

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-2563-2021 (O&M)

Dr. Jaspal Singh Aujla

... Petitioner

VS.

Dr. BR Ambedkar National Institute of Technology & Ors. ... Respondents

1.	Judgment reserved on	30.01.2026
2.	Judgment pronounced on	30.03.2026
3.	Judgment uploaded on	30.03.2026
4.	Whether operative or full judgment	Full
5.	Delay in pronouncement of full judgment and reasons, if any	NA

CORAM: HON’BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Mr. Prateek Pandit, Advocate for the petitioner
Mr. Vivek Singla, Advocate for respondents No.1&2
Mr. Puneet Sharma, Advocate for respondent No.3

Sandeep Moudgil, J.

(1). The jurisdiction of this Court has been invoked under Article 226 of the Constitution of India, inter alia, for issuing a writ of certiorari quashing the proceedings dated 12.10.2020 (Annexure P9) vide which the petitioner has been declared ineligible by giving 143 credit points instead of requisite 150 for upgradation to higher administrative grade scale as Professor. He further seeks a direction to the respondents to award HAG Scale to the petitioner from the date his junior has been awarded the same pursuant to the advertisement/notification dated 20.09.2019 (Annexure P1) and pay arrears of salary along with interest @ 18% p.a.

Facts.

(2). The Petitioner joined the respondent-Institute as Lecturer on a permanent post in the Department of Mathematics on 31.07.1990. He was promoted as Assistant Professor on 08.08.1996 and further elevated to the post of Professor on 08.08.2004. On 20.09.2019, the Institute issued a

notification/advertisement (Annexure P1) inviting applications from existing Professors for up-gradation of their Academic Grade Pay to the Higher Academic Grade (HAG) Scale of Rs.67,000-79,000/- (pre-revised), equivalent to Level 15 of the Pay Matrix under the 7th Central Pay Commission in terms of the Schedule 'E' of the NITs Statutes (Annexure P2), guidelines approved by the NIT Council (Annexure P3), and clarifications issued by the Oversight Committee (Annexure P4). These guidelines permitted up-gradation of up to 40% of the total number of Professors in position, based solely on recommendations of a Selection Committee, with personal interviews dispensed with.

(3). In November 2019, the petitioner submitted his application for HAG up-gradation (Annexure P5) with 194.17 credit points as against the minimum requirement of 150, which was accepted by the respondents. In September 2020, it came to his notice that ten Professors of the Institute, eight of whom were junior to him, including Respondent No.3 had been awarded the HAG Scale pursuant to the very same notification (Annexure P1) by ignoring the legitimate claim of the petitioner. Aggrieved, the petitioner immediately represented to the Chairman, Board of Governors on 16.09.2020 (Annexure P6) and vide letter dated 18.09.2020 (Annexure P7), the petitioner was informed that subject experts had examined his application and found his credit points "below 150", rendering him ineligible.

(4). Hence this writ petition

Contentions of the petitioner

(5). Learned counsel for the petitioner contends that the petitioner is undisputedly among the senior-most Professors with over 15 years 6 months'

experience in AGP Rs.10,500/- and documented 194.17 credit points (exceeding minimum 150 by 44.17 points) and as such, he submitted complete application (Annexure P5) in November 2019 which was duly accepted without deficiency notice, however, shockingly, while exhausting 40% HAG quota under notification by awarding scale to 10 Professors, 8 junior persons to the petitioner including Respondent No.3 who is the junior-most, his claim was ignored, unlawfully demoting him in effective seniority.

(6). It is averred that the when the petitioner asked for credit point calculation documents vide letter dated 01.10.2020 (Annexure P8), the respondents sent letter dated 12.10.2020 (Annexure P9) with only uncertified photocopies of pages 105-108 of his application and these pages have no signatures of Selection Committee members or experts. He contends that petitioner's original credit points shown as 147 have been overwritten/changed to 143 by pen apparently because of alleged "non-availability of proof" for criteria nos. 3,12,14,15, even though petitioner had attached all documents with application (Annexure P5) which were available in Institute records also and when petitioner asked for certified copies and expert summary sheet, the respondents refused to provide the same vide letter dated 27.10.2020 which only show of their ulterior motive.

Contention of the respondents

(7). On the other hand, learned counsel for the respondents have filed their reply wherein it has been averred that the petitioner was not granted HAG Scale as he does not fulfill the mandatory criteria as detailed in Schedule E of the NIT Statutes. It is submitted that the documents of the petitioner were assessed and a total of 143 credit points were given to the petitioner on the

valuation of his form and as such, he could not secure the minimum 150 points for grant of the HAG Scale and that only the eligible candidates who have met the benchmark have been given such higher scale.

(8). It is further pointed out that the challenge laid by the petitioner to the decision of the duly constituted committee is baseless inasmuch as the assessment of his credit points was done by a committee which is of a technical and administrative nature and with internal and external experts which evaluated his application and verified and granted the credit points as per records and as per the procedure which is applicable for award of HAG scale. He submits that the credit points awarded by the selection committee vide proceedings dated 17.02.2020 (Annexure R1/4) were subsequently approved by the Board of Governors on 27.08.2020.

(9). Learned counsel then argued that the selection committee was not required to see the academic record from different branches of the institute as it will not be possible to see the same in every case and that whatever record was submitted by the candidates including the petitioner along with their application, the same was considered and the request of the petitioner was not accepted as the record of the candidate is in different branches in the institute and the same is not mandate of the selection committee to do fishing enquiry and collect record of the candidates.

(10). Heard learned counsel for the parties and judgment was kept reserved on 30.01.2026.

(11). The present petition assails the assessment of credit points and consequential denial of HAG scale and his entire grievance rests on his own calculation of 194.17 credit points as against 143 awarded by the expert body,

yet he has neither produced any cogent comparative chart before this Court demonstrating that the Selection Committee has ignored admissible items under Schedule 'E', nor shown that any mandatory provision of the Statutes or Government guidelines has been violated. Assessment of credit points is an academic/technical exercise entrusted to experts, and it is well settled that courts must be slow to interfere with expert opinion in academic matters, and may do so only where the prescription or its application is *ex facie* illegal or arbitrary, which threshold is not met in the present case.

(12). The allegation of overwriting from 147 to 143 credit points and supposed "removal" of documents also remains wholly unsubstantiated and speculative. The petitioner has not impleaded any individual member of the Selection Committee, nor placed any foundation in the pleadings for a roving inquiry into alleged forgery. From the record, it appears that the petitioner has not filed any complaint nor has placed on record any expert opinion to show that the documents relied upon are fabricated. In absence of any concrete material, this Court cannot, in writ proceedings, undertake a fact-finding exercise into disputed questions of alleged tampering, particularly when the impugned proceedings form part of the internal record of a statutory academic body. The mere fact that photocopies supplied to the petitioner are not certified or do not bear signatures on the pages shared with him, by itself, cannot lead to an inference that the proceedings are *non est* or *mala fide*, especially when there is nothing to indicate that the Selection Committee, as constituted under the Statutes, did not actually deliberate and take a collective decision.

(13). Even the plea of violation of natural justice is not made out so as to vitiate the process. The scheme for upgradation to HAG scale proceeds on

objective criteria of credit points and does not envisage any personal hearing or show cause notice at the stage of consideration. The petitioner has not pointed out any statutory provision mandating pre-decisional hearing in such assessments. On the contrary, the record shows that, after the process, he was informed of his ineligibility and supplied copies of the relevant pages on request, and the Institute has in parallel followed the broader approach indicated in earlier litigation by preparing eligibility lists based on credit-point criteria. In such circumstances, and bearing in mind the limited scope of judicial review over expert academic determinations, no ground is made out to set aside the assessment, reopen the selection or direct grant of HAG scale by judicial fiat. The petition is, therefore, liable to be dismissed, leaving it open to the petitioner, if so advised, to pursue any departmental representation or other remedies in accordance with law.

(14). The writ petition is accordingly dismissed.

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

30.03.2026

V.Vishal

(Sandeep Moudgil)
Judge

1. *Whether speaking/reasoned?* :
2. *Whether reportable?* :

Yes/No
Yes/No