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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 5830/2017, CM APPL. 24345/2017

SANJAY KUMAR SADANA Petitioner

Through: Mr. Siddharth Dias, Adv.

versus

CHANDERPRABHU JAIN COLLEGE OF HIGHER STUDIES &
SCHOOL OF LAW AND ANR Respondents

Through: Mr. Namit Suri and Mr. Kunal
Kumar, Advs. for R-1.

Mr. Jasbir Bidhuri and Mr. Shashwat
Sharma, Advs. for CGSC/R-2.

CORAM:

HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER

% **15.01.2020**

W.P.(C) 5830/2017, CM APPL. 24345/2017 (stay)

By the instant petition, the petitioner, in effect, seeks issuance of a writ of certiorari to quash the letter dated 15.06.2017 and 27.06.2017 issued by the respondent no. 1 Chandraprabhu Jain College of Higher Studies & School of law, for short 'the College' and a consequential issuance of a writ of mandamus to the respondents for continuing with the services of the petitioner and pay the back wages and continuity of service.

The facts emerging from the record are that the petitioner was appointed as a Director by the college w.e.f. 10.01.2017. Vide the impugned letter dated 15.06.2017, the college decided to put his appointment on hold for the time being and vide the other impugned letter dated 27.06.2017 discontinued his services with effect from 30.06.2017. The college in the counter affidavit has taken the plea that such action was taken by it in view of the fact that the post to which the petitioner was appointed, he did not possess the requisite qualification. Similar is the stand

taken by the respondent no. 2 – Guru Gobind Singh Indraprastha University, in short ‘GGSIPU’. It emerges that GGSIPU had conducted an inspection of the college on 10.06.2017 and found that the petitioner did not possess the requisite qualification of Post Graduation degree in Law i.e. LLM and therefore, the Joint Assessment Committee of GGSIPU awarded ‘0’ marks to the petitioner.

Mr. Dias, ld. counsel for the petitioner drawing advertence to the letter no. CPJCHS/2017-18/GGSIPU/156.36.42 dated 15.06.2017 addressed to GGSIPU by the college strenuously contends that the college on its part had made recommendation for the petitioner being appointed on the basis of an advertisement issued in Times of India on 30.11.2016 and in Nav Bhart Times on 04.12.2016 and on a duly constituted selection committee’s recommendations founded on the candidates’ interview. In other words, the submission of Mr. Dias is that the petitioner was appointed following a due process of selection and on the satisfaction of the selection committee and therefore, no infirmity could be seen in the selection process. In addition thereto, in the submission of Mr. Dias, the college was not only undertaking the courses relating to law but many other programmes like BBA, BCA, B.Com(H) and therefore, the petitioner, who was possessing many other higher qualifications relating to the other courses, was eligible for being appointed to the post of Director as per the UGC guidelines. He is however at pains to point out the qualifications actually possessed by the petitioner from the record. Mr. Dias also fails to point out from the record, the Recruitment Regulations (R/Rs) for appointment to the said post. Ld. counsel for the college on his part however comes forward to advert to the R/Rs prescribed by GGSIPU as amended up to December 31, 2006. As per

the said RR, relevant to the context, the minimum qualifications and experience laid down for the post of Professor/Director in institutions conducting LLB (Hons), are as follows:

“5.	<i>Professor/Director</i>	<i>Good academic record with Master degree in Law (LLM) 55% marks or equivalent grade Ph.D. or equivalent published work desirable.</i>	<i>15 years teaching experience in any University/20 years experience in High Court/Supreme Court</i>
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When the college by itself so places reliance upon the recruitment regulations for the subject post to be requiring Masters degree in-Law (LLM), which, the petitioner undisputedly does not possess, the very recommendation made by the college vide its letter dated 15.06.2017 to GGSIPU has no legs to stand on. Interestingly, though in the said letter dated 15.06.2017, the college adverts to the process of selection having been carried out on the issuance of advertisement issued in Times of India on 30.11.2016 and in Nav Bharat Times on 04.12.2016, copies of none of the said advertisements, have come to be placed on record by the petitioner. The selection is said to have been made only on the basis of an interview and what has been the criteria for selection by the selection committee, nothing equally comes to be pointed out during the course of hearing. Then, Mr. Dias adverts to an extract of a Gazette Notification dated 18.09.2010, purportedly forming part of some instructions/guidelines of UGC, copy of which has come to be placed before the Court during the course of hearing. It speaks for the qualifications for the post of Professor/Director/Head of Institution as follows:

“4. *Principal/Director/Head of Institution*

i. Qualification same as those prescribed for the post of professor in the relevant discipline with a minimum of fifteen years' experience of postgraduate teaching/industry/research.

OR

ii. For Candidates from Industry/Profession:

1. Qualification same as those prescribed for the post of Professor from industry/profession stream with fifteen years' experience of postgraduate teaching/research out of which five years must be at the level of Professor in the relevant discipline.

iii. Without prejudice to the above, the following conditions may be considered desirable:

1. Administrative experience in senior level responsible position in the Industry/Professional Institution."

The advertence to the said extract of the aforesaid notification by itself does not detail, assuming, it applies to the post of Director with the college, that it has the effect of superseding the prescribed recruitment regulations of GGSIPU-with which, the college is actually affiliated. It would not require any elaboration that the RRs of the institution, which gives affiliation to an institution, will be binding rather than an inference to be drawn from any of the guidelines or instructions of UGC.

Since the petitioner is not shown to be possessing the requisite qualifications as per the RRs of GGSIPU, there is no reason to fault the decision communicated vide the impugned communications dated 15.06.2017 and 27.06.2017.

For the foregoing reasons, there is no merit in the petition and the same is dismissed.

A. K. CHAWLA, J

JANUARY 15, 2020/acm