

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

**CWP No.11677 of 2017 (O&M)
Date of Decision.22.07.2019**

Dr. Ajay Jangra

Vs

...Petitioner

State of Haryana and others

...Respondents

Present: Mr. Narender Singh, Advocate
for petitioner.

Mr. A.S. Virk, Advocate
for respondents No.2 and 3.

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

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AMIT RAWAL J. (ORAL)

Claim in present petition is for issuance of writ in the nature of certiorari for quashing communication dated 7.7.2016 (Annexure P-17) whereby respondent-University declined benefit of advance increments, admissible to petitioner, working as Assistant Professor, with alternative relief of granting same.

As per averment in writ petition vide order dated 30.07.2007 (Annexure P-1), petitioner was appointed as Assistant Professor in the Department of Computer Science and Engineering in University Institute of Engineering and Technology, Kurukshetra. At the time of appointment, petitioner was qualified as B.Tech, Engineer in Electronic and Communications and obtained degree of M.Tech in Computer Science and Engineering. Annexure P-2 has been attached in support of aforementioned averments.

Mr. Narender Singh, learned counsel for petitioner submitted that during service while working as Assistant Professor,

petitioner sought permission for further study of Ph.D, which was vide letter dated 20.11.2017 allowed by Kurukshetra University, subject to condition that petitioner was to serve University at least for three years after completing Ph.D. Course. Petitioner enrolled for Ph.D in Singhania University, Pacheri Bari, District Jhunjhunu, Rajasthan on 29.05.2009. Petitioner also requested University to issue fresh permission to pursue Ph.D (Part Time) instead of full time basis. Ph.D thesis were submitted and acknowledgment of receipt of certificate dated 19.03.2015 is Annexure P-7. Vide notification dated 13.09.2011 (Annexure P-8), Singhania University notified that University is eligible for awarding of degree of Doctor of Philosophy. He completed his Ph.D in 2011 and was issued degree on 29.10.2012 (Annexure P-9). Vide application dated 11.12.2012 (Annexure P-11), requested Deputy Registrar to give increments of higher education as per AICTE/UGC norms.

Petitioner's representation had fallen to deaf ears constraining him to approach this Court vide CWP No.11025 of 2014 whereby direction was issued to dispose of representation. Vide order dated 7.7.2016, his claim has been rejected. Attention of this Court was drawn to regulations namely (Pay Scales, Service Conditions and Qualification for Teachers and other Academic Staff in Technical Institution Degree) Regulations, 2010 whereby head of incentives for Ph.D/M.Tech and other higher qualification envisages entitlement of certain degree holders for increments. It is contended that impugned order reflects non-application of mind as at the time of recruitment, petitioner had M.Tech degree, therefore, expression

entry point in the Regulations would entail into grant of two non-compounded advance increments. As regards Ph.D, decision of Kurukshetra University qua degree being not actual degree is wholly fallacious, for, Kurukshetra University has no power to disbelieve degree issued by Singhania University. Petitioner appeared for viva voce examination held on 11.09.2011 and upon successful completion, conferred degree, thus, there was no question of availing or applying for any kind of leave from Kurukshetra University, as the research work was to be carried out under guidance of research supervisor for which classes were not required to be taken. Expression 'regular mode' has been clarified by University Grants Commission as per letter dated 17.03.2017, which would mean that pursuing of Ph.D degree either full time or part time.

Per contra, Mr. A.S. Virk, learned counsel appearing for Kurukshetra University submitted that case of petitioner was considered by Kurukshetra University and vide order dated 7.11.2017 (Annexure R2/43) that Ph.D. Degree was not through regular mode as it has to be in conformity with the existing statutes/byelaws/ordinances. It also do not reflect or reveals as to whether petitioner, had undergone research work under supervision of a guide, who was not at all a faculty member of concerned University nor any kind of leave for doing research work was availed. Qualification as M.Tech for the purpose of appointment was taken into consideration and not Bachelor's degree, therefore, petitioner is not entitled to two compounded increments at the time of first entry, thus, urges this Court for dismissal of writ petition.

I have heard learned counsel for parties, appraised paper book and of the view that there is no force and merit in submissions of counsel for the petitioner. Both parties did not dispute applicability of Regulations. The same are reproduced herein below:-

“Incentive of Ph.D./M.Tech and other higher qualification:

xxxxx

xxxxx

xxxxx

(iii) Those possessing Post Graduate degree in a professional course such as M.Tech in relevant branch/discipline recognized by a statutory University shall also be entitled to 2 non-compounded advance increments at the entry level.

(iv) Teachers who complete their Ph.D degree while in service shall be entitled to three non-compounded increments if such Ph.D. is in the relevant branch/discipline and has been awarded by a university complying with the process prescribed by the UGC for enrolment, course work and evaluation etc.”

The reasoning assigned by authority in rejecting case of petitioner, in my view, do not require any re-examination under judicial scrutiny under Article 226 of the Constitution of India, for, eligibility criteria at the time of initial recruitment, was, as under, whereas the petitioner was possessing 1st Class Bachelor's degree (B.Tech) in Electronics and Communications Branch of Engineering with 61% and 1st Class Master's Degree in Computer Science and Engineering with 72.5% marks:-

“First class Master's Degree in the appropriate branch of Engineering (Engg)/Technology(Tech) (no minimum experience required).

OR

First class bachelor's degree in the appropriate branch of Engineering/Technology or equivalent valid GATE score, minimum 75 percentile; to complete M.Tech/M.E. Within 5 years failing which the increments will be stopped until the postgraduate degree is earned. The institutions to provide adequate opportunity to its teaching staff to complete this requirement.”

Since B.Tech degree was without Graduate Aptitude Test Engineering and was not in concerned subject for considering him eligible but M.Tech degree was considered.

As regards benefit of increment for Ph.D degree, it has been noticed that degree relied upon by the petitioner as well as averment in writ petition do not decipher as to whether he was assigned any guide for the purpose of research work neither took any leave, though at one point of time there was confusion with regard to expression regular mode, which was clarified by University Grants Commission vide letter dated 17.03.2017 (Annexure R2/42 and same has also been explained by Kurukshetra University in its decision dated 7.11.2017 (Annexure R2/43). In the absence of any material on record, this Court cannot issue direction for grant of relief as sought in writ petition.

The impugned order cannot be said to be suffering from any illegality or repugnancy. No ground for interference is made out.

Dismissed.

(AMIT RAWAL)
JUDGE

July 22, 2019
Pankaj*

Whether speaking/reasoned	Yes
Whether reportable	No