
(2004) 05 DEL CK 0088

In the Delhi High Court

Case No : Writ Petition (C) No's. 5761-62 of 2004

Dr. Chaman Lal Bansal and Another

APPELLANT

Vs

University of Delhi and Others

RESPONDENT

Date of Decision : 31-05-2004

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2004) 112 DLT 60 : (2005) 1 SLJ 252

Hon'ble Judges : Pradeep Nandrajog, J

Bench : Single Bench

Advocate : Meet Malhotra and Raghuvinder Singh, for the Appellant; Amit Bansal, for UOI, Maninder Acharya and Anupma Singh, for the Respondent

Final Decision : Dismissed

Judgement

Pradeep Nandrajog, J.—Petitioners who are readers in the Department of Commerce, College of Vocational Studies have filed the present petition praying that the appointment effected in favor of respondent No. 3 to the post of Principal of College of Vocational Studies be quashed.

2. Grievance of the petitioner is that as per Ordinance 24 of the University of Delhi eligibility qualification for a person to be appointed as Principal of any affiliated, maintained or constituent college of University of Delhi is as under:

1. Masters Degree in a relevant subject with at least 55% (50% for candidates belonging to SC/ST or those who passed their Masters Degree prior to 19.9.1991 and holds a Ph.D. Degree) or an equivalent grade "B" in the 7 -point scale with later grade "O", "A", "B", "C", "D", "E" and "F.

2. Ph.D. or equivalent.

3. Total experience of 15 years of teaching and/or Post Doctoral Research in universities/colleges and other institutions of higher education.

3. Grievance of the petitioners is that respondent No. 3, who holds a Masters

Degree in Physics is ineligible to be appointed as Principal of the college because Physics is not a subject taught in the college. Petitioners contend that requirement of the Ordinance is possession of a Masters Degree in a relevant subject. Contention urged is that "relevant subject" would mean a subject taught in the college. Elaborating the contention, petitioners contend that since a Principal of the college is required to take classes, he must possess a degree which makes him eligible to teach in the college and in that context, the words "relevant subject" would take their colour from the subject(s) which are taught in the college.

4. To make good their submissions, petitioners rely upon the "bulletin of information" issued by the college showing its faculty. As per the said information of bulletin, the faculty of the college consists of the Department of Hindi, English, Commerce, Economics, Mathematics, History, Political Science, Tourism, Book Publishing, Office Management, Punjabi and Computer Science. Petitioners draw attention of this Court that the discipline of Physics is not included in the faculty of the college. Petitioners urged that this Court in its decision reported as S. Bala Bawa Vs. University of Delhi, has accepted the contention of the University of Delhi that the words "in a relevant subject" in the Ordinance would mean "subject which is taught in the concerned college".

5. As per the stand of the University of Delhi in the counter affidavit, there is no dispute that the words "in a relevant subject" mean a subject which is taught in the college but it would not mean that this has to be determined on the basis of the faculty in the college. As per the University, a person holding a particular degree would be eligible to teach a particular subject in a discipline. Respondent No. 3, who holds a Masters Degree in Physics, while obtaining his Masters Degree specialised in "electronics". His doctoral as well as post doctoral research is in the field of electronics. Thus, respondent No. 3 is holding a degree in the relevant subject as understood and even interpreted by this Court in S. Bala Baba's case i.e. "possessing a degree in a subject which is taught in the college concerned".

6. As per the counter affidavit filed by the college, defense is in line with the defense taken by the University of Delhi.

7. Counter affidavit filed by respondent No. 3 states that B.Sc. (Hons.) Computer Science is a course offered by the college. For the course various papers are taught. Digital electronics, analog electronics, micro processors are subjects taught in B.Sc.(Hon.) Computer Science. It is stated that respondent No. 3 has a Masters Degree in Physics with specialisation in electronics. Topic of his Doctorate was "electrical transport properties of thin films and binary and ternary" compounds "Cu. In and Te" which pertain to electronics. It is alleged by respondent No. 3 that he is fully qualified and eligible to teach 4 electronics subjects pertaining to the B.Sc. (Hons.) Computer Science Course. It is further stated by said respondent that for almost 30 years he has taught electronics to students of B.Sc.(Hons.) Electronics. B.Sc. (Hons.) Physics and B.Sc. (General)

Electronics. It is further the case of respondent No. 3 that he has co-authored, at research level, books for researchers in the field of electrical and electronic engineering.

8. During arguments Mr. Meet Malhotra, Counsel for the petitioners, urged the contentions pleaded by the petitioners in the writ petition, as noted by me above. A point not pleading was highlighted. The point being that the bulletin of information issued by the college, pertaining to the faculty in the discipline of Computer Science would reveal that the persons appointed were having degrees in Computer Sciences. Counsel contended that this showed that the Faculty of Computer Sciences was comprising persons holding degrees relating to computer sciences and not the pure science of physics.

9. Neither party joined issues and indeed conceded that the requirement of the Ordinance pertaining to qualifications of a person eligible to be appointed as a Principal of the College was that the candidate must have a Masters. Degree in a relevant subject. This Court, in S. Bala Bawa's case (supra) has held that the words "in a relevant subject" mean "a subject which is taught in the concerned college".

10. If this be the meaning of the words in a relevant subject, it would mean that a person who holds a degree which entitles him or makes him eligible to teach a subject which is taught in a college concerned would be eligible to be appointed as a Principal of the college. Issue, Therefore, has not to be determined in the context of the faculty. We are today living in an era of inter disciplinary symbiosis. There is overlapping of field of teaching in different disciplines. For example in modern Indian history, disintegration of the Soviet Empire is being taught. This field also falls in the discipline of Political Science. If, in a degree course for History, there is a paper pertaining to disintegration of the Soviet Republic, a person holding a degree in Political Science would be eligible to teach the subject pertaining to disintegration of the Soviet Republic in the discipline of history. Such person would Therefore be eligible to teach a relevant subject in the college and his degree has to be treated as a degree in the relevant subject which is taught in the college concerned.

11. This Court, in S. Bala Bawa's case has interpreted the words "Masters degree in a relevant subject" to mean a Masters Degree in a subject which is taught in the college concerned. The Supreme Court; in the decision reported as Ram Sevak Singh Vs. U.P. Singh and Others, . considered the determination of eligibility in the context of the following educational qualifications:

"Masters degree in one of the subjects taught in the college."

It was also held that since subject of education was taught in the college, a person holding a Masters Degree in education was fully eligible to be appointed as Principal.

12. Purpose of a Principal of a college required to be possessing a Masters

Degree in a relevant subject is the fact that the Principal of a college is required to, in addition to his administrative functions, undertake teaching work in the college. Principal can undertake teaching work in the college only if he is qualified as a teacher to impart education in the subject concerned. I emphasize once again that the issue has to be dealt with in the context of the subject and not the faculty. It is not denied by the petitioners that respondent No. 3 is fully qualified to teach the subject of digital electronics, analog electronic and micro processors, in which subjects, 3 papers are required to be taken by the students undergoing the course of B.Sc. (Hons.) Computer Science.

13. Writ petition is accordingly dismissed. There shall be no orders as to costs.