

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WA No. 537 of 2019

(Arising out of order dated 01/10/2019 passed by learned Single Judge in WPS No. 8269 of 2019)

- Dr. Komal Singh Suman S/o Baburam Suman aged about 33 years, working on the post of adhoc Assistant Professor Department of Zoology Guru Ghasidas Central University Bilaspur, District Bilaspur C.G.

-----Appellant/Petitioner

VERSUS

1. Guru Ghasidas Central University through The Vice-chancellor Bilaspur, District Bilaspur C.G.
2. The Registrar, Guru Ghasidas Central University Koni Bilaspur, District Bilaspur C.G.
3. The Dean, School of Life Science, Guru Ghasidas Central University Koni Bilaspur C.G.
4. The University of Grant Commission through its Secretary.
5. The Council of Scientific & Industrial Research, through its Deputy Secretary CSIR Complex, Library Avenue Pusa, New Delhi 110012

-----Respondents

For Appellant	:	Mr. Love Kumar Ramteke, Advocate
For Respondent 1 & 2	:	Mr. Neeraj Choubey, Advocate

Hon'ble Shri P.R. Ramachandra Menon, Chief Justice

Hon'ble Shri Parth Prateem Sahu, Judge

Judgment on Board

Per Parth Prateem Sahu, J.

20/01/2020

1. Challenge in this appeal is to the order dated 01-10-2019 passed by learned Single Judge in W.P. (S) No. 8269/2019, whereby the writ petition filed by the appellant/ petitioner challenging the rejection of his application for the post of Assistant Professor on the ground that he does not possess the specific qualification as per the requirement of advertisement for the appointment of Assistant Professor.
2. The case of the appellant is that, the appellant possess the degree of M.Sc. (Neuroscience). On the basis of the advertisement issued by the respondent- University, he has applied for the post of 'Assistant Professor' in Zoology subject,

but his application has been rejected on the ground that the appellant did not have the required qualification as prescribed in the advertisement for the post of Assistant Professor, Zoology.

3. The learned counsel for the appellant submits that the appellant has been engaged as guest faculty to teach Zoology subject in the University after considering his qualification of M.Sc. Neuroscience. He further submits that the Registrar of Jiwaji University, Gwalior has issued a certificate in which it has been mentioned that M.Sc. Neuroscience is equivalent to the subject of Zoology and therefore the respondent-University committed error in rejecting his application for the appointment to the post of Assistant Professor, Zoology.
4. Per contra, learned counsel representing the respondent-University submits that the M.Sc., Zoology and M.Sc. Neuroscience are the specialization courses of Master degree in two different branches and the University issued advertisement for the post of Assistant Professor of M.Sc. Zoology which requires the specialized qualification in Zoology i.e. M.Sc. Zoology, which is a different subject than that of M.Sc. Neuroscience. Degree of M.Sc. Neuroscience which is appellant is possessing is a specialization in a different subject, therefore, the application of the appellant has been rightly rejected. He further submits that the appellant has also filed writ petition before the High Court of Madhya Pradesh, raising the same issue in which the learned Single Judge of High Court of Madhya Pradesh, dismissed the writ petition on the ground that the subject of M.Sc. Neuroscience and M.Sc. Zoology are two different subjects and they are not equivalent to each other. He also submits that the said order of the learned Single Judge of High Court of Madhya Pradesh was challenged by the appellant before the Division Bench, which is pending.
5. We have heard learned counsel for the respective parties and perused the documents annexed along with the writ petition.
6. The advertisement issued by the respondent-University is filed along with the writ

petition as Annexure P-1 in which the number of posts of Assistant Professor has been mentioned including the post of Assistant Professor, Zoology at serial No. 34. We have also perused the faculty/ department/ courses available with the Jiwaji University, Gwalior, which is filed by the appellant himself in which the different faculties have been mentioned, like the faculty of Art, Faculty of Social Sciences, Faculty of Science and Faculty of Life Sciences etc. Perusal of said document of faculties/ department/ courses available in the University specifically shows that the faculty of Life Sciences is having four categories of subjects like School of Studies in Botany, School of Studies in Biochemistry, School of Studies in Environmental Sciences and School of Studies in Zoology for prosecuting the specialized qualification like M.Sc., M.Phil and Ph.D. The School of Studies in Zoology provides three specialization in different subjects i.e. Zoology, Neurosciences and Molecular Human Genetics. Perusal of the different courses available in the University, it is explicitly clear that the specialization courses are available in Zoology, Neuroscience and Molecular Human Genetics are of different branches of specialization. Appellant has not produced any document issued by UGC or Guru Ghasi Das University showing Neuroscience to be allied subject of Zoology.

7. In view of the above, we are not convinced with the submissions made by the learned counsel for the appellant that M.Sc. Zoology and M.Sc. Neuroscience are the equivalent subjects.
8. The appeal being devoid of any substance which is liable to be and is hereby dismissed accordingly. However, dismissal of this appeal will not come in the way of the appellant to approach this Court by filing appropriate proceedings, if he obtains any document/ certificate to show that the M.Sc. Zoology and M.Sc. Neuroscience are allied subjects of Master degree.

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

Sd/-
(Parth Prateem Sahu)
 Judge