

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

LPA-1515 of 2017 (O&M)

Reserved on 12.10.2022

Pronounced on: 20.10.2022

Dr. Udaybhan Singh and another

...Appellants

Versus

Dr. Jagdeep Singh and others

....Respondents

**Coram : HON'BLE MR. JUSTICE G.S.SANDHAWALIA
HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present : Mr. R.K.Malik, Senior Advocate,
with Mr. Sajjan Singh and Mr. Sunil Hooda, Advocates
for the appellant.
Ms. Palika Monga, DAG, Haryana
Mr. J.S.Dahiya, Advocate, for respondent No. 1
Mr. Salil Sabhlok, Advocate, for respondent No. 3-UGC
Mr. Amarjit Singh Virk, Advocate
for respondent No. 4-University
Mr. Amit Rao, Advocate for
Mr. Anurag Goel, Advocate for respondent No. 6

JAGMOHAN BANSAL, J.

1. The instant appeal, under clause X of Letters Patent of this Court, is directed against order dated 11.5.2017 passed by learned Single Judge of this Court in CWP No. 25898 of 2014 whereby learned Single Judge has allowed the writ petition and set aside order dated 1.9.2014 (Annexure P-5) whereby respondent-State has ordered to cancel the

interview held on 22.8.2014 for the post of Lecturer in the subject of Political Science advertised by the respondent No. 6-Maharaja Agrasen College, Jagadhri, District Yamunanagar .

Brief facts:

2. The brief facts, which are necessary to have a look into the issue involved, are that Maharaja Agrasen College, Jagadhri, District Yamunanagar vide advertisement dated 17.7.2014 (Annexure P-3) invited applications for different posts of teaching staff on regular basis. Assistant Professor in Political Science was one of posts. The qualification prescribed for the said post was as follows:-

*“1. Good academic record with at least 55% marks or on equivalent grade at **master's degree level in relevant subject from recognized University.***

2. National eligibility Test (NET) in the relevant subject shall be compulsory for appointment of Assistant Professor; subject to the exemption to the degree of Ph.D in respect of those persons obtaining the award through a process of registration, course work and external evaluation, as have been laid down by the UGC Regulation 2009 and adopted by the State Government vide letter No. 7/66-2003 CIV(3) dated 17.7.2009.

*Age: Not less than 21 years and more than 40 years of age on or before the 15 days of the month next proceeding the last date of submission of application for General Category and 45 years of SC/ST from all States, BC for Haryana and for women as per State Govt. Letter No. 8/52/2000-CIV(3) dated 06.04.07).
Salary: 15600-39100+6000 AGP.”*

The appellant is not having Master's Degree in Political Science, however, he is having Master's Degree in Public Administration. He has also cleared National Eligibility Test (for short "NET") conducted by University Grants Commission (for short "UGC"). The respondent (Dr. Jagdeep Singh) is having Master's Degree in Political Science. The appellants got interview letters for 22.8.2014, however, they were orally informed that Dr. R.S.Yadav had declared that candidates having Master's Degree in Public Administration are not eligible for the post of Lecturer in Political Science. The appellants submitted complaint before authorities. and office of Director General Higher Education Haryana, Panchkula, on the basis of complaint made by candidates having Master's Degree in Public Administration, vide order dated 1.9.2014 ordered to cancel interview already held on 22.8.2014.

On account of cancellation of interview already held on 22.8.2014, Dr. Jagdeep Singh who was holding Master's Degree in Political Science preferred CWP No. 25898 of 2014 before this Court seeking setting aside of order dated 1.9.2014 (Annexure P-5) whereby interview already held was cancelled.

Learned Single Judge of this Court vide order dated 11.5.2017 set aside order dated 1.9.2014 whereby interview was cancelled. Learned Single Judge further directed selecting authority to proceed with the selection process.

3. The appellants herein have preferred present Letters Patent Appeal seeking setting aside of order dated 11.5.2017 passed by learned Single Judge in CWP No. 25898 of 2014.

4. By order of even date passed in LPA No. 982 of 2017, we have held that respondents were supposed to clarify in the advertisement that candidates holding Master's Degree in Public Administration are eligible to apply for the post of Lecturer in Political Science. The appointing authority in the present case rejected claim of candidates having Master's Degree in Public Administration. We, while disposing of LPA No. 982 of 2017, have considered judgment of the Hon'ble Supreme Court in **Rajbir Singh Dalal vs. Chaudhari Devi Lal University, Sirsa and another (2008) 9 SCC 284** and various communications/circulars issued by different authorities including UGC, M.D. University, Rohtak, Chaudhari Devi Lal University, Sirsa and Kurukshetra University, Kurukshetra. As per judgment of Hon'ble Supreme Court in **Rajbir Singh Dalal (supra)** as well various instructions/clarifications/letters, the candidates having Master's Degree in Public Administration who had further cleared National Eligibility Test are eligible for the post of Lecturer in Political Science. The writ petitioner was interviewed, however, mere participation in interview does not vest any right in any candidate to claim that selection process must be completed or he should be appointed. It is in the complete realm of appointing authority to complete the selection process or select a particular candidate provided there is no mala fide on the part of appointing authority. Reliance can be placed upon the judgment of the Apex Court in **Shankarsan Dash vs. Union of India 1991 (3) SCC 47**.

In the present case, the respondent/State Government has ordered to cancel interview as advertisement was not making it clear whether candidates having Master's Degree in Public Administration can or

cannot apply for the post of Lecturer in Political Science. The course adopted by respondent was just and fair because it would give equal opportunity to equally situated candidates. The candidates who did not apply under impression that they are holding Master's degree in Public Administration and post is meant for Master's Degree holder in Political Science would get an opportunity to apply. There is no prejudice much less violation of fundamental or vested right of writ petitioner, thus, the respondent authorities have rightly cancelled the interview.

In view of our above findings, we are of the considered opinion that order dated 11.5.2017 of learned Single Judge of this Court is not sustainable. Accordingly, the instant Letters Patent Appeal is allowed and the impugned order dated 11.5.2017 passed by learned Single Judge of this Court in CWP No. 25898 of 2014, is set aside.

Pending miscellaneous application(s), if any, shall stand disposed of.

(G.S.SANDHAWALIA)
JUDGE

(JAGMOHAN BANSAL)
JUDGE

20.10.2022

PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : No