

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Writ Petition No.90 of 2018
Date of Decision: August 16, 2019

Navneet Kumar

...Petitioner

Versus

State of Haryana & another

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL

Present: Mr. R.K.Malik, Senior Advocate with
Mr. Sandeep Dhull, Advocate,
for the petitioner.

Mr. Hitesh Pandit, Addl.A.G.Haryana,
for the State.

Mr. Kanwal Goyal, Advocate,
for respondent No.2-HPSC.

AMIT RAWAL, J.

Petitioner has approached this Court for quashing of the result dated 21.12.2017 (Annexure P-15) removing his name from the selection list meant for ESM/DESM category for the post of Assistant Professor (Math) with a further writ of mandamus directing the respondents to consider his case and issue appointment letter.

The facts which enumerated from the writ petition are that vide advertisement No.10 dated 16.02.2016, Haryana Public Service Commission invited applications for filling various posts of Assistant Professors including 166 posts of Assistant Professor (Mathematics), out of which 11 were meant for ESM/DESM category. Petitioner, being fully eligible under the category of DESM, submitted online application. On

09.07.2017, written examination was conducted and the result was declared on 07.11.2017. Since 11 posts were reserved, three times the candidates were called for interview. Only 9 candidates were available against 11 posts. Petitioner was shown amongst 9 candidates. On 24.11.2017, Commission announced and displayed three categories against which certain objections were filed and the name of the petitioner was shown in list-III. A detailed representation dated 29.11.2017 annexing certificates of Backward Class dated 22.09.2015, 20.06.2014 and 19.12.2014 including the certificate of eligibility, being dependent of Ex-serviceman, dated 02.03.2016 was made. Vide letter dated 08.12.2017, petitioner was called for interview to be held on 20.12.2017 and was also directed to submit the certificate from the competent authority to the effect that Ph.D. awarded to him was in accordance with the UGC (Minimum Standard & Procedure for Award of Ph.D. Degree) Regulations, 2009 (for short, UGC Regulations). Petitioner submitted a certificate dated 17.09.2016 (Annexure P-8) and also attached the proof of original fee challan, but despite that was not interviewed and on perpetual enquiries ascertained that the decision of the Commission that Ph.D. Degree was not in accordance with the UGC Regulations. As per the result declared on 20.12.2017, only 7 candidates against 11 advertised posts were selected.

Mr. R.K.Malik, learned Senior Counsel assisted by Mr.Sandeep Dhull, Advocate, representing the petitioner submitted that the UGC Guidelines do not envisage that the Ph.D certificate was required to be issued by the Dean and not by the Registrar, though a fresh certificate dated 27.12.2017 (Annexure P-16 colly) issued by the Dean (Faculty of Science) was also annexed. The note appended under the essential qualification in the

advertisement only mentioned a certificate of Ph.D. Degree to be issued by the competent authority in accordance with the UGC Regulations and nothing beyond. Petitioner has also come out with a flying colour and, therefore, the action of the Commission rejecting his candidature is wholly uncalled for.

Mr. Kanwal Goyal, learned counsel representing respondent No.2-Commission supported the impugned action and stated that the certificate Annexure P-8 dated 17.09.2016 was only issued by the Controller of Examination and not by the Dean, which is not in accordance with the aforementioned Regulations and rightly so, his candidature has been rejected, but did not deny the fact that against 11 posts, only 7 candidates have been able to make in the merit list and the posts are still lying vacant nor there is denial to the fact that the petitioner belongs to DESM category.

I have heard the learned counsel for the parties, appraised the paper book and of the view that there is force and merit in the submissions of the learned Senior Counsel for the petitioner.

Regulations 2009 do not envisage that the requisite certificate was required to be issued by the Dean which only deals with the definition of eligibility criteria for M.Phil/Ph.D., procedure for admission, allocation of supervisor, course work, evaluation and assessment methods, depository with UGC and subsequent amendment. There is no denial to the fact that the petitioner had annexed the certificate of Ph.D. (Annexure P-8) dated 17.09.2016 issued by the Controller of Examination. The eligibility condition in the advertisement, i.e., note appended under the advertisement does not envisage that the certificate has to be issued by the Dean of the

University. For the sake of brevity, the note is extracted herein below:-

“NOTE As mentioned in the proviso of the qualification for the post of Assistant Professor (College Cadre) the candidates concerned are requested to submit a certificate from competent authority with respect to the Ph.d degree awarded to them that awarded Ph.d degree is in accordance with the University Grant Commission (Minimum Standards and Procedure for Award of Ph.d degree) Regulation, 2009.

The candidates who had applied earlier in response to advt.No.7/2014 (published on 24.01.2014) and announcement dated 09.06.2014 on the basis of Ph.d degree are also directed to submit a certificate from competent authority with respect to the Ph.d degree awarded to them that awarded Ph.d degree is in accordance with the University Grant Commission (Minimum Standards and Procedure for award of Ph.d degree) Regulation, 2009.”

Even though the petitioner also obtained the certificate dated 27.12.2017 (Annexure P-16 colly) issued by the Dean, but the reasoning assigned by the Commission rejecting his candidature is wholly fallacious and not sustainable in the eyes of law.

Resultantly, the writ petition is allowed. Direction is issued to the respondents to consider the certificate of Ph.D to be genuine and issue appointment to the petitioner as he along with 7 candidates was found to be selected.

August 16, 2019
ramesh

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No