

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

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Civil Writ Petition No.27063 of 2017
Date of Decision: January 17th, 2020

Ashok Kumar

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Sameer Sachdeva, Advocate
for the petitioner.

Ms. Anu Pal, Deputy Advocate General, Punjab.

Mr. Rishabh Gupta, Advocate
for respondent No.3.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court praying for quashing the selection and appointment of respondent No.3 to the post of Assistant Professor in Punjabi subject as a Guest Faculty Lecturer pursuance to the advertisement of July 2017 (Annexure P-4), for which the walk in interview was fixed and held on 26.07.2017.

2. It is the contention of learned counsel for the petitioner that as per PTA meeting held on 21.07.2017 (Annexure R-2/T), the criteria and the qualifications were fixed for selection and appointment of the Assistant Professors as Guest Faculty for the subjects of Commerce, Punjabi, Mathematics, Zoology and Physics. One post each was available in these subjects, whereas two posts were available in the subject of English. Petitioner applied for and appeared for interview for the subject of Punjabi. He asserts that the petitioner was the only UGC NET qualified candidate and, therefore, had to be selected as per the decision in the meeting dated 21.07.2017. The process of interviewing further candidates and in case the interview was to be held, the question for not selecting the petitioner does not arise as no other candidate had qualified the UGC NET.

Assertions have been made that even as per the merit, which was prepared on the basis of the educational qualifications and the criteria laid down, petitioner was the highest in merit and merely because zero interview marks were given to the petitioner, he could not have been ignored for appointment. A person with only 20.18 marks has been selected and the petitioner, who has obtained 22.84 marks in total has not been selected. He thus contends that the selection and appointment, rather the consideration of respondent No.3 for the post of Assistant Professor Punjabi (Guest Faculty) is not sustainable.

3. On the other had, counsel for the State as well as the private respondent has asserted that a candidate, who was unable to answer a single question in the interview could not have been appointed to the post of Assistant Professor. Mere academic qualification would not be enough. The suitability of the candidate had to be assessed and, therefore, the petitioner having been found to be now suitable, was not appointed to the post of Assistant Professor Punjabi (Guest Faculty). Assertion has thus been made that the selection and appointment of respondent No.3 is fully justified and, therefore, do not call for any interference.

4. I have considered the submissions made by learned counsel for the parties and with their assistance, have gone through the pleadings of the case as well as the documents, which would be the governing factor for appointment to the post of Assistant Professor Punjabi (Guest Faculty). The minutes of meeting dated 27.7.2017 (Annexure R-2/T) of the Parent Teacher Association, according to which if a UGC qualified candidate is not available during the walk in interview in the subject for which the vacancies were advertised, the candidate could be appointed,

who was not a UGC NET pass qualified as a stop gap arrangement.

5. If that be the criteria and qualification for appointment to the post of Assistant Professor and the petitioner being available with UGC NET qualified, question of consideration of respondent No.3 did not arise. However, since the initial appointment was in the year 2017 on the basis of the advertisement issued then, appointment at this stage is not being disturbed in the interest of the students of the college. However, this post shall be re-advertised in the month of March 2020 and after assessing the qualifications of the respective candidates, fresh appointments be carried out in accordance with law.

6. It is made clear that respondent No.3 would not be permitted to continue on the post beyond March 2020 unless found eligible and suitable to the post of Assistant Professor in the fresh selection.

7. The present writ petition stands disposed of with above observations.

January 17th, 2020
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No