

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

CWP-27187-2017 (O&M)

Decided on: 16.02.2018

Pawan Kumar

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Tushar Gautam, Advocate
for the petitioner.

Mr. Harish Rathee, Sr. DAG, Haryana.

Mr. Kanwal Goyal, Advocate,
for respondent No.3-HPSC.

RAJIV NARAIN RAINA, J (ORAL)

CM-2176-2018

The application is allowed as prayed for.

Documents P-13 and P-14 are taken on record.

CM-2177-2018

The application is also allowed in view of the permission
already granted by the Court.

Amended memo of parties is taken on record.

CWP-27187-2017

Heard.

The essential qualifications for the post of Assistant Professor
in the Haryana College cadre in all subjects except Computer Science, Fine
Arts, Mass Communication & Music (Instrumental & Vocal) are prescribed
as follows in the employment notice issued by the Haryana Public Service
Commission in direct recruitment process:-

“(a) Good academic record with at least 55% of the
marks or an equivalent grade of B in the 7 point scale

with letter grades O,A,B,C,D,E and F at the Master's Degree level in the relevant subject from an Indian University or an equivalent degree from a Foreign University.

(b) Knowledge of Hindi/Sanskrit upto Matric standard.

(c) “National Eligibility Test (NET)/State Level Eligibility Test (SLET) shall remain the minimum eligibility conditions for recruitments and appointments as Assistant Professors in Colleges:

Provided further that NET/SLET shall not be required for such Master's programmes in disciplines for which there is no NET/SLET”.

Admittedly, the petitioner is not NET qualified, nor possesses the qualification of State Level Eligibility Test (SLET). On 15.03.2016, the Haryana Public Service Commission issued a corrigendum during the selection process which reads as follows:-

“In continuation of Advertisement No.10/2016 published on 16.02.2016 in various newspapers for filling up of 1647 posts of Assistant Professor (College Cadre) for various subjects, it is hereby announced for the general information of the ESM category candidates who are applying for these posts in various subjects that as per Govt. Instructions No.2903-4 GS-II-72/18471 dated 19.06.1972 that in case of ESM category candidates applying for the posts reserved for them, the condition of a particular division in MA / BA / Intermediate / Matriculation is not necessary and the condition of percentage of marks in the minimum qualification is relaxed to that extent according to the Govt. instructions dated 19.06.1972. Accordingly, the last date for submission of online application forms is hereby

extended upto 22.03.2016 (28.03.2016 for depositing the fees in the Bank) for candidates of all categories.”

The corrigendum gives concession to ESM category candidates and does away with minimum marks/division in MA/BA/Intermediate/Matriculation as against 55% minimum marks in the advertised qualifications for the post stipulated in clause 5(1)(a) reproduced above.

The petitioner calls upon the Court to read the concession in the degrees of MA/BA etc. as having automatically done away with qualification with NET/SLET arguing that by implication the corrigendum obliterates clause (c) of the essential qualifications as a necessary requirement for the post of Assistant Professor (English). This is a complete misreading of the rule of prescribed essential qualifications as relaxation has been given only to the first of the three conditions precedent which are essential but certainly not as far as NET/SLET is concerned. That condition remains unaffected by the corrigendum. Since the petitioner is not a NET/SLET passed candidate, his candidature cannot be considered for the post in question. The petitioner is an ex-serviceman who was discharged from the Air Force in April, 2008. Since simple interpretation is required of the corrigendum regarding essential qualifications, no useful purpose will be served to invite a written statement from the respondents which would be a sheer waste of time.

The petition is without merit and is therefore dismissed.

(RAJIV NARAIN RAINA)
JUDGE

16.02.2018

Dinesh

Whether speaking/reasoned : *Yes*

Whether Reportable : *No*