



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

201

CWP-26629-2013 (O & M)
Date of decision: 05.03.2025

Neeru Bala

....Petitioner

Versus

Ch. Charan Singh Haryana Agricultural University, Hisar and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. R.K.Malik, Sr. Advocate with
Mr. Sandeep Dhull, Advocate,
for the petitioner.

Mr. Sailender Singh, Advocate,
for respondents No.1 and 2.

Mr. Kamal Kumar Mor, Advocate and
Mr. Ajay Lather, Advocate,
for respondent No.3.

AMAN CHAUDHARY, J. (ORAL)

1. Prayer made in the present petition is for quashing the selection and appointment of respondent No.3 as Assistant Professor, Mathematics and directing the respondents to consider the claim of the petitioner to the said post from the date he has been appointed.

2. The petitioner had applied pursuant to the advertisement dated 02.03.2012, the essential qualifications required read thus:

“Assistant Professor (Mathematics)
Master's degree in Mathematics.
Besides fulfilling the above qualifications, candidates should have cleared the eligibility test (NET) conducted by the UGC, CSIR, ASRB or similar test accredited by the UGC.



Note: For the candidates having Master's degree, NET shall remain compulsory alongwith one publication in NAAS (National Academy of Agricultural Sciences, New Delhi) rated refereed journal for recruitment to the post of Assistant Professor and equivalent in the discipline in which NET is conducted. Essentially of NET can be waived off for the candidates holding Ph.D. Degree provided it has been done with course work as prescribed by the UGC Regulations 2009 and the candidate has at least two full length publications having a NAAS rating not less than 4, on the last date of submission of application. Those candidates with Ph.D. without course work will not qualify for NET exemption.”

3. It is the categoric case of the petitioner and as apparent from the application form, Annexure P-5 that she specifically had mentioned therein, that her research paper "2-D Deformation of two welded half spaces due to blind Dip-slip fault" was published in the Journal of Earth System Science, based on which, it was stated that she was the only eligible candidate, as none of the other candidates, had this publication in NAAS (National Academy of Agricultural Sciences), to their credit. However, Masters Degree+NET+Ph.D. were considered and accordingly, respondent No.3 was appointed on 20.10.2012.

4. This Court on 25.09.2019 passed the following order:

“One of the disputes, which has arisen for the consideration of this Court, is as to whether the research papers, which have been submitted by the petitioner, have been published in the National Academy of Agricultural Sciences (for short 'the NAAS') rated referred journals or not.

Counsel for respondent No.2 relies upon the information which he has received under RTI on 31.12.2014 from the NAAS that the Journal in which the papers of the petitioner were published does not have the NAAS rating/score, whereas, petitioner is also relying upon the information supplied to her under RTI by the NAAS on 20.01.2016, wherein, it has been mentioned that the Journal, where the papers



of the petitioner was published, had the NAAS rating/score during the year 2012.

In order to resolve the dispute because of two contradictory reports at the same authorities, the respondent-University is directed to resolve this dispute by forwarding the papers submitted by the petitioner in support of her claim of having one publication in NAAS rated journal to the NAAS and the same shall be verified by them.

The NAAS shall give opinion as to whether the Journals, in which the publication was made by the petitioner, qualifies the requirement of the advertisement or not. While forwarding the case, the relevant qualifications prescribed for the post be also sent to the NAAS for clarification from them as to whether, the publication of the petitioner qualifies to be considered as one which is published in the NAAS Rated Journals.

Let the respondent-University forward the said query to the NAAS within a period of two weeks from receiving a certified copy of this order with the clear request that they should send their opinion, as asked by the University, in a time bound manner as the matter is pending before this Court qua the challenge to the selection made in pursuance to the advertisement. The opinion so received from the NAAS shall be placed before this Court by way of an affidavit so that the claim of the petitioner as made in the present writ petition could be decided at the earliest.

Further, the respondent-University may also send the RTI information to NAAS, which the petitioner as well as the selected candidates has received, due to which the present confusion has arisen, which needed the clarification from the NAAS.

Adjourned to 26.11.2019”

5. In compliance to the aforesaid, an affidavit was filed by the Registrar, CCS, Haryana Agricultural University, Hisar, dated 13.11.2019, which reads thus:

1. That as per orders dated 25.09.2019 passed by the Hon'ble Punjab and Haryana High Court, Chandigarh, the Secretary, National Academy of Agricultural Sciences, New Delhi vide this office



Memo No. Admn. R2/19/5249 dated 14.10.2019 (Annexure R-1) was requested to give opinion as to whether the Journal of Earth System Science in which the paper entitled **"2-D Deformation of two welded half spaces due to blind Dip-slip fault"** of Ms. Neeru Bala was published had the NAAS rating in 2012 or not and qualifies the requirement of the Advertisement as per the qualification so that the position may be appraised to the Hon'ble High Court in due course of time.

2. That the Secretary, National Academy of Agricultural Sciences, New Delhi vide his office letter No. NAAS/II.41/161 dated 21.10.2019 (Annexure R-2) has submitted his reply. The concluding para/main crux of the letter is as under:

"The Journal titled Proceedings of the Indian Academy of Sciences- Earth and Planetary Science' was first assigned NAAS score effective from Jan 1, 2008 and since then it has been in the list of NAAS rated journals under the category of IF journals. This journal was earlier published as "Proceedings of the Indian Academy of Sciences- Earth and Planetary Science' and in 2005 was renamed as 'Journal of Earth System Science'. Since the Academy does not require issues of IF journals from the publishers for evaluation/scoring purpose, the new name of said journal could not be updated and inadvertently remained in the list of NAAS rated journals with its old name i.e. Proceedings of the Indian Academy of Sciences-Earth and Planetary Sciences and had NAAS score of 7.40 in 2012. The existing name of the said journal, i.e. Journal of Earth System Science was updated in the list of NAAS rated journals in 2016 when it was brought to the notice of Academy vide Ms. Neeru Bala's RTI application. Now both names of the journal are mentioned in the existing list of NAAS rated journals and its current NAAS score is 6.89 which can be verified by referring to NAAS website; www.naasindia.org."

6. On 03.08.2022, accordingly this Court, passed the following order:



“Learned Senior counsel for the petitioner submits that the essential qualifications in terms of the advertisement was that a candidate beside having Master's degree in Mathematics, NET (National Eligibility Test) was required to have one publication in NAAS (National Academy of Agricultural Sciences, New Delhi) rated journal. The respondents/University in their affidavit filed on 15.11.2019 have stated that the publication of the petitioner was a NAAS rated journal. The respondents have admitted in their reply that there was no other candidate who had the essential qualification of NAAS rated journal. Out of three candidates who had applied for the post of Assistant Professor (Mathematics), the petitioner was the only one having the aforementioned requisite qualification as stipulated in the advertisement, therefore, she would be entitled to selection. He also submits that as several posts of Assistant Professor (Mathematics) are lying vacant, the petitioner would be adjusted without disturbing respondent No.3. In case the petitioner is offered appointment, her pay may be fixed notionally from the date of the appointment and she will not claim any arrears in pay with effect from the date of appointment of respondent No.3.

Learned counsel for respondents No.1 and 2 prays for time to respond to the averments made by the counsel for the petitioner. Respondent No.1 shall also file an affidavit in response to the submissions of learned counsel for the petitioner.

List on 30.09.2022.”

7. This Court on 18.08.2022 passed the order which reads thus:

“Learned counsel for the applicant/petitioner submits that the petitioner was the only eligible candidate in terms of the qualifications set out in the advertisement. He also submits that when the matter had come up for hearing on 03.08.2022, he had submitted that several posts of Assistant Professor (Mathematics) are lying vacant against which the petitioner could be adjusted without disturbing respondent No.3. Learned counsel for respondents no.1 and 2 had sought time to respond to the averments, however, respondent No.1 has issued a fresh advertisement for filling up the posts of Assistant Professors (Mathematics).



Issue notice in the application to the counsel for the non-applicants/respondents returnable on 13.09.2022.”

8. On 30.09.2022, this Court passed an interim order directing that one post of Assistant Professor (Mathematics) would not be filled till the next date of hearing, which was continued thereafter.

9. There being no denying the fact in terms of the affidavit dated 13.11.2019 that it was due to inadvertent error, the name of journal could not be updated whereas the research paper of the petitioner had been published. This be so, assertion of the petitioner being the sole eligible candidate stands substantiated.

10. The aforesaid coupled with the orders passed as referred to hereinabove, the present petition is disposed of with a direction to the respondents to consider and appoint the petitioner against a post ordered to be kept reserved. Needless to say, the petitioner will, in terms of the statement made by counsel on her behalf, be not entitled to any arrears of pay but for, only the notional, with effect from the date, respondent No.3 came to be appointed, who shall not be disturbed, considering his long service. Needful be done within a period of three months.

05.03.2025
parveen kumar

(AMAN CHAUDHARY)
JUDGE

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