

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

244

LPA-761-2018 (O&M)

RESERVED ON: 07.12.2023.

DATE OF PRONOUNCEMENT: 01.03.2024

RIPUDAMAN SINGH

... Appellant (s)

Versus

PUNJAB UNIVERSITY AND ORS.

... Respondent(s)

**CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL
HON'BLE MS. JUSTICE KIRTI SINGH**

Present: Mr. Atul Lakhanpal, Senior Advocate with
Mr. R.S. Chahal, Advocate for the appellants.

Ms.Balpreet K. Sidhu, Advocate for respondents No.1 to 3.

Mr. Akshay Bhan, Senior Advocate with
Mr. Amandeep Singh Talwar, Advocate and
Mr. Abhijeet Singh Rawaley, Advocate for respondent No.4.

ANUPINDER SINGH GREWAL, J.

The appellant has impugned the order of the Single Bench dated 12.01.2018 whereby his writ petition challenging the appointment of respondent No.4 had been dismissed.

2. Learned counsel for the appellant submits that the writ petition had been erroneously dismissed by the Single Bench although respondent No.4 was clearly ineligible for 02 marks on account of teaching experience as he was holding a non-teaching post of Map Curator. He further submits that the Single Bench of this Court has erred in relying upon the judgement of the

Single Bench in the case of **Dinesh Bagga Vs. State of Punjab and others, 2011 SCC Online P&H 8520**, which had been set aside by the Division Bench of this Court in the case of **Dinesh Bagga Vs. State of Punjab, LPA No. 1645 of 2011** reported as **2012 (58) R.C.R. (Civil) 276**. He, therefore, submits that the appointment of respondent No.4 be set aside and respondent No.1-University be directed to appoint the appellant to the post of Assistant Professor (Geography) as he would be having more marks than respondent No.4 if the respondent No.4 is not awarded 02 marks for 'experience'.

3. Learned counsel for respondent No.4, however, submits that respondent No.4 was working as a Map Curator and had been teaching various subjects including Post Graduate Diploma in Remote Sensing and GIS System, Masters in Disaster Management and Masters in Remote Sensing and GIS and therefore, he had been rightly awarded 02 marks for teaching experience. He has also relied upon the judgement of the Single Bench of this Court in the case of **Deepak Sharma Vs. State of Haryana, 1996 (1) SCT 594** wherein the Court had directed the respondents to give due weightage to the certificates of teaching experience which had been issued to the petitioner therein, who was working as a Clerk but was also performing teaching duties in a government school.

4. Heard.

5. Respondent No.1 -University had invited applications for 02 posts of Assistant Professor in the Department of Geography in the year 2012. The criteria for selection had been stipulated in the advertisement which included weightage of 10 marks under the head of Teaching experience/Post

doctoral fellowship from a public funding agency. The merit list was prepared on 14.11.2012 and in terms thereof, Dr. Simrit Kahlon secured 81.76 marks, while respondent No.4 secured 65.68 marks and the appellant had secured 64.18 marks. The appellant had been awarded 06 marks for teaching experience while respondent No.4 had been awarded 02 marks.

6. It is not in dispute that respondent No.4, who was working as Map Curator, was having qualification and the eligibility for the post of Assistant Professor in 2012. It is true that the last date for submission of the application form in pursuance to the advertisement was 31.01.2012 but the recommendation for re-designation of Map Curators as Lecturers had been made prior thereto. Respondent No.1-University had issued letter dated 16.09.2009 (Annexure R-8) with regard to the re-designation of Tutor-cum-Curators as Lecturers, who were doing teaching work. Respondent No.4 was found eligible to be designated as Lecturer on the basis of teaching experience of 02 years and 08 months by the Committee constituted by the Vice Chancellor on 23.10.2009 (Annexure R-10) upon the recommendation sent by the Department of Geography on 23.09.2009 (Annexure R-9). The recommendation dated 23.09.2009 sent by the Department of Geography is reproduced hereunder:

“ The Registrar,
Panjab University,
Chandigarh.

Dear Sir,

This is with reference to letter No.17556-17656/Estt. Dated 16.09.2009. As desired a copy of the letter was circulated and following two members of our

staff have given their applications for consideration of the University for designating their post as Lecturer:-

1. Mr. Mohan Singh, Scientific Officer (Cartography)
2. Mr. Vishwa B. Singh, Map Curator.

It is urged that the positions of the above two mentioned employees are directly associated with the teaching work. Similar position in the past were designated as teacher is a fact. Both of them assist the students in their cartographic work, practical exercises and training on GIS and Remote Sensing softwares.

It is, therefore, strongly recommended that based on their representation, past precedence and high qualification, their posts may be designated as Lecturer (personal). Similar post in other departments may also be considered for redesignation.

The representation of both the employees are forwarded for your kind consideration and necessary action.

With regards,

Yours sincerely,

-Sd/-

(Krishna Mohan)
Chairperson.”

7. The appellant had sent representation regarding the discrepancy in calculating API score of respondent No.4, the selected candidate. The University had re-examined the matter and the Senate meeting held on 22.12.2012 had unanimously arrived at a conclusion that there was no irregularity in the selection process which was later approved by the Vice Chancellor on 14.03.2013 (Annexure R-5) which had been noticed by the Single Bench.

8. It is apt to notice that one Mehar Singh who had been working as a Map Curator had been designated as a teacher on 14.02.1986 as he had taught various courses in the subject of Remote Sensing and GIS classes. The respondent No.4 had relied upon the time table and details of the teaching work undertaken by him from 2006 to 2009 while holding the post of Map Curator which is annexed as Annexure R-4/2 (Colly.).

9. We would hasten to add that in compliance of the interim order passed by the Single Bench of this Court dated 24.05.2016, the Registrar of the University had filed an affidavit on 21.07.2016 indicating the various classes taken by respondent No.4 as per the time table. The respondent-University had also relied upon the communication dated 06.08.2012 (Annexure R-2) wherein the time table and workload in respect of courses of M.A. (Geography), Masters in Remote Sensing and GIS and Masters in Disaster Management for the academic session 2012-2013 had been entrusted to respondent No.4. The communication dated 06.08.2012 (Annexure R-2) is reproduced hereunder:-

“Minutes of the meeting of the Faculty/Board of Control in Geography, Administrative & Academic Committees held on 6th August, 2012 at 11.00 a.m. in the office of Chairperson, Department of Geography, Panjab University, Chandigarh.

The following members were present:

1. Prof. (Mrs.) Smita Bhutani
2. Prof.(Mrs.) Dhian Kaur
3. Prof. Krishna Mohan
4. Prof. Karanjot Kaur Brar ...(Chairperson)
5. Dr.(Mrs.)Ravinder Kaur

6. Dr.Gaurav

7. Dr.(Mrs.) Navneet Kaur

Agenda:

1. Teaching work-load and time table for the session 2012-13 in respect of Dr. Vishwa Bandhu Singh Chandel After thorough deliberations on the issue, it was unanimously resolved that due to faculty crunch, over-loading of current faculty and specialized nature of courses being taught, Dr. Vishwa Bandhu Singh Chandel Map Curator (Academic Staff), Gr. (Rs.15600-39100+GP 5400) be given a work-load at the Masters level in the various courses of semester I & III for the academic session 2012-13.

It was further resolved that requisite permission for this decision of the Faculty/Board of Control in Geography Administrative & Academic Committees be sought from the authorities.”

10. Furthermore, as per Budget Estimates for the year 1974-75 (Annexure P-9/A), the post of Map Curator was put under the head of Technical/Laboratory Staff and not as an academic post while in the Budget Estimates for the year 1987-88 (Annexure P-9), the post of Map Curator had been mentioned under the head of Academic Staff. The relevant extract of the Budget estimates 1987-88 (Annexure P-9) is reproduced hereunder:

“Budget estimates 1987-88
Academic staff

Professors -2+1 (MPS) =3 (one for physical
(Rs. 1500-60-1800-100-2000-12 5/2 -2500)

Readers – 2+1 (MPS) = 4
(Rs. 1200-50-1300-60-1900)

Lecturers -3
(Rs.700-40-1100-50–1600)

Research Scholar – 1
(Rs.800/950 p.m. fixed)

Cartographer or Map Curator – 1
(Rs.700-40-1100-50-1300)

Map Curator – 1
(Rs.700-40-1100-50-1300)”

11. In the budget estimates for the year 2012-13 (Annexure R-1), the post of Map Curator had been reflected under the head of Academic Staff which is reproduced hereunder:

“Budget Estimates of 2012-2013
ACADEMIC STAFF

Professors -3+3 (RPS) =6
(Rs.37400-67000+GP 10000)

Associate Professors – 2+1 (RPS)= 3
(Rs.37400-67000+GP 9000)
(one for Geographical information and remote sensing)

Assistant Professors -6
(Rs.5600-39100+GP Rs.8000)
(S.G.)/G.P. Rs.7000 (S.S.)/GP Rs.6000

Research Scholar-6
(Rs.5000/6000 p.m. fixed)

Map Curator -1
(Rs.15600-39100 +GP 5400)”

12. The submission of counsel for the appellant that the judgement of the Single Bench of this Court in the case of **Dinesh Bagga Vs. State of Punjab (supra)** relied upon by the Single Bench in the impugned order had been reversed by the Division Bench is correct, but it would not be of any help to the case of the appellant. In **Dinesh Bagga Vs. State of Punjab (supra)** case, the issue was with regard to challenge to the appointment of the respondent therein as a member of the Punjab State Consumer Disputes Redressal Commission, who claimed the teaching experience of private

tutions to satisfy the mandatory requirement of experience of 10 years. No certificate in support of experience as a private tutor had been attached and it was in such a situation that the Division Bench had held that the private tuition experience would not make her eligible for appointment to the statutory post of Member of the Punjab State Consumer Disputes Redressal Commission.

13. However, in the instant case, respondent No.4, who was working as a Map Curator had been taking classes and therefore award of 02 out of 10 marks to him for teaching experience cannot be faulted.

14. Therefore, we do not find any manifest illegality in the order of the Single Bench of this Court warranting interference in this Letters Patent Appeal which stands dismissed.

15. Pending application(s), if any, also stands disposed of.

(ANUPINDER SINGH GREWAL)
JUDGE

(KIRTI SINGH)
JUDGE

01.03.2024

SwarnjitS

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