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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-7345-2017 (O&M)
Date of decision: 22.01.2020

Ram Pratap Singh

...Petitioner(s)

V/s.

State of Haryana and others

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE RITU BAHRI.

Present: Mr. Sunil Nehra, Advocate for the
applicant/petitioner.

Mr. Kiran Pal Singh, AAG, Haryana.

RITU BAHRI, J.

CM-11274-CWP-2019

Application for placing on record additional affidavit of the petitioner alongwith Annexure P-12 is allowed and the same is taken on record.

CWP-7345-2017

The petitioner is seeking quashing of letter dated 04.01.2017 issued by the Director Higher Education, Haryana and the minutes of the Meeting of the Screening Committee (Annexure P-6) whereby decision has been taken that those Assistant Professors who have less than 10 marks in the interview and domain knowledge, their ACR has to be recorded as 'Domain Knowledge Poor'.

The petitioner was appointed on the post of Lecturer (College Cadre) vide appointment letter dated 21.12.2001 (Annexure P-1). Thereafter he completed his probation period and appointed on regular basis w.e.f. 07.01.2002 as per letter dated 29.01.2004 (Annexure P-2). The petitioner has been posted at various places as per details given in para No.

4 of the writ petition and he has never been communicated any adverse ACR. The Haryana Government has adopted various recommendations of the UGC and Ministry of Human Resource and Development with regard to minimum qualification for appointment of Teachers and other academic staff in the Universities and Colleges and Measures for the maintenance of the standards of higher education. The instructions (Annexure P-3) have been circulated by Financial Commissioner and Principal Secretary to Government of Haryana, Higher Education Department to all the Universities in the State of Haryana and to all the Principals of Government and Government Aided private colleges. For the purpose of granting pay band IV, a letter dated 21.07.2016 (Annexure P-4) was received by the Principal of all the colleges mentioning that the meeting of Screening Committee for grant of pay band IV is fixed on 22.07.2016 at 12:00 noon in Shiksha Sadan, Sector-5 Panchkula and the teachers in the list were requested to come with API record. The name of the petitioner was in the list of such teachers. Thereafter vide order dated 09.11.2016 (Annexure P-5) petitioner was granted scale of 37,400-67,000+9,000 grade pay. Subsequently, thereafter letter dated 04.01.2017 (Annexure P-6) issued by the Director, Higher Education Haryana was circulated to all the Government colleges in the State of Haryana that the Screening Committee had taken a decision that those Assistant Professors who have less than 10 marks in interview and domain knowledge, in their ACR 'domain knowledge poor' be recorded and alongwith letter; minutes of meeting of the Screening Committee were annexed and the marks awarded to various teachers were also annexed. Thereafter petitioner was informed vide letter dated 11.01.2017 (Annexure P-7), that he had secured less than 10 marks in

the domain knowledge/interview during Screening Committee meeting and he was required to improve his domain knowledge. The petitioner made a representation to the Director General, Higher Education, Haryana against the entry of remarks '**Domain Knowledge Poor**' in the ACR (Annexure P-8) alongwith instructions issued by Haryana Government for recording confidential reports (Annexure P-9). Hence, the present writ petition has been filed for quashing letter dated 04.01.2017 (Annexure P-6) and letter dated 11.01.2017 (Annexure P-7).

Learned counsel for the petitioner has argued that instructions (Annexure P-3) lay down the procedure how the API score is to be evaluated. It is nowhere mentioned in these instructions that while granting pay band IV on the basis of API score, the candidate will also be interviewed and remarks would be recorded in his ACR. The ACR is to be recorded by Reporting Officer, who in the case of the petitioner would be Principal and the Accepting Authority would be Director General Higher Education. Further, the instructions regarding recording of ACR have been annexed as Annexure P-9 in which it has been clearly mentioned that the ACR has to be recorded only by the reporting officer and it has also been mentioned that a minimum period of three months should have been seen by the reporting officer before recording the ACR of his subordinate and the ACR cannot be recorded on the basis of the meeting of the Screening Committee. The Screening Committee is not competent to record the ACR of the petitioner and the object of the meeting of the Screening Committee was only with regard to pay band IV. The Screening Committee has exceeded its jurisdiction by taking decision that employees who had secured less than 10

marks in the interview/domain knowledge, remarks has to be recorded in the ACR as 'Domain Knowledge Poor'.

It is not the case of the respondents that after making assessment of domain knowledge after 2016, this procedure was followed for granting 4th pay band on the basis of API score. Since it was the first time the Screening Committee was constituted after the guidelines by UGC (Annexure P-3), the Screening Committee proceeded to interview the Lecturers and assessed their domain knowledge and then reported in the ACR that they have domain knowledge. This procedure was never contemplated in the guidelines issued by UGC (Annexure P-3) and as per the State after 2016, this procedure for assessing the domain knowledge by way of interview has never been followed. The petitioner had sought information under the RTI (Annexure P-10) and the question No. 2 is as under:-

2. Will an early of 'Domain Knowledge Poor' be made in the ACRs of candidates who have scored less than 10 marks in 'Interview and Domain Knowledge' in the case of candidates who appeared before the Screening Committee as per directions issued vide letter No. 02/71-2017 CV (1) dated Panchkula 07.08.2017. If yes, then kindly provide a copy of letter issued by the department.

The answer to question No. 2 is 'No' (Annexure P-11). The answer from the office of Director General Higher Education, Panchkula has been given on 23.01.2018 that the candidates who secured less than 10 marks in the interview and domain knowledge, no recording was done in the ACR. Subsequently as per letter issued by Director Higher Education, Haryana on 03.04.2019 (Annexure P-12), it was conveyed that Assistant Professors (stage-3) who already got 50 marks of teaching practice, need not

to attend meeting. There is no question for interview and assessing domain knowledge. For all intents and purposes in the year 2018-2019 whenever the Screening Committee had been set up for granting pay band IV as per regulations by UGC (Annexure P-3), there was no procedure to assess domain knowledge. Hence the mistake committed by respondents by interviewing the candidates was done against the guidelines (Annexure P-3).

This petition is allowed. The recommendations made in letter dated 04.01.2017 (Annexure P-6) regarding recording in ACR 'Domain Knowledge Poor' and letter dated 11.01.2017 (Annexure P-7) whereby the entry of 'Domain Knowledge Poor' in the ACR of the petitioner has been recorded are quashed.

(RITU BAHRI)
JUDGE

22.01.2020
Divyanshi

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No