

2025:PHHC:143325



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

Serial No.231

CWP-4186-2020 (O&M)

Decided on:-15.10.2025

Shalini Sharma

. . . Petitioner

Versus

Kurukshetra University and others

. . . Respondents

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Bhagwat Dayal, Advocate and
Ms. Shruti Jain Goyal, Advocate
for the petitioner.

Mr. A. S. Virk, Advocate
for respondents no.1 to 3.

Mr. R. S. Budhwar, Additional Advocate General, Haryana.

Mr. Vijay Sharma, Advocate
for respondents no.5 and 6.

TRIBHUVAN DAHIYA, J.(ORAL)

The petition has been filed *inter alia* seeking a writ of *certiorari* quashing the impugned letter dated 09.09.2019, Annexure P-4, passed by the respondent-University whereby the petitioner's selection for the post of Principal has not been approved for want of required experience of fifteen years as Associate Professor/Professor.

2. As per facts apparent on record, the Arya Kanya Mahavidyalaya, Shahabad is an aided college run by the Managing Committee/governing body of the education society-Prabhandhak Samiti Arya Kanya Mahavidyalaya. It invited applications for the post of Principal to be submitted within twenty-one days from the date of advertisement. Later, corrigendum dated 28.05.2019, was issued extending the date for submission of applications to twenty-one days from the date of its publication, i.e., upto 18.06.2019. The

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requisite qualifications for the post, as reproduced in paragraph 9 of the petition, are as under:

4.1 Qualification for the post of College Principal

- i. Master's Degree with at least 55% marks (or an equivalent grade in a point scale wherever grading system is followed) by a recognized university.
- ii. A Ph.D Degree in concerned/ allied/relevant discipline(s) in the institution concerned with evidence of published work and research guidance.
- iii. Associate Professor/Professor with a total experience of fifteen years of teaching/research/ administration in Universities, Colleges and other institution of higher education.
- iv. The period of time taken by candidate to acquire M.Phil and/ or Ph.D Degree shall not be considered as teaching/research experience to be claimed for appointment to the post of Principal.
- v. A minimum score as stipulated in the Academic Performance Indicator (API) based Performance Based Appraisal System (PBAS), set out in this notification in Tables I to IX of Appendix-IV.

2.1 The selection committee interviewed the candidates, including the petitioner, on 25.07.2019 and unanimously recommended her for appointment as Principal. The recommendation was sent to the affiliating university/first respondent for approval, which was not granted vide the impugned letter dated 09.09.2019 on the ground that the petitioner did not fulfill the requisite fifteen years' experience as Associate/Assistant Professor. It is challenged on the ground that she had been granted the benefit of pay band-4, meant for the post of Associate Professor, with effect from

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04.12.2014 vide letter dated 13.09.2019, Annexure P-10, issued by Director, Higher Education, which made her eligible for the post.

3. In this background, learned counsel for the petitioner contends that the recommendation of selection committee has not been approved on the grounds that the petitioner “*does not have the required experience of fifteen years as Associate Professor or Professor*”. The qualification does not require her to possess fifteen years experience as Associate Professor; instead, the requirement is that the candidate should be Associate Professor or Professor with total experience of fifteen years of teaching/research. The University has tried to justify the rejection on a different ground before this Court stating that the petitioner did not have the essential qualification for the post as she claimed herself to be working as Assistant Professor in Political Science. This cannot be permitted and the impugned order having been passed on a wrong premise is liable to be set aside. *Secondly*, she contended that prior to the interview, the petitioner had filed a petition, CWP-27371-2018, seeking a direction to count her previous service for grant of senior scale/selection grade with all consequential benefits. And during pendency of that petition, the grade was granted by placing her in the scale of Associate Professor with effect from 04.12.2014. Since the petition had been filed prior to the advertisement and for no fault of hers the grade was denied, she was required to be considered eligible.

4. Learned counsel for the respondents contend that the selection in question has rightly not been approved by the University as the petitioner did not fulfill the requisite qualification on the last date of submission of application form. She was granted the benefit of pay band-4 from a

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retrospective date, however, that could not make her eligible as the qualifications were required to be possessed on the last date or at the time of interview which she did not. A reference has also been made to her application form for the post, Annexure R-1/2, where the petitioner has herself mentioned her designation as Assistant Professor in Political Science working in Markanda National College, Shahabad.

5. Heard.

6. As per undisputed facts on record, the last date for submission of applications for the post of Principal was 18.06.2019, when the candidates were required to possess all the requisite qualifications, as per the settled law. The petitioner was interviewed by the selection committee alongwith other candidates on 25.07.2019, and selected for appointment as well. But the recommendation was not approved by the University on 09.09.2019. Her own case is, she was placed in the selection grade/pay band-4 meant for the post of Associate Professor with effect from 04.12.2014, vide order dated 13.09.2019, which would make her eligible. Even if it is considered to be a change of designation from the post of Assistant Professor to that of Associate Professor, she cannot be considered to have been working as such on the last date of submission of the applications. By that time the selection grade had not been given to her; it was given much later, after the University refused to accept the recommendation. There is no denying the fact that at the relevant date she did not meet the essential qualification of holding the position of Associate Professor or Professor. And grant of pay scale or designation subsequent to the closing date cannot be taken as a circumstance which will make her eligible for the post in question from a retrospective date *dehors* any

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stipulation to that effect in the advertisement. Besides, there is no concept of deemed eligibility in service law jurisprudence concerning admissions and appointments. The law mandates the candidates to fulfill all the requisite conditions, including qualifications, on the appointed date which is the closing date to apply, unless stipulated otherwise. Therefore, the requirement for the petitioner to hold the post of Associate Professor on the closing date to gain eligibility cannot be overemphasized.

6.1 The argument that the approval was refused on unfounded grounds is also without substance. The impugned order may not be appropriately worded in recording that the petitioner lacked fifteen years experience as Associate Professor or Professor, the fact remains she did not have the essential qualification of holding the position of Associate Professor on the closing date. Nor did she claim thus, as her application form mentions her to be working as Assistant Professor only. Therefore, ignoring all these facts she cannot be considered eligible, nor could the University have done so. And no exception can be taken to the impugned letter of disapproval.

7. In view of the discussion, there is no merit in the petition, and it stands dismissed.

15.10.2025*Mehak***(TRIBHUVAN DAHIYA)
JUDGE***Whether reasoned/speaking? Yes/No**Whether reportable? Yes/No*