

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

**CWP No.19959 of 2019 (O&M)
Date of Decision.23.07.2019**

Dr. Vikas Kumar

...Petitioner

Vs

Kurukshetra University and others

..Respondents

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Rajesh Hooda, Advocate
for the petitioner.

-:-

AMIT RAWAL J. (ORAL)

Prayer in instant petition is for issuance of madamus directing respondents to issue appointment letter to petitioner on the post of Assistant Professor (reserved for SC) for Forensic Science Course in the Department of Zoology as the petitioner has already been selected on the above post on contract basis by duly constituted selection committee and following due procedure.

Mr. Rajesh Hooda, learned counsel appearing for petitioner submitted that respondent No.1 i.e. Kurukshetra University caused an advertisement dated 25.01.2017 for filling up one post of Assistant Professor (reserved for SC) against vacant sanctioned post in the subject of Forensic Science in Department of Zoology on contract basis. Petitioner fulfilled essential qualification, which was prescribed and laid down by UGC/State Govt./AICTE/University. Walk in interview was held on 30.01.2017. Only petitioner was interviewed by Selection Committee, which fact is evident from Annexure P-3.

Petitioner received telephonic call regarding selection

but no appointment has been issued. In this view of matter, drew attention of this Court to noting sheet (Annexure P-4) regarding selection for session 2016-2017. Mr. Hooda also taken this Court to decision on noting portion (Annexure P-6) of concerned department dated 20.09.2017 for session 2018. This itself shows that despite having been recommended for selection, petitioner was not issued appointment letter. Vice Chancellor had been adopting pick and choose policy by offering joining to persons of his choice. On receipt of information received on 24.05.2019 (Annexure P-11), it was surfaced that department hired services of two part-time teachers on lecture basis against letter No.ET-1/18/2196-2296 dated 8.3.2018 as per requirement in the workload of M.Sc. Forensic Science during the session 2018-2019. The relevant portion is reproduced as under:-

“6. No regular or contractual teacher has been appointed on or after this advertisement. However, the department hired services of two part-time teachers on lecture basis against letter No.ET-1/18/2196-2296 dated 8.3.2018 (see Annexure-IV) as per requirement in the workload of M.Sc. Forensic Science during the session 2018-2019.”

It is further submitted that University Grants Commission has laid down guidelines for appointment on contract basis and procedure is same as for appointment of regular teachers but aforementioned procedure and guidelines are being flouted with impunity.

I have heard learned counsel for petitioner and appraised

paper book. Since recommendation of petitioner for appointment as per Annexure P-4 was made for session 2016-2017 and 2018, which are over, there cannot be any grievance. Petitioner, if at all aggrieved, can claim damages in terms of money. It would be in the fitness of things to refer contents of letter dated February, 2010 (Annexure P-12), which are as under:-

“No.F.10-1/2009(PS) February, 2010

*The Registrar,
All Central/Deemed/State Universities
All State Education Secretaries
All Regional Offices of the UGC.*

*Sub: Revised Guidelines for the Scheme of
Appointment/Honorarium of Guest/Part-Time Teachers.*

Sir/Madam,

I am directed to say that the UGC has accepted the recommendation of VI Pay Review Committee regarding revised guidelines for the Scheme of Appointment/Honorarium of Guest/Part Time Teachers.

The UGC has decided that the Guest/Part-Time Teachers who possess the minimum qualification for the post of an Assistant Professor should be paid Rs.1,000/- per lecture to a maximum of Rs.25,000/- per month. Revised guidelines for the appointment of Guest/Part-Time Teachers are as under:-

- 1. Guest/Part-Time Teachers may be appointed only against sanctioned post.*
- 2. The qualifications for Guest/Part Time Teachers should be same as those prescribed for the regular teachers of Universities/Colleges in UGC's Regulation.*
- 3. Selection procedure for appointing Guest/part Time Teachers should be the same as for a regularly appointed teachers.*
- 4. Guest/Part Time Teachers may not be treated like regular teachers of the faculty for the purpose of voting rights or for becoming the members of the boards of studies.*
- 5. Retired teachers may also be considered for appointment for Guest/Part Time teachers.*
- 6. Guest/Part Time may not be given the benefit of allowances, pension, gratuity etc.*

These guidelines will come into force w.e.f. 1.1.2010.

The contents of the letter may be brought to the notice of all the affiliated colleges/institutions.

Yours faithfully,

*(B.K. Singh)
Deputy Secretary”*

A conjoint reading of aforementioned letter as well as information received under RTI reveals that Vice Chancellor had hired services of two part time teachers but whether resorted to procedure as defined or not, is not forthcoming.

By observing that University shall follow procedure, I am of the view that relief sought in the writ petition cannot be vindicated except in the manner and mode as indicated above.

Disposed of.

**(AMIT RAWAL)
JUDGE**

July 23, 2019
Pankaj*

Whether speaking/reasoned Yes

Whether reportable No