

2023:PHHC:079047

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

CWP-13501-2014

Date of decision : 24.05.2023

Mandeep Singh

.... Petitioner

versus

Punjab Agriculture University Ludhiana and others ... Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. H.C. Arora, Advocate and
Ms. Sunaina, Advocate
for the petitioner.

Mr. B.S. Khehar, Advocate
for respondents No.1 and 2.

Mr. Shailender Kashyap, Advocate
for respondents No.3 to 5.

Mr. Aman Dhir, DAG, Punjab.

PANKAJ JAIN, J. (Oral)

Petitioner is aggrieved of public notice dated 13.08.2013 issued by respondent-University (Annexure P-1) inviting applications for the post of Assistant Professor (Nano Technology) claiming that the prescribed qualification thereunder for the aforesaid post being in violation of the qualifications prescribed under UCG regulations having statutory force is unsustainable and further prays for quashing of appointment of respondents No.3 to 6.

2. Petitioner herein participated in the selection process for the post of Assistant Professor (Nano Technology) pursuant to P-1 and

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could not succeed. Counsel for the petitioner submits that the qualification prescribed being even for the disciplines other than Nano Technology is in violation of UGC regulations and thus the same cannot be sustained. Reference is being made to clause 4.4.6.1 of the 2010 regulations which read as under:-

“4. That in Clause 4.4.6.1 of these Regulations, for the post of Assistant Professor, the following qualifications have been prescribed:-

“4.4.6.1 MINIMUM QUALIFICATIONS FOR APPOINTMENT OF TEACHING FACULTY IN UNIVERSITIES AND COLLEGES – ENGINEERING AND TECHNOLOGY DISCIPLINE:

1. Assistant Professor

i. Essential

First Class Master’s Degree in the appropriate branch of Engineering (Engg) & Technology (Tech)

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

1. Teaching, research industrial and/or professional experience in a reputed organization.

2. Papers presented at Conferences and/or in referred Journals.”

3. Counsel further submits that even if it is held that the University had the power to prescribe the qualifications on its own, there being conflict between the regulations framed by UGC under Central Act and those framed by the University under the said Act would fall within the mischief of repugnancy and thus hit by Article 254 of the Constitution of India and cannot be sustained.

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4. Per contra, Mr. Khehar submits that apart from the fact that the petitioner participated in the selection process on the strength of Annexure P-1, it will be wrong to aver on his part that there is any conflict between the UCG regulations and P-1. He submits that the essential qualification is first class master's degree in appropriate branch of engineering and technology. The 'appropriate branch' would not connote the same discipline. He thus submits that the prescribed qualification for master's degree in Agriculture / Nanotechnology / Agricultural Nanobiotechnology / Material Sciences / Metallurgy & Material Engineering / Food Technology / Biology / Physics / Chemistry / Biotechnology cannot be said to be beyond the competence of University to prescribe the essential qualification.

5. Counsel appearing for the private respondents have adopted the arguments raised by counsel representing the University.

6. Having heard counsel for the parties and after going through the records of the case, this Court finds that once the petitioner has participated in the selection process, he cannot turn around to say that the qualification prescribed was bad and challenge it. Apart from that, counsel for the respondent-University is right in contending that even the UCG regulations prescribed master's degree in 'appropriate branch' and not the same discipline. Resultantly, there is no repugnancy to attract Article 254 of the Constitution of India.

7. In view of the above, this Court does not find that the qualification as prescribed under P-1 are in conflict with the

qualification prescribed under UCG regulations or are repugnant in any manner.

8. Consequently, this Court finds does not find it to be a fit case to interfere while exercising writ jurisdiction under Article 226 of Constitution of India and the same is hereby dismissed.

24.05.2023

Dinesh

(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned :	Yes
Whether Reportable :	No