

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-31270-2025 (O&M)

Decided on 05.12.2025

Dharam Pal Singh Punia

... Petitioner

VS.

Central University of Haryana, Mahendergarh & Anr.

... Respondents

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Mr. Babbar Bhan, Advocate for the petitioner

Mr. Sanjay Kaushal, Sr.Advocate with

Mr. Puneet Gupta and Mr. Anil Rana, Advocates for respondents

Sandeep Moudgil, J.

CM-17465-CWP-2025 & CM-17466-CWP-2025

Applications are allowed as prayed for.

Exemption from filing the certified copies of Annexures R-1/1 to

R-1/10 is granted and the same are taken on record with just exceptions.

CWP-31270-2025

(1). The jurisdiction of this Court has been invoked under Article 226 of the Constitution of India for issuing a writ of certiorari for quashing the impugned order/minutes dated 02.05.2025 (Annexure P-12) of the 62nd meeting of the Executive Council to the extent whereby the selection of the petitioner has been held to be invalid as well as the order/notification dated 07.05.2025 (Annexure P-13) vide which it has been resolved not to continue the services of the petitioner.

(2). The petitioner claims to be a qualified academician with LLB, LLM, and Ph.D. (Criminal Law) from Panjab University and has over 8 years of teaching experience post-Ph.D. Pursuant to the Advertisement No.

CUH/4/T/R/2019 dated 11.09.2019, the petitioner was selected and appointed as Assistant Professor followed by his confirmation by the respondent-University vide order dated 06.05.2022 (Annexure P1). The petitioner earned promotion to the post of Professor under the Career Advancement Scheme (CAS) vide order dated 07.06.2024 (Annexure P2) w.e.f. 31.12.2022.

(3). A Writ Petition bearing CWP No. 29545 of 2023 (Pardeep Singh v. UOI) was filed challenging the selection of the petitioner as well as one Monika (petitioner in connected writ petition). An interim order dated 19.07.2024 (Annexure P3) was passed staying their appointments and emoluments. Later, on 17.02.2025, the writ petition was disposed of in view of the stand taken by the University (Annexures P-6 & P-7), that the selection of the petitioner was not in accordance with law. Instead of reinstating the petitioner, the respondents issued a show cause notice dated 25.02.2025 (Annexure P-9) alleging ineligibility due to lack of teaching experience, and subsequently terminated his services vide impugned Minutes dated 02.05.2025 (Annexure P12) and Notification dated 07.05.2025 (Annexure P13).

(4). Learned counsel for the petitioner submits that the entire action of unsettling his appointment as Associate Professor is founded on conjecture rather than proof, since the Executive Council has not brought on record any material evidence to show that he exercised undue influence over the screening process or manipulated his selection in any manner. On the contrary, his service record and experience clearly establish that, on the date of selection, he possessed the requisite teaching experience and fulfilled the eligibility criteria under the applicable UGC Regulations, including the requirement of NET or Ph.D., and this position stood reinforced when he was subsequently confirmed

in service on 06.05.2022 and promoted on 07.06.2024 without any reservation that such benefits were subject to the outcome of any pending litigation.

(5). It is further submitted that the impugned minutes (Annexure P12) and notification (Annexure P13) are non-speaking and mechanical, having been passed without application of a **judicious** mind and without adverting to, much less dealing with, the detailed reply to the show-cause notice, wherein the petitioner had fully explained the three different experience certificates issued by Rayat College of Law. He submits that no attempt has been made to verify those certificates or to reconcile any perceived discrepancy before hastily concluding that the petitioner did not possess the requisite experience on the date of appointment, which offends the principles of natural justice and the settled requirement that administrative and quasi-judicial orders must disclose reasons and demonstrate due consideration of the defence set up by the affected person.

(6). Additionally, the proceedings are vitiated for want of competence and for breach of statutory safeguards, since under the applicable Ordinance the disciplinary authority in respect of a Professor is the Vice-Chancellor acting with the approval of the Executive Council, whereas in the present case the show-cause notice and consequential orders have emanated from the Registrar, without prior approval of the Executive Council and without satisfying the pre-conditions for exercise of any emergency power under section 11(3) of the Central Universities Act, 2009, including subsequent reporting and ratification in the next meeting of the Executive Council. It is contended that no regular or even rudimentary enquiry conforming to CCS (CCA) safeguards was held, no charge-wise evidence was led in the petitioner's presence, and he was never

afforded an effective opportunity to defend the validity of his selection, rendering the impugned minutes and notification arbitrary, ultra vires and liable to be set aside.

(7). On the other hand, in the written statement filed by Mr. Puneet Gupta, Advocate on behalf of respondents No.1&2 wherein it has been averred that under the UGC Regulations, 2018, the post of Associate Professor in direct recruitment is strictly regulated and requires, inter alia, a good academic record with a Ph.D. in the concerned/allied/relevant discipline, a Master's degree with at least 55% marks, and a **minimum** of eight years' experience of teaching and/or research in an academic/research position equivalent to that of Assistant Professor in a University, College or accredited research institution/industry, along with the prescribed research publications and research score.

(8). Mr. Kaushal, learned senior counsel maintained that Regulation 10.0 of the UGC Regulations, 2018 (in short, the 2018 Regulations) further makes it explicit that previous regular or ad-hoc/temporary/contractual service can be counted towards such experience only if stringent cumulative conditions are satisfied, including that (i) the essential qualifications of the post held were not lower than those prescribed by UGC, (ii) the post was in an equivalent grade or scale of pay, (iii) the appointment was made through a duly constituted Selection Committee in accordance with the relevant rules, (iv) the appointment was not as a guest lecturer, and (v) the incumbent drew gross emoluments not less than those of a regularly appointed Assistant Professor. Unless all these mandatory conditions in clauses 10(a)–(g), and in particular 10(f)(i)–(iii), of the 2018 Regulations stand fulfilled, past service cannot be

counted for the purpose of meeting the eight-year eligibility requirement for Associate Professor.

(9). He further submitted that on the petitioner's own showing, he claims to have been appointed as Teaching Assistant/Lecturer at Rayat College of Law, Ropar with effect from 01.09.2009, at which point of time he admittedly neither possessed NET/SLET nor a Ph.D. degree, both of which were mandatory under the then applicable UGC Regulations, 2000 read with the 3rd Amendment Regulations, 2009 for appointment to the post of Lecturer (now Assistant Professor). It is averred that UGC framework in force clearly stipulated that a candidate for appointment as Lecturer must have a Master's degree with at least 55% marks, together with clearance of NET/SLET, and that only those awarded Ph.D. in compliance with the UGC Ph.D. Regulations, 2009 would be exempted from NET/SLET, however, the petitioner did not satisfy either of these alternative essential conditions as on 01.09.2009, and has produced no material to show that, after being awarded Ph.D. on 03.11.2010, he was ever appointed or re-appointed to the said post through a duly constituted Selection Committee, or that he was placed in the UGC-equivalent pay-scale of an Assistant Professor and as such the so-called experience acquired at Rayat College of Law by the petitioner is squarely hit by Regulation 10(f) of the 2018 Regulations and fails all three essential tests of qualification, selection procedure and pay-parity, and, therefore, cannot be counted towards the eight years' teaching experience mandated for direct recruitment as Associate Professor.

(10). It is argued that after termination of his earlier appointment vide order dated 07.05.2025 (Annexure P-13), the petitioner has been appointed

afresh as Associate Professor on regular terms in the Department of Law of the respondent University under the OBC category, by appointment letter dated 23.05.2025, which he has deliberately failed to disclose in the writ petition. This concealment is not accidental but deliberate, since the subsequent regular appointment directly bears on the nature and extent of relief, if any, that could be claimed in respect of the earlier selection and by suppressing this fact, the petitioner has attempted to secure parallel and inconsistent benefits.

(11). Heard learned counsel for the parties.

(12). The present dispute centres upon the validity of the Executive Council's resolution whereby the selection of the petitioner, Dr. D.P.S. Punia, as Associate Professor (Law) in the Central University of Haryana has been retrospectively declared invalid. The Council has held that (i) he did not fulfil the eligibility requirements on the date of selection because his earlier teaching experience at Rayat Bahra College was allegedly not countable under UGC Regulations, 2018, and (ii) his "entire selection" stands vitiated as the selection process suffered procedural irregularities.

(13). A perusal of the impugned minutes dated 02.05.2025 would show that the Executive Council has premised its adverse finding almost entirely on the assertion that the petitioner "did not fulfill the eligibility requirements (NET or Ph.D.) as per the UGC Regulations at the time of his first appointment" at Rayat Bahra College, and therefore, the teaching experience gained there "should not have been counted" towards the eight years' experience mandated for Associate Professor under the 2018 Regulations. It has further recorded that "no proof of selection process after attaining eligibility is on record" and, on that basis alone, concluded that screening him as eligible and his subsequent

selection were “not as per UGC Regulations, 2018,” rendering the whole selection invalid. This reasoning conflates the legality of the 2009 Rayat appointment under then prevailing norms with the distinct question whether, as on the date of his selection in the Central University of Haryana, the petitioner possessed the minimum academic qualifications and aggregate experience required under the 2018 Regulations.

(14). Regulation 10 of the UGC Regulations, 2018, on “counting of past services for direct recruitment and promotion,” is intended to regulate how and to what extent prior service is to be credited. It does not operate as an automatic eraser of all experience gained under any earlier appointment that is later alleged to be defective. Even on the respondents’ showing, the petitioner had acquired a Ph.D. in Law on 03.11.2010 and thereafter continued to serve in an equivalent teaching position, and later in the respondent University itself for over four years, before his selection as Associate Professor. The Council’s minutes do not undertake any period-wise analysis of qualifying and non-qualifying segments under clauses 10(a)–(g) and instead, they adopt an all-or-nothing stance and reject the entire Rayat experience on the bald footing that there is “no proof of selection process after attaining eligibility,” without examining whether documentary gaps could have been cured, or that other service met the eight-year requirement, or whether the expert Screening and Selection Committees’ prior assessment of eligibility had any independent weight.

(15). On a fair reading of the record, the petitioner did hold a Ph.D., and had long since crossed the eight-year mark if post-Ph.D. and University service are taken together in the spirit of Regulation 10, and cannot be branded

ineligible by a purely formalistic and retrospective scrutiny that ignores the substantive experience and academic output actually considered at the time of selection.

(16). Equally important is the scope of the agenda before the Executive Council, which required it not only to examine the eligibility of the candidates at the time of their interview and selection, but also to determine “whether the selection process suffered from procedural irregularities or was vitiated by malafide intent.” The minutes extracted in respect of petitioner-Dr. Punia reveal that, after granting him a hearing before the Vice-Chancellor and recording his “satisfaction report,” the Council has confined its adverse conclusion to the eligibility point alone as it does not find that any procedural irregularity having occurred in the conduct of the selection, nor does it attribute any mala fides, undue influence or misconduct to the petitioner. There is no allegation that he interfered with the composition of the Screening/Selection Committees, tampered with records, suppressed material facts at the time of application, or exerted pressure on any decision-maker. The only conclusion is that, in the Council’s opinion, his Rayat experience was not countable and that he should not have been screened as eligible.

(17). Judicial precedents on academic and public selections consistently hold that, in the absence of pleaded and proved mala fides against the expert body or systemic irregularities denuding the legitimacy of the process, courts will not lightly disturb selections made by duly constituted committees, nor will they substitute their own or a later authority’s appreciation for that of the experts. In the present case, the University’s expert Screening and Selection Committees, acting under the 2018 Regulations, had already examined the

petitioner's qualifications, experience and research profile and adjudged him suitable for appointment. He then served for several years without the University treating his appointment as provisional or subject to further scrutiny. The subsequent Executive Council exercise, triggered by another writ petition by one Dr. Pardeep, does not uncover any misconduct or undue influence and it merely superimposes a different, narrower understanding of Regulation 10 on the same material, and then uses that as a sole basis to nullify the entire selection. That approach runs contrary to the limited role of administrative review in academic matters and to the principle that, absent proof of taint, bona fide selections should not be unsettled on hyper-technical or ex post facto re-interpretations of eligibility norms.

(18). In sum, the core factual and legal landscape shows that the petitioner-Dr. D.P.S. Punia possessed more than the requisite qualifications and experience on the date of his selection as Associate Professor under the UGC Regulations, 2018, and that there is no material on record to prove any misdemeanour or undue influence attributable to him in the selection process which is itself reflected in the impugned minutes.

(19). In view of the above discussion, this writ petition is allowed and the impugned order/minutes dated 02.05.2025 (Annexure P-12) of the 62nd meeting of the Executive Council to the extent whereby the selection of the petitioner has been held to be invalid as well as the order/notification dated 07.05.2025 (Annexure P-13) vide which it has been resolved not to continue the services of the petitioner, are hereby quashed. The respondents are directed to reinstate the petitioner with continuity of service and all consequential

benefits along with promotion and arrears, with interest @ 6% p.a. within a period of 2 months from the date of receipt of certified copy of this order.

- (20). Ordered accordingly.
- (21). Pending application(s), if any stands disposed off.

05.12.2025
V.Vishal

(Sandeep Moudgil)
Judge

- 1. Whether speaking/reasoned?
- 2. Whether reportable?

Yes/No
Yes/No