



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Sr. No.103

CWP No.10442 of 1998 (O&M)
Date of Decision: 20.01.2025

Dr. Ram Chander Hooda

.... Petitioner

Versus

Maharishi Dayanand University, Rohtak and another

... Respondents

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. R.K. Malik, Senior Advocate, with
Mr. Balraj Singh, Advocate, for the petitioner.

Mr. A.S. Virk, Advocate, for the respondents.

TRIBHUVAN DAHIYA, J. (ORAL)

The petition has been filed *inter alia* seeking a writ of *mandamus* directing the respondents to consider the petitioner's claim for grant of selection grade of pay of ₹3700-5700 with effect from 01.01.1986 by counting the service rendered by him from 13.08.1968 to 30.09.1984, prior to joining the respondent/Maharishi Dayanand University (hereinafter referred to as 'the MDU').

2. As averred in the petition, the petitioner was appointed as Lecturer in Education in C.R. College of Education, Rohtak, on 13.08.1968, and worked there till 11.01.1981. Thereafter, he joined as Lecturer in the University of Indore on 12.01.1981, and served there up to 30.09.1984. On 01.10.1984, he joined as Lecturer in Education in the MDU, and remained there till attaining the age of superannuation, i.e., 31.05.2002. While working there, he was promoted as Reader/Associate Professor, and then as Professor in the Department of Education. His claim for counting past



service rendered in the C.R. College of Education and the University of Indore was not considered only on the ground that he did not fulfill the essential requirement for grant of selection grade, viz., participation in two refresher courses/summer institutes of approximately four weeks duration. It has been so prescribed under sub-clause (d) of Clause 12 of the Career Advancement Scheme formulated by the University Grants Commission (UGC), and circulated by the State Government vide letter dated 08.03.1989, Annexure P-4, on the subject 'Revision of pay scales of Teachers/Librarians & Physical Education Personnel in Universities & Colleges', which reads as under:

12. Every Lecturer in the Senior Scale working in the Universities will be eligible for promotion to the post of Reader in the scale of pay of Rs.3700-5700 if he/she has:-

- a) to c) xxx xxx
- d) participated in two refresher courses/summer institutes each of approximately 4 weeks duration or engaged in other appropriate continuing education programmes of comparable quality as may be specified by the UGC, after placement in the Senior Scale; and
- e) xxx xxx

3. In this background, learned senior counsel has contended that the petitioner's case for grant of selection grade has been wrongly rejected by the University, as he is entitled to the benefit in terms of the letter dated 25.04.1994, Annexure P-11, issued by the UGC to the effect, '*The Commission at its meeting held on 9.3.94 considered the issue again and agreed to relax the condition for participation of lecturers in the Refresher/Summer Institutes for placement in the Senior Scale/Selection grade/reader who were in service before 1.1.89 may attend the course up to 31.12.95*'. He was entitled to relaxation, as also the selection grade on that



3.1. Learned senior counsel has also relied upon a letter dated 24.12.1998, Annexure P-13, issued by the UGC regarding “Revision of pay scales, minimum qualifications for appointment of teachers in Universities and Colleges and other measures for the maintenance of standards, 1998”. It is to the effect, *‘The requirement of participation in orientation/refresher course/summer institutes, each of at least 3 to 4 weeks duration, and consistently satisfactory performance appraisal reports shall be the mandatory requirement for Career Advancement from Lecturer to Lecturer (Senior Scale) and from Lecturer (Senior Scale) to Lecturer (Selection Grade). Wherever the requirement of orientation/refresher courses has remained incomplete, the promotion would not be held up but these must be completed by the year 2000.’*

4. Learned counsel for the University, on the contrary, contends that the petitioner is not entitled to claim the benefit of selection grade of pay on the basis of past service rendered by him in two other colleges since he has failed to fulfill the essential requirement of participation in refresher courses/summer institutes. The UGC letter dated 25.04.1994 requires the teachers to comply with the requirements up to 31.12.1995, and the subsequent letter dated 24.12.1998 has no application to his case since it is meant for grant of senior scale/selection grade to teachers after 01.01.1996.

5. Submissions made by learned counsel for the parties have been considered.

6. It remains undisputed that the petitioner did not participate in the refresher courses/summer institutes during service, and did not fulfill the essential requirement to be given selection grade on completion of sixteen years of service as Lecturer. He has claimed relaxation from participation in refresher courses on the basis of UGC letter dated 25.04.1994; however, it grants limited relaxation and only the teachers who were in service before



01.01.1989, have been given extension to attend the courses up to 31.12.1995. Apparently, only the time limit has been extended, and no blanket exemption from attending the courses has been given. Since the petitioner has not attended the courses at all, he cannot claim any benefit in terms of letter dated 25.04.1994. Further, his reliance upon the second UGC letter, dated 24.12.1998, is also misplaced, as it has been issued to lay down minimum qualifications for appointment and promotion etc. of teachers in Universities and Colleges with effect from 01.01.1996. Its applicability to teachers of the respondent University has not been disputed before this Court. However, the objection has been taken that the letter has prospective application only, that is, from 01.01.1996, and rightly so. Since the petitioner is claiming selection grade of pay with effect from 01.01.1986 and is entitled to relaxation from attending refreshers courses up to 31.12.1995, as discussed herein above, he cannot claim the benefit under the UGC letter, dated 24.12.1998, which is meant for relaxation to the teachers eligible for grant of senior scale/selection grade after 01.01.1996. Still further, the later UGC decision also does not grant absolute exemption from attending the courses, and only requires the teachers to complete the same by the year 2000, which the petitioner concededly did not.

7. In view of the discussion above, there is no merit in the petition, and it stands dismissed.
8. Pending miscellaneous application(s), if any, stand(s) disposed of as having been rendered infructuous.

(TRIBHUVAN DAHIYA)
JUDGE

20.01.2025
Maninder

MANINDER
2025.02.05 19:15
I attest to the accuracy and
authenticity of this
order/judgment.

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No