

(2000) 07 DEL CK 0068
In the Delhi High Court
Case No : L.P.A. No. 84 of 1998

University of Delhi and Another

APPELLANT

Vs

Dr. Usha Kulshreshtha and Others

RESPONDENT

Date of Decision : 21-07-2000

Acts Referred:

Citation : (2000) 56 DRJ 503

Hon'ble Judges : Dr. M.K. Sharma, J;A.D. Singh, J

Bench : Division Bench

Advocate : Mr. Sudhir Kumar Luthra, for the Appellant;

Judgement

Anil Dev Singh, J.—This is a Letters Patent Appeal arising from the judgment of the learned Single Judge dated December 19, 1997 in Civil Writ Petition No. 4085/97. The facts lie in a narrow compass and are as follows:-

2. The first respondent herein, who was the petitioner in the writ petition, is M.Sc. in Mathematics. She received Ph.D. degree in Physics in December 1993 from the University of Kaiserslautern, Germany. On July 18, 1994 the first respondent was appointed as Research Associate in Council for Scientific and Industrial Research (CSIR) for five years and posted in the Department of Physics, University of Delhi.

The petitioner applied for her empanelment in the list suitable candidates to be considered as ad-hoc lecturer in the College of the Delhi University. Pursuant to submission of the said application, she was called for interview. The selection committee after interview selected and empanelled her for being considered for appointment as an ad-hoc Lecturer in Physics for the year 1995-96. It is to be noted that for every year fresh empanelment has to take place. After being empanelled for the year 1995-96 she was called for the interview on November 6, 1995 for the post of Ad-hoc Lecturer in Kalindi College, New Delhi, but on July 27, 1996 her name was dropped from the panel. Feeling aggrieved, the first respondent sent a representation to the Head of Department of Physics,

University of Delhi. On September 19, 1996, the Head of Department of Physics, University of Delhi, informed the first respondent that she does not fulfill the basic qualifications for being appointed as Lecturer in Physics. Thereafter, the first respondent filed a writ petition which came up before the learned Single Judge. The learned Single Judge found the impugned action to be unsustainable and gave a direction to the appellant university to consider the case of the first respondent for empanelling her for the post of ad-hoc lecturer in Physics. We have heard learned counsel for the appellant university but we did not have the benefit of hearing arguments on behalf of the first respondent and other respondents as there was no appearance on their behalf.

3. Learned counsel for the appellant university contended that the name of the first respondent was dropped from the panel as she did not possess master's degree in Physics which was a relevant qualification for the said post. He also pointed out that the panel for ad-hoc appointments of lecturers in the Delhi University is prepared every year. She invited our attention to the recommendations of the selection committee of the Department of Physics and Astrophysics for the preparation of a panel for ad-hoc appointments of lecturers in physics in colleges of the University of Delhi for the academic year 1997-98 to show that the committee did not recommend the inclusion of her name in the panel on the basis of the scrutiny of her academic qualifications and her performance at the interview. He also referred to the minutes of the meeting of the selection committee for empanelling candidates for appointments as ad-hoc lecturers in physics in the undergraduate colleges of the Delhi University which was held on February 18, 1998. He pointed out that the meeting was specially held to reconsider her case for empanelment in the list of ad-hoc lecturers in Physics in the Colleges of the University of Delhi for the academic year 1997-98 as per directions of the learned Single Judge. The committee, however, found that a major part of her educational background at the university level was in the area of Mathematics. It was also of the view that the Ph.D. degree was meant to prepare a candidate for specialised knowledge in a narrow field. As a sequitur, the committee Therefore, did not find her qualifications to be suitable for appointment as a lecturer in Physics in an under-graduate college of the Delhi University.

4. After hearing learned counsel for the appellant and going through the record and specially the recommendations of the selection committee of the Department of Physics and Astrophysics for the preparation of panel for adhoc appointment of lecturers in Physics for the academic year 1997-98 dated February 18, 1998 and the minutes of the meeting of the same committee dated February 18, 1998, we are of the opinion that the appeal has been rendered infructuous since the direction of the learned Single Judge to the effect that the appellant shall consider the case of the first respondent for empanelment for the post of an ad-hoc lecturer has been complied with in as much as the aforesaid selection committee constituted for the academic year 1997-98 considered the case of the first respondent but did not recommend the inclusion of her name in the panel. It

seems to us that the question whether a candidate meets the qualification for a teaching post vests with the University and normally its decision is not open to challenge. In view of the foregoing reasons, we find that the appeal has been rendered infructuous. Accordingly, the same is dismissed as such.