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

CWP-17952-2015

Date of decision-25.04.2018

Monika Rani

...Petitioner

Vs.

**Baba Hira Singh Bhattal Institute of Engineering
and Technology and another**

...Respondents

CORAM:- HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. D.V.Sharma, Senior Advocate with
Ms. Shivani Sharma, Advocate for the petitioner.

Mr. R.S.Pandher, Advocate for the respondent(s).

JITENDRA CHAUHAN, J.

By way of the instant writ petition filed under Articles of 226/227 of the Constitution of India, the petitioner seeks issuance of a writ in the nature of mandamus directing the respondents to regularize the services of the petitioner.

Learned counsel contends that State of Punjab issued instructions dated 18.03.2011 (Annexure P-10) for regularization of the employees working on contract basis in various departments. These instructions have been adopted by the respondent/Institute as is evident from memo dated 24.10.2011 (Annexure P-11). Consequently, vide order dated 01.05.2013 (Annexure P-12), the respondent/Department had regularized the services of Smt. Kuldip Kaur, Assistant Professor (Mathematics). The

respondent/Institute vide note dated 08.06.2015, recommended for regularization of services of six candidates including the petitioner. However, her regularization was to be made subject to her qualifying the National Eligibility Test (NET). Learned counsel contends that the petitioner has apprehension that she would be replaced by another contractual employee.

On the other hand, learned counsel for the respondent states that services of the petitioner do not deserve to be regularized inasmuch as she did not possess the requisite qualification i.e. National Eligibility Test (NET). Learned counsel refers to notification dated 30.06.2010 (Annexure P-8) issued by the University Grants Commission (UGC) which mandates for a person to be appointed as Lecturer/Assistant Professor in Mathematics (Applied Sciences) must be NET qualified.

I have heard learned counsel for the parties and have gone through the case file.

As per Item No.4.4.1 of Notification dated 30.06.2010 (Annexure R-1/1) issued by the UGC, qualifications for the post of Lecturer/Assistant Professor for Applied Science (Mathematics) are as follows:-

1. Good academic record as defined by the concerned university with at-least 55 % marks (or an equivalent grade in a point scale wherever grading system is followed) at the Master's Degree level in a relevant subject from an Indian University, or an equivalent degree from an accredited foreign University.

2. Besides fulfilling the above qualifications, the candidate must have cleared the National Eligibility Test (NET) conducted by UGC, CSIR or similar test accredited by the UGC like SLET/SET.
3. Notwithstanding anything contained in sub-clause (i) and (ii) to this Clause 4.4.1, candidates, who are, or have been awarded a Ph.D Degree in accordance with the University Grants Commission (Minimum Standards and Procedure for Award of Ph.D.Degree) Regulations, 2009, shall be exempted from the requirement of the minimum eligibility condition of NET/SLET/SET for recruitment and appointment of Assistant Professor or equivalent positions in Universities/Colleges/Institutions.
4. NET/SLET/SET shall also not be required for such Masters Programmes in disciplines for which NET/SLET/SET is not conducted.

A careful perusal of the above provisions makes it amply clear that for a candidate to be appointed as regular Lecturer/Assistant Professor for Applied Sciences (Mathematics), he/she must qualify the NET. Admittedly, in the instant case, the petitioner neither possessed the said qualification at the time of filing the instant petition nor did she acquire the same thereafter. In the year 2006, All India Council of Technical Education (AICTE) revised the qualifications for all disciplines except for the post of Lecturer/Assistant Professor for Applied Sciences. Therefore, the stand of the respondents that the Department of Technical Education and Industrial Training, Government of Punjab have applied the UGC norms for the post of

Lecturer/Assistant Professor in Applied Sciences, cannot be said to be unfounded.

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

(JITENDRA CHAUHAN)
JUDGE

25.04.2018
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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No