

CWP-21308-2018 (O&M)

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

**CWP-21308-2018 (O&M).
Decided on: October 25, 2018.**

Aseem Goel

.. Petitioner

VERSUS

State of Punjab and others

.. Respondents

*** * ***

CORAM: HON'BLE MR.JUSTICE JASWANT SINGH

*** * ***

**PRESENT Mr.Arun Abrol, Advocate,
for the petitioner.**

Ms.Sudeepti Sharma, Addl.A.G. Punjab.

JASWANT SINGH, J. (ORAL)

The petitioner belongs to general category and possesses the qualification of M.A. (English) and M.Phil (English). She is an aspirant for the post of lecturer in English advertised for the general category by the Punjab Public Service Commission vide advertisement dated 6.8.2018 (Annexure P2), for appointment in the Department of Technical Education and Industrial Training, Punjab.

Since the petitioner did not possess the ancillary advertised qualification having passed National Eligibility Test (NET), conducted by the University Grants Commission (UGC), he was held to be

CWP-21308-2018 (O&M)

ineligible.

The contention of the petitioner is that as per All India Council for Technical Education (AICTE) Regulations dated 30.12.1999 (P-8), there is no requirement for the candidates to clear the NET exam conducted by the UGC, for appointment as lecturer in English for appointment in the Diploma Level Technical Institutions.

It is contended that the requirement of NET is only as per AICTE Regulations for appointment in the Degree Level Technical Institutes.

Upon notice, the reply on behalf of respondent Nos.1 and 2, by way of affidavit of Director, Technical Education and Industrial Training, Punjab, dated 23.10.2018, has been filed.

In the reply, it is stated that advertised posts of lecturer in English are governed by the Department of Technical Education and Industrial Training Group "A" Service Rules, 2001 (Annexure R1) framed under the proviso to Article 309 of the Constitution of India and as per Appendix-B, besides qualification in the particular subject, the candidates are required to clear the NET exam conducted by the UGC. Hence, the petitioner is stated to be ineligible for non-possessing the statutory prescribed qualification.

At the time of hearing State counsel, on the instructions of Ms.Monica Bansal, H.O.D. cum Coordinator, Department of Technical Education, Punjab, submits that the Department of Technical Education is regulating the diploma courses whereas the degree courses are regulated by

CWP-21308-2018 (O&M)

the Punjab Technical University.

Be that as it may, it is apparent that the petitioner is seeking appointment to a post which is governed by the Department of Technical Education and Industrial Training Group “A” Service Rules, 2001 (Annexure R1), framed under the proviso to Article 309 of the Constitution of India, prescribing the possessing of the NET qualification, which concededly, the petitioner does not possess and hence, has been rightly declared ineligible.

The writ petition is dismissed.

(JASWANT SINGH)
JUDGE

October 25, 2018.
raj arora

Whether speaking / reasoned	Yes / No
Whether reportable	Yes / No