
(2012) 07 DEL CK 0671

In the Delhi High Court

Case No : Writ Petition (C) No. 1062 of 1998

Dr. (Mrs.) Manisha Rao

APPELLANT

Vs

University of Delhi and Another

RESPONDENT

Date of Decision : 11-07-2012

Acts Referred:

Citation : (2012) 07 DEL CK 0671

Hon'ble Judges : Rajiv Sahai Endlaw, J

Bench : Single Bench

Advocate : M.K. Singh, for R-1, for the Respondent

Final Decision : Dismissed

Judgement

Rajiv Sahai Endlaw, J.—This petition was filed seeking a direction to the respondent University to (i) include the name of the petitioner on the panel for the academic year 1997-98 of ad-hoc lecturers in the Department of Economics of University of Delhi; (ii) appoint the petitioner as ad-hoc lecturer with immediate effect from August, 1995, except for the period from 27th August, 1996 to 30th April, 1997 during which the petitioner had got part time employment; and, (iii) appoint the petitioner as permanent lecturer against the vacancies in future. Notice of the petition was issued. Though interim relief of restraining the respondent University from appointing any other person was also claimed but not granted. It appears that the petitioner had applied to the Department of Economics of the respondent University for inclusion of her name in the panel of ad hoc lecturers but the said request was rejected. Accordingly, vide letter dated 27th November, 1997, the request of the petitioner for approval to teach in Women's College, Bawana on ad hoc basis was also rejected.

2. The case of the petitioner is that she has done her M.A. Degree in Economics with 55.40% marks from M.D. University, Rohtak and submitted her thesis for Ph.D in the year 1993, which was awarded in 1996; that she is thus eligible to be appointed as a lecturer in the Delhi University and its constituent Colleges and in

fact had been so appointed on ad hoc basis. It is further her case that the Head of the Department and the other senior professors want to appoint their own students and with this intent they rejected her application. It is yet further contended that as per the guidelines of the University Grants Commission and other relevant rules, the eligibility for the post of lecturer is that the candidate should possess M.A. Degree with at least 55% marks with clearance of NET with exemption for those who submitted their Ph.D before 31st December, 1993 or were awarded M. Phil Degree before the said date. It is yet further the case of the petitioner that candidates with only qualification of M.A are being selected.

The petitioner also alleges favouritism in the preparation of panel of ad hoc lecturers. It is contended that in the garb of interviews, the higher qualified persons with degrees of M.Phil and Ph.D are not selected. It is contended that in accordance with the judgment in Ashok Kumar Yadav and Others Vs. State of Haryana and Others, the marks allocated to the interview should not be more than 12.2% and the remaining weightage should be given to the educational qualifications.

3. The respondent University in its counter affidavit has pleaded that all appointments in Colleges of the Delhi University, whether of permanent lecturers or temporary lecturers are made on the recommendations of a duly constituted Selection Committee consisting of Chairman of Governing Body of the College, Principal of the College concerned, Teacher in charge of the subject in the College concerned, University Representative on the Governing Body of the College concerned, Head of the University Department concerned and Expert in the subject concerned; that a panel of experts in each subject is approved by the Academic Council of the University of Delhi and the College is free to chose anyone from the said panel; that the appointment of the petitioner as ad hoc/part time lecturer in Maharaja Agarsain College was not through duly constituted Selection Committee and thus cannot constitute the basis for subsequent selection as a permanent or temporary lecturer; that the minimum eligibility condition of 55% marks in MA is rigorously enforced; that the petitioner's Ph.D is from MD University, Rohtak and that too from Department of Rural Development and not from the Department of Economics; allegations of bias are denied by stating that a good proportion of candidates empanelled on their list have qualifying degrees from Universities other than Delhi University; that the petitioner was interviewed thrice between the years 1995-1997 by a Committee of senior professors of the Department of Economics for possible inclusion in the panel for ad hoc appointment as lecturer in Economics in Colleges of Delhi University but was not found fit and suitable and not possessing even the most basic knowledge of the subject; that her answers even to questions pertaining to her Ph.D thesis were not satisfactory; that the appointments are not made by the Department of the University but by the Colleges concerned; that the petitioner has never been empanelled; that mere empanelment does not assure appointment which has to be after scrutiny by the College having vacancies.

4. Needless to state that the petitioner in her rejoinder has denied all the averments aforesaid in the counter affidavit and has also filed a certificate of the MD University, Rohtak to the effect that the Department of Rural Development was branched out from the Department of Economics and as a matter of policy all students working under the supervision of teachers who were allocated to the Department of Rural Development, were also transferred to that Department.

5. None has been appearing for the petitioner since 4th September, 2008, on 17th September, 2008, 3rd January, 2012 and 20th March, 2012. Today also none has appeared for the petitioner inspite of the matter having been shown on the Board for sufficiently long time.

6. Considering the fact, that the writ petition is of the year 1998 and the nature of the relief of appointment claimed therein, it is not appropriate to await the petitioner any longer and with the assistance of the counsel for the respondent University who has since appeared, the aforesaid records have been perused.

7. The respondent University in its counter affidavit has given cogent reasons for denying the relief to the petitioner. The selection procedure has also been set out in detail. Though, the petitioner has sought to make allegations of bias against the respondent University but the same do not constitute a plea in law, being without any particulars whatsoever. There is thus no reason for this Court to disbelieve the stand of the respondent University that the petitioner was interviewed thrice by a Committee of senior professors of the Department of Economics and was not found eligible.

8. It is the settled principle of law that this Court would not interfere with the decision of the experts in the field of education. Moreover nearly 14 years have passed since the filing of the present petition. As per the petitioner also, the petitioner had no right of appointment and was only claiming a consideration of her claim for empanelment. Once it is found that the petitioner has been duly considered by the appropriate authorities/Selection Committee of the respondent University, no case for directing fresh consideration also is made out. There is no merit in the petition; the same is dismissed. No order as to costs.