide its meeting dated 19.08.2010 (Annexure R-1/3) decided that the selection committee would itself decide upon the research performance and the academic record of the candidates. The selection in question have been made in accordance with the UGC Regulations 2010 read with the said decision dated 19.08.2010 whereby no further sub parameters under three headings (a) Academic Record and Research Performance (50%); (b) Assessment of Domain Knowledge and Teaching Skills (30%) and (c) Interview performance (20%) and it was left only upto the selection committee to decide upon the research performance and the academic record of the candidates. The marks have been allocated on the basis of their over all performance. Learned counsel for the respondents has placed reliance on , **Dr. Basavaiah Vs. Dr. H.L. Ramesh and others**, 2010(8) SCC 372, **Kiran Gupta Vs. State of U.P.** AIR 2000 (SC) 3299, **Ramesh Chandra Shah and others Vs. Anil Joshi and others**, 2013(11) SCC 309, **Madras Institute of Development Studies and another Vs. Dr. K. Sivasubramaniyan and others**, 2015 AIR (SC) 3643, **UPSC Vs. K. Rajaiah and others**, 2005(2) SCT 823 and **Mrs. Pushpa Sharma Vs. State of Haryana** 1997(3) SCT 618.

Learned senior counsel for respondent Nos.3 & 4 submits that respondent Nos.3 & 4 have been selected by the selection committee on the basis of their academic and research credentials, therefore, the present petition is misconceived and deserves to be dismissed.

Heard.

The petitioner has laid challenge to the selection process of the post of Assistant Professor (Economics) alleging that the same has not been done in a fair manner. The petitioner has alleged that on the basis of the information sought by one Dr. Narinder Singh, it came into light that the respondent University had acted at its whims to select their candidates and did not adopt the proper and fair procedure despite the fact that the petitioner is more meritorious than respondent Nos.3 & 4. The Court has seen the original record brought today in Court and the numbers allocated to the candidates on the basis of interview which shows that other than the petitioner, there were other candidates who secured 45, 46, 47 marks higher than the petitioner. The selection is based on UGC Regulations and the decision of the syndicate dated 19.08.2010 which is not in dispute. The petitioner has also alleged that on the basis of information gathered, the marks have been scaled down in the academic and Dr. Narinder Singh had challenged the same by filing writ petition which is stated to be dismissed and the criteria adopted by the University in the present case making the selection of respondent Nos.3 & 4 has been upheld in the case of Dr. Narinder Singh. At this stage, learned counsel for respondent Nos.3 & 4 points out that Letters Patent Appeal and

Special Leave to Appeal against the same also stand dismissed. Even the review application has also been dismissed by Hon'ble the apex Court. This factual aspect has not been denied by learned counsel for the petitioner. Even otherwise, in the present case, learned counsel for the petitioner has failed to establish that the candidates who have been selected were lower in merit or otherwise or that is against the UGC Regulations. The case law cited by the learned counsel for the petitioner is distinguishable on facts and will not apply to the fact of the present case.

In view of the above, finding no merit in the instant petition , the same is dismissed.

26.09.2018

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**(JITENDRA CHAUHAN)**  
**JUDGE**

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