
(2011) 11 UK CK 0046

In the Uttarakhand High Court

Case No : Writ Petition (S/B) No. 331 of 2011

Puneet Bharatdwaj

APPELLANT

Vs

State of Uttarakhand

RESPONDENT

Date of Decision : 16-11-2011

Acts Referred:

All India Council for Technical Education Act, 1987 — Section 2

Citation : (2011) 11 UK CK 0046

Hon'ble Judges : Barin Ghosh, C.J;Umesh Chandra Dhyani, J

Bench : Division Bench

Judgement

1. Petitioner is at present a Lecturer in a Government Polytechnic. In the advertisement published by respondent No.2, it was indicated that for the post of Principal essential qualification would be degree in Engineering/Technology. Section 2(g) of the All India Council for Technology Education Act, 1987 defines technical education which includes programmes of education, research and training also in pharmacy. Petitioner is a graduate in pharmacy. At this stage, nothing has been brought to our notice which would abridge the meaning of degree in technology and confine the same only to subjects akin to engineering and, accordingly, prima facie it appears that degree in pharmacy is also equivalent to degree in technology, as was advertised in the concerned advertisement and which qualification has also been mentioned in the associated recruitment rules. Furthermore, petitioner is already a Lecturer in one of those colleges, whose Principal will be appointed and for which purpose the said advertisement was issued. If a person is qualified to teach in the institution as a Lecturer, unless the rules of recruitment specifically prescribe some other qualification for being appointed as Principal, in the normal course, we see no reason why a Lecturer can not be said to have appropriate qualification for being appointed as Principal.

2. We, accordingly, admit the writ petition.

3. It shall be open to the respondents to file their counter affidavits within four

weeks from today. Rejoinder affidavits, if any, be filed within two weeks thereafter.

4. The writ petition shall be heard in its turn.

(Interim Relief Application No.11922 of 2011)

5. Until further orders, the decision contained in the letter dated 18th October, 2011 issued by respondent No.2, holding out that the petitioner does not have requisite qualification, is stayed. In those circumstances, it shall be deemed that the petitioner is entitled to appear at the interview to be held from 20th November, 2011. Respondent No.2 is directed to invite the petitioner to appear at the interview to be held from 20th November, 2011. Respondent No.2 is further directed to take interview of the petitioner and to adjudge his merit for being appointed as Principal in one of the advertised posts. In the event respondent No.2 finds, in course of interview, that the petitioner is suitable for being appointed, the said respondent is directed to make appropriate recommendation for appointment of the petitioner. In the event such recommendation is made, respondent No.1 is directed to appoint the petitioner unless it is of the opinion that the petitioner is not entitled to be so appointed, but while adjudging the same, respondent No.1 is debarred from holding out that the petitioner does not have requisite qualification.

6. The interview to be given by the petitioner, selection in course of interview, recommendation and appointment, as directed above, shall abide by the result of the writ petition.

7. The application stands disposed of.