

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

CWP No. 7052 of 2018

Date of Decision: 21.03.2018

Dr. Randhir Singh

...Petitioner

Vs.

Haryana Public Service Commission and others

...Respondents

CORAM:- HON'BLE MR.JUSTICE RAJIV NARAIN RAINA

Present: Mr. Anurag Goyal, Advocate,
for the petitioner.

RAJIV NARAIN RAINA, J. (Oral)

1. The essential qualifications for the post of Assistant Professor (Physics) (College Cadre) as advertised is twofold; namely, possession of Ph.D degree in the subject-field earned as per the University Grants Commission (Minimum Standards and Procedure for award of Ph.D Degree) Regulations, 2009 and only if the Ph.D degree was earned in conformity with these regulations, would a candidate be exempted from passing the minimum eligibility conditions of qualifying the NET/SLET/SET examination for recruitment and appointment as Assistant Professor or equivalent positions in Colleges in all subjects except in Fine Arts and Mass Communication, which is not the case.

2. The petitioner makes no bones about not being NET qualified. He has been interviewed without Court's intervention by the Haryana Public Service Commission, but, thereafter on verification of documents, the Commission found that the Ph.D. Degree earned by the

petitioner is from the National Institute of Technology, Kurukshetra which falls within the purview of the provisions of The All-India Council for Technical Education Act, 1987, which is the regulatory authority. The NITs have been formed across India to be run by the Ministry of Human Resources Development, New Delhi. UGC, New Delhi and the NITs have nothing to do with each other. For this reason, the petitioner has not been offered appointment and his candidature has been cancelled.

3. It is argued by the Counsel for the petitioner that there is a notification dated 11.07.2016 issued by the University Grants Commission, New Delhi which promotes his case and that the Ph.D degree his client holds is good enough to see him through the selection process. For one, a reading of the notification and particularly Clause 3 thereof discloses that the term and condition provides exemption to candidates registered for Ph.D programmes prior to 11.07.2009 and shall now be based on Proviso appended to Rule 3. Rule 3 reads as under:

“3. The proviso prescribed under Regulation 3.3.1, 4.4.1, 4.4.2, 4.4.2.2, 4.4.2.3., 4.5.3 and 4.6.3 in the University Grants Commission (Minimum qualification for appointment of teachers and other academic staff in Universities and Colleges and other measures for the maintenance of standards in higher education) (3th Amendment) Regulations, 2016 regarding exemption to the candidates registered for Ph.D. Programme prior to July 11, 2009 shall stand amended and be read as

under:-

“Provided further, the award of the degree to candidates registered for the M.Phil/Ph.D programme prior to July 11, 2009, shall be governed by the provisions of the then existing ordinances/Bylaws/Regulations of the Institutions awarding the degree and the Ph.D candidates shall be exempted from the requirement of NET/SLET/SET for recruitment and appointment of Assistant Professor or equivalent positions in Universities/Colleges/Institutions

a) Ph.D. Degree of the candidate awarded in regular mode only;

b) Evaluation of the Ph.D. Thesis by at least two external examiners;

c) Open Ph.D. Viva voce of the candidate had been conducted;

d) Candidate has published two research papers from his/her Ph.D. work out of which at least one must be in a referred journal;

e) Candidate has made at least two presentations in conferences/seminars, based on his/her Ph.D. work.

(a) to (e) as above are to be certified by the Vice-Chancellor/Pro-Vice-Chancellor/Dean (Academic Affairs/Dean (University instructions))”.

4. Upon due consideration of the matter, I find there are two apparent negating reasons why I would not like to accept the argument of the petitioner when firstly, this notification would not apply to a selection process initiated prior to the promulgation. After all, the selection process in the present case was initiated on 11.05.2016. And secondly, the contention deserves to be turned down on account of the

fact that the University Grants Commission has got no connection with AICTE and institutes falling within their respective domains. Hence, the selection process has to be confined strictly to the advertised qualifications. Therefore, not only passing of NET becomes an essential component of the criteria of selection but also the Ph.D degree has to be earned on the touchstone of the UGC Regulations of 2009 which is a condition precedent specifically incorporated in the advertisement calling applications for the post. Not to show the petitioner down, it is noted that the Ph.D. degree held by the petitioner is not a worthless qualification. It may have its value in recruitment to technical institutes regulated by the AICTE Act when such a degree is demanded. But the degree relied on by the petitioner is not conceived in the criterion adopted to secure an appointment under advertisement No. 10 dated 06.02.2016 for the post of Assistant Professor (Physics) (College Cadre) in Haryana. Case for interference by mandamus is not made out.

5. By these reasons, I find no merit in this petition and would order it to stand dismissed in *limine*.

(RAJIV NARAIN RAINA)
JUDGE

21.03.2018

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Whether speaking/reasoned : *Yes*
Whether reportable : *No*