

(2022) 07 UK CK 0099

In the Uttarakhand High Court

Case No : Writ Petition (S/B) No. 404 Of 2022

Subhash Chandra

APPELLANT

Vs

Hemanti Nandan Bahuguna Central University Garhwal,
Srinagar

RESPONDENT

Date of Decision : 20-07-2022

Acts Referred:

Citation : (2022) 07 UK CK 0099

Hon'ble Judges : Vipin Sanghi, J;Ramesh Chandra Khulbe, J

Bench : Division Bench

Advocate : Abhishek Bahuguna, Dr. Kartikey Hari Gupta

Final Decision : Dismissed

Judgement

Vipin Sanghi, CJ

1) The petitioner has preferred the present writ petition to seek quashing of the merit list for interview drawn by the respondent-University, dated 25.07.2022. He seeks re-determination of the final merit list for interview after considering the petitioner's objections to the effect that only candidates with M.Sc. and / or Phd. Pharmaceutical Chemistry should be permitted to offer their candidature for the post of Assistant Professor, Pharmaceutical Chemistry, in the respondent-University.

2) The case of the petitioner is that he has been serving at the respondent-University as a guest faculty on the post of Assistant Professor since the year 2009. His appointment has been continued over the years. On 09.11.2021, the respondent issued an advertisement inviting applications from eligible candidates for the post of Professor, Associate Professor and Assistant Professor in different subjects, including Pharmaceutical Chemistry. The petitioner applied for the post of Assistant Professor in Pharmaceutical Chemistry as an unreserved category candidate. The respondent published the impugned list of short-listed candidates, who are invited for interview on 04.07.2022, wherein the petitioner did not find

his name.

3) The petitioner is aggrieved by his exclusion in the final list for interview, and his grievance is that several other candidates having qualification in other subjects have been permitted to offer their candidature for the post of Assistant Professor, Pharmaceutical Chemistry. The petitioner also sent a representation to the respondent raising his grievance that candidates holding qualification in M. Pharm. in Pharmaceutics, or in Pharmacognosy or in Pharmacology have been allowed to offer their candidature for the post in question, which, according to the petitioner, is not permissible.

4) Learned counsel for the petitioner has himself drew out attention to the UGC Regulations framed on 18.07.2018 on minimum qualifications for appointment of teachers and other academic staff in Universities and Colleges. For the post of Assistant Professor, recruited through direct recruitment, the eligibility qualifications prescribed are, inter alia, as follows:

A Master's degree with 55% marks (or an equivalent grade in a point-scale wherever the grading system is followed) in a concerned / relevant / allied subject from an Indian University, or an equivalent degree from an accredited foreign university.

5) Thus it would be seen that candidates holding qualification in the "concerned, relevant, allied subject from an Indian University, or an equivalent degree from an accredited foreign University" can be considered for appointment to the post of Assistant Professor in the concerned subject. The respondent-University has considered subjects, such as, M. Pharm. in Pharmaceutics, M. Pharm. in Pharmacognosy, and M. Pharm. in Pharmacology, as relevant / allied subject vis-à-vis Pharmaceutical Chemistry. The petitioner cannot have a grievance with the respondent allowing candidates holding qualification in such related or allied subjects to participate in the selection process for the post in question.

6) The grievance of the petitioner is that while others holding qualification in relevant / allied subjects are being offered the candidature for the post of Assistant Professor in the Department of Pharmaceutical Chemistry, likewise, the petitioner's candidature is not being considered for other posts.

7) We are not concerned with that aspect of the matter as that is not the subject matter of this writ petition. The aforesaid Regulation of the UGC is binding on the respondent-University, and the same is not even under challenge.

8) We, therefore, do not find any merit in this writ petition. The same is, accordingly, dismissed.

Stay Application IA No. 01 of 2022 also stands disposed of.