

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WA No. 267 of 2019**

Naved Siddiqui W/o Shri Arif Hussain Siddiqui Aged About 40 Years R/o Ward No. 6, Maszid Para Dharamjaigarh, District Raigarh Chhattisgarh District Raigarh Chhattisgarh.

---- Appellant**Versus**

1. State Of Chhattisgarh Department Of Higher Education, Through The Secretary, Higher Education, Mahanadi Bhawan, Matralaya, Atal Nagar, Raipur, District Raipur Chhattisgarh, District Raipur Chhattisgarh.,
2. The Public Service Commission Through Its Secretary, P.S.C. Kachna Pahuch Marg, Near Bhagat Singh Square, Geetanjali Colony, Shankar Nagar, Raipur, Chhattisgarh 492001 Chhattisgarh, District Raipur Chhattisgarh.
3. University Grant Commission Bahadur Shah Jafar Marg, New Delhi 110002, District New Delhi, Delhi.

---- Respondents

For Appellant	: Shri Varun Sharma, Advocate.
For Respondent/State	: Shri Vikram Sharma, Panel Lawyer.

Hon'ble Shri P.R. Ramachandra Menon, Chief Justice**Hon'ble Shri Manindra Mohan Shrivastava, Judge****Judgment on Board****17/05/2019****Per P.R. Ramachandra Menon, Chief Justice**

1. Interference is declined by the learned Single Judge with regard to the prayer of the Petitioner to participate in the selection process for the post of Assistant Professor pursuant to the advertisement dated 23.01.2019 which is the subject matter of challenge in this appeal.

2. The undisputed facts as discernible from the proceedings is that the Assistant Professor was notified by the Public Service Commission stipulated in the qualification as mentioned therein. The essential qualifications included the M.Phil + NET/SET/SLAT and in the case of candidates, it was mentioned that a candidates having P.H.D., they have been exempted for the requirement of the clearing NET/SET/SLAT. Admittedly, the Petitioner did not have the requisite qualification as mentioned therein for not having secured NET/SET/SLAT though

she was having M.Phil in the subject concerned. Because of the non-acceptance of the online application for want of necessary qualification, she made an attempt to approach this Court by filing a writ petition seeking for the relief as mentioned therein so as to permit her in the process of selection.

3. The learned Judge referred to the facts and figures and held that as per the notification issued, the possession of M.Phil with NET/SET/SLAT was mandatory and required as the minimum qualification and in absence of P.H.D., no exemption have been claimed by the Petitioner from possessing the NET/SET/SLAT. It was under such circumstance that the writ petition came to be dismissed as devoid of any merit, which was sought to be assailed.

4. We heard the learned counsel for the Appellant at length.

5. The attempt to the Appellant is to make a submission to the effect that the vacancy had arisen much earlier and further that the M.Phil was acquired by the Appellant in the year 2009 and on that point of time, it was not necessary to have the requirement of P.H.D. or NET/SET/SLAT. The such submission is without any substance and it was always open for the employer to prescribe the requisite qualification so as to fact to the requirement and only those candidates who have duly qualified as on the relevant date are eligible to make submission of application for participating in the process of selection.

6. The Appellant admittedly having no clearance of NET/SET/SLAT but for M.Phil, the rejection of the candidature denying the chance to participate in the process of selection is not assailable in any circumstance.

7. The appeal fails. It is dismissed accordingly.

Sd/-
(P.R. Ramachandra Menon)
Chief Justice

Sd/-
(Manindra Mohan Shrivastava)
Judge