

Neutral Citation No.- 2023:PHHC:071156

211

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-11637-2016
Date of decision: 15.05.2023

MANJU RANA

...Petitioner

VERSUS

STATE OF HARYANA AND ORS

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Bhavpreet Singh Dhatt, Advocate for
Mr. Harish Mehla, Advocate
for the petitioner.

Mr. Kapil Bansal, DAG, Haryana.

Mr. Rajesh Hooda, Advocate
for respondents No.2 and 3.

Mr. Charanji Lal, Advocate
for respondent No.4.

JAISHREE THAKUR, J. (Oral)

1. The instant writ petition has been filed under Articles 226/227 of the Constitution of India, seeking issuance of a writ in the nature of quo warranto for summoning the records pertaining to appointment of respondent No.4 to the post of Assistant Professor (Psychiatric Social Works) and for issuance of a writ in the nature of certiorari for quashing appointment of respondent No.4 and further for issuance of a writ in the nature of mandamus

Neutral Citation No.- 2023:PHHC:071156

directing the respondents to initiate fresh proceedings for the post of Assistant Professor (Psychiatric Social Works).

2. In brief, the facts as culled out are that the respondent-University advertised one post of Assistant Professor (Psychiatric Social Works) in the year 2016 vide Annexure P-6, with the essential qualifications as mentioned hereunder:-

- i) MA in sociology/Social work.
- ii) M. Phil in Psychiatric Social Work.
- iii) Three years Research/Clinical experience in the field of Psychiatric Social Work **after obtaining the requisite degree.**
- iv) Knowledge of Hindi/Sanskrit upto Matric standard.

Desirable: Ph.D in Psychiatric Social Work.

3. Learned counsel for the petitioner would urge that the petitioner herein had the necessary qualification to be appointed for the post of Assistant Professor (Psychiatric Social Works). However, vide letter dated 03.05.2016 (Annexure P-1), the petitioner was not called for interview holding her not to be eligible for the post of Assistant Professor (Psychiatric Social Works) due to not having requisite experience after having the qualification of M.Phil and the experience certificate not being attached. He would submit that the petitioner herein had completed her M.Phil course from Ranchi Institute of Neuro-Psychiatry & Allied Sciences in the year 2013 and, thereafter, had worked for which, due certificate was issued to her and, therefore, rejecting her claim and not calling her for the interview was totally unjustified.

Neutral Citation No.- 2023:PHHC:071156

4. Learned counsel for respondents No.2 and 3 would submit that the petitioner could not be considered for calling for interview as she had not submitted her M.Phil degree and her experience certificate along with her application form. In fact, a perusal of the experience certificate would reveal that the same has been obtained subsequent to the application form having been filled on 08.03.2016.

5. I have heard learned counsel for the parties and have also perused the pleadings of the case and find that there is no merit in the instant writ petition.

6. Admittedly, with the application form, the petitioner herein did not submit her M.Phil degree as obtained from Ranchi Institute of Neuro-Psychiatry & Allied Sciences. Interestingly enough, the said degree has not even been attached with the present writ petition. The respondent-University was, therefore, justified in not calling the petitioner for interview. Even for the sake of argument, the degree, as relied upon by the petitioner as issued by Ranchi Institute of Neuro-Psychiatry & Allied Sciences is taken into account to consider that the petitioner was *bona fide* student of the two year M.Phil course in Psychiatric Social Work, the session having been completed in April, 2013, any experience certificate relied upon would have to be for a period of three years after completion of the said degree. The certificate as relied upon would reflect that the same cannot be taken into account as the experience gained has to be of three years after the completion of the degree.

Neutral Citation No.- 2023:PHHC:071156

7. Finding that the petitioner did not have the necessary qualification to be appointed for the post of Assistant Professor (Psychiatric Social Works) and also in view of the fact that the very application form itself was incomplete as the basic document of the degree had not been attached, there is no infirmity in the action of the respondent-University in not calling the petitioner for interview.
8. Consequently, the instant writ petition stands dismissed.

15.05.2023
Chetan Thakur

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No