

**(2003) 06 AP CK 0085**

**In the Andhra Pradesh High Court**

**Case No : Writ Petition No's. 19224 and 19229 of 2002**

K.R. Krishna Raju and Another

APPELLANT

Vs

Chief Co-ordinator QIP Nodal Cell, University College of  
Pharmaceutical Sciences, Kakatiya University and Others

RESPONDENT

**Date of Decision : 12-06-2003**

**Acts Referred:**

**Citation : (2003) 6 ALD 19 : (2003) 5 ALT 122**

**Hon'ble Judges : V. Eswaraiah, J**

**Bench : Single Bench**

**Advocate : S. Gopal Rao, for the Appellant; Narayana Reddy, SC for Respondent No. 1 and T. Surya Karan Reddy, SC for C.G. for Respondent Nos. 2 and 3, for the Respondent**

## **Judgement**

V. Eswaraiah, J.—The petitioner in W.P.No. 19229/2002 was initially appointed as Lecturer in Pharmacy in the year 1984 and subsequently upgraded to that of Senior Lecturer in Pharmacy in the year 1987. Presently he is working as Principal, Government Polytechnic for Woman at Hindupur, Ananthapur District. The petitioner passed M. Pharmacy with 1st class having more than 65% of marks.

2. The petitioner in W.P.No. 19224/2002 was initially appointed as lecturer in Pharmacy in the year 1984 and was subsequently upgraded to that of Senior Lecturer in Pharmacy in the year 1987 and presently he is working as Principal, Government Polytechnic College for Women, Cuddapah at Cuddapah. He passed M. Pharmacy with 1st class, having 69% of marks. It is stated that for the staff working in the Government Polytechnics, the All India Council for Technical Education (for short "AICTE") scales were made applicable with effect from 1986. The pay scales as revised by the AICTE were also implemented for the diploma institutions vide proceedings of the 3rd respondent dated 07-06-2000.

3. The Government of India launched the Quality Improvement Programme (for short "QIP") in the year 1970 for Engineering. Such facility is also extended to B.

Pharmacy from the year 1999 onwards by AICTE. One of the objectives of the QIP is to improve the standard and quality of Pharmacy education through improvement of qualifications of faculty members in various Pharmacy institutions. Since the inception of the QIP Scheme, Curriculum Development Cells have been set up for expanding and improving the effectiveness of technical education in the country by undertaking activities which include curriculum development and revision or preparation of monographs, text books, teacher's Manuals, teaching aids and other resource materials, examination reforms, organizing interinstitutional programmes, seminars, workshops and panel discussions, development of educational technology, creation of methodologies for formal and informal training and other activities. The programme is being implemented and monitored by the AICTE. Five institutions are having QIP Cells offering admission to M. Pharmacy/Ph.D degree programme in many disciplines. The University College of Pharm Sciences, Kakatiya University, Warangal, is one of the institutions having QIP Cells. Total number of seats for Ph.D are 24. The eligibility conditions are prescribed under the QIP information brochure sponsored by AICTE, at Clause IV for Ph.D. degree programme i.e. (1) 3 years teaching experience (2) M. Pharmacy, 1st division/60% aggregate or as specified by AICTE for appointment of teachers for degree college.

4. It is not in dispute that both the writ petitioners are the permanent faculty members of AICTE recognized Pharmacy College, having 15 years experience of teaching experience passed M. Pharmacy with more than 65% of the marks. It is stated by the petitioners that they are eligible and entitled to apply for Ph.D degree programme as per the norms prescribed under QIP Nodal Cell sponsored by the AICTE.

5. A Notification for admission into M. Pharmacy and Ph.D. in QIP Cells were invited in the prescribed form from the permanent faculty members of AICTE recognized colleges offering courses in Pharmacy for the year 2002-2003 under Quality Improvement Programme sponsored by AICTE was published in the daily newspapers. The eligibility criteria in the notification published in the newspapers for admission into Ph.D. is 3 years teaching experience and 1st class/60% aggregate marks in M. Pharmacy. Accordingly, both the petitioners, who are eligible to apply for Ph.D, applied to improve the educational qualifications under the QIP through the Commissioner of Technical Education, A.P., Hyderabad who is the competent authority to sponsor the names of the applicants. Accordingly, the applications of the petitioners were forwarded by the Commissioner of Technical Education within the prescribed period to the Chief Co-ordinator, QIP, Nodal Cell, University of Pharm Sciences, Kakatiya University, Warangal vide letter No. C4/7781/2002 dated 22-08-2002 but the 1st respondent rejected the applications of the petitioners for admission into Ph.D degree programme under the QIP in Pharmaceutical Sciences vide its letter No. 727/QIP/UCPSC-KU, dated 12-09-2002 on the ground that the petitioners are working in the Polytechnic College. Questioning the said rejection order dated 12-09-2002, these writ petitions are filed.

6. As per the Quality Improvement Programme sponsored by AICTE for the Quality Improvement Programme, the eligibility criteria for Ph.D. degree programme is 3 years teaching experience, M. Pharmacy 1st Division/60% aggregate marks or as specified by AICTE for appointment of teachers for Degree College. Admittedly, both the petitioners are having not only 3 years experience but also 15 years teaching experience and both of them possess M. Pharmacy with 1st division with more than 65% marks. They are also eligible as per the specifications of the AICTE for appointment as teachers for the Degree Colleges. Therefore, both of them are eligible for Ph.D. degree programme. The 1st respondent is one of the QIP Cells in the region offering admission into Ph.D degree programme in Pharmaceutics one of the courses of the subjects to which the petitioners have applied.

7. Nowhere in the information brochure for the QIP sponsored by AICTE relating to the admission for Ph.D. degree programme, it is stated that permanent faculty members of the AICTE recognized pharmaceutical colleges should be working in the graduate colleges. The prescribed eligibility criteria under QIP programme is that the permanent faculty members of the AICTE recognized pharmaceutical colleges are eligible for Ph.D. programme if they have 3 years experience and pass M. Pharmacy with 1st division with 60% aggregate marks or if they are eligible for appointment of teachers for degree colleges as specified by AICTE. They possess the requisite qualifications and there is no requirement that they should be working in graduate colleges, but not in recognized pharmacy college. Admittedly, Polytechnic colleges of the petitioners are pharmaceutical colleges and, therefore, they are also eligible for Ph.D. degree programme but the 1st respondent rejected their applications only on the ground that they are not working in the graduate colleges.

8. The learned counsel appearing for the 1st respondent further submits that a format has been prescribed by the 1st respondent at Sl.No. 14 relating to forwarding note of Principal or head of the institution at "C", wherein it is stated that the applicant has.....years of experience at graduate level (certificate enclosed). Based on the application form prescribed by the 1st respondent-University it is stated that the candidates who are working at the graduate level alone are entitled to apply but not the teachers working in the Polytechnic Colleges. The said format is not relevant to the eligibility criteria and nowhere it has been mentioned in the eligibility criteria that the permanent faculty members of AICTE recognized colleges who are working at the graduate college level alone are entitled but not the members working in the Polytechnic Colleges. Therefore, action of the respondent in rejecting the application of the petitioners is illegal and contrary to the norms prescribed by AICTE in its information brochure for the QIP relating to the admission to Ph.D. degree programme in Pharmaceutical Sciences. There is no rationale on the part of the 1st respondent in rejecting the application of the petitioners on the ground that the petitioners are working in the polytechnic colleges but not in graduate college. There is no such condition in the eligibility criteria and, therefore, it cannot be said that the petitioners are not

entitled for admission into Ph.D course under the QIP programme inasmuch as they are eligible for the said Ph.D. degree programme.

9. Accordingly, the impugned proceedings dated 12-09-2002 are set aside and the respondents are directed to consider the case of the petitioners for admission into Ph.D. degree programme under Quality Improvement Programme for the year 2002-2003 and pass appropriate orders within 3 weeks from the date of receipt of a copy of this order. There shall be no order as to costs.