



IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

206

CWP-8817-2000(O&amp;M)

Date of Decision: 13.02.2025

DR. SHARDHA RAM

...Petitioner(s)

Versus

CHAUDHARY CHARAN SINGH HARYANA AGRICULTURE  
UNIVERSITY AND ANOTHER

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present:- Mr. R. K. Malik, Sr. Advocate with  
Mr. Vijay Vardhan, Advocate; and  
Mr. Sardavinder Goyal, Advocate (Through VC) with  
Ms. Jasmine Gill, Advocate  
for the petitioner.

Mr. Surinder Singh, Advocate and  
Mr. Deep Inder Singh Walia, Advocate  
for the respondents/University.

**TRIBHUVAN DAHIYA, J. (Oral)**

The petition has been filed, *inter alia*, seeking a writ of *certiorari* quashing the order dated 05.11.1998, Annexure P-15, whereby the petitioner's claim for relaxation of 2.5 per cent marks in B.Sc. (Agricultural and Animal Husbandry), has been rejected, preventing him from being considered for promotion as Professor under Merit Promotion Scheme with effect from 01.07.1993.

2. The facts of the case in brief are, the petitioner was appointed as Research Assistant in the respondents/University on 09.12.1969 and was promoted as Associate Professor Agronomy with effect from 01.07.1985. Thereafter, he claimed further promotion as Professor under Merit Promotion



Scheme with effect from 01.07.1993, and submitted his case for consideration. It was, however, rejected by the University vide impugned order dated 24.08.1998, on the ground that he was not covered under the guidelines circulated vide Registrar's office letter, dated 11.07.1997, providing for relaxation of qualifications. Undisputedly, the petitioner was required to have minimum 55 per cent marks in B.Sc. to fulfill the essential qualification for promotion as Professor, but had obtained 52.50 per cent marks in B.Sc. (Agricultural and Animal Husbandry).

3. Learned senior counsel has contended that the petitioner's representation has been rejected by a non-speaking order, without considering any of the grounds taken therein. Besides, the University has given relaxation of marks upto 7.2 per cent and 7.8 per cent in the essential qualifications of B.Sc. and M.Sc. to other faculty members, but the petitioner has not been given such relaxation though he is short of only 2.5 per cent marks in B.Sc.

4. Learned counsel for the University, on the contrary, contends that the petitioner was not given relaxation since he failed to fulfill the conditions of relaxation as mentioned in letter dated 28.03.1993, Annexure R-6, which is to the following effect:

I) xxx

Relaxation of qualifications is involved at B.Sc level.

II) Guidelines laid down by the BOM (Registrar's memo No. Admn. /F.I/97/H-73/8763-862 dated 11/7/97) for examination of such cases:

1. i) the teacher should have at least  $2/3^{\text{rd}}$  teaching load in addition to other responsibilities in research, administration or extra curricular activities.
- ii) The research scientists should have more than prescribed research papers published in reputed national/foreign journals.



Single authorship in such papers will be considered an extra achievement. The presented papers should be invited ones.

iii) The extension education teacher should have shown exceptional and missionary zeal for transfer of technology and its adoption by the farmers.

2. i) he should have developed some innovation in teaching method OR
  - ii) he should have developed a practical manual or written a text book or a chapter in a next book OR
  - iii) he should be a winner of some award OR
  - iv) he should have worked as Principal Investigator of a project funded by an outside agency OR
  - v) Popular articles should have appeared in different national magazines. The press coverage of extension education activities should also find mention in the national press. Linkages should also be demonstrated by radio and TV talks OR
  - vi) He should have been position/Merit holder at University level.
- III) The committee has examined the case on the basis of the guidelines of the BOM on 03.02.1998.

The University examined the petitioner's case for relaxation in light of these guidelines, and found that he did not fulfill the requirements of guidelines 1(ii) and 2(iii), (iv) and (vi). Accordingly, his case for promotion was not recommended with the following observations:

#### Recommendations

1. The Scientist does not have more than the prescribed research papers published in the reputed National/Foreign Journals. He has only five papers. The requirement is more than eight full-length original research papers in the reputed National/Inter National journals.
2. He is neither winner of an award nor he worked as Principal Investigator of any Project funded by an outside



agency and also he is not Position/merit holder at University level.

It is certified that the case is not covered under the guideline No.1(ii) and 2 (iii, iv and vi).

5. Heard.

6. As per facts apparent on record, the University teachers are entitled to relaxation in essential qualifications of Undergraduate or Postgraduate degrees only in terms of the guidelines laid down by the Board of Management, as per memo dated 11.07.1997. There is a categorical stand taken by the University that the petitioner's case was duly considered in terms therewith, and was not found entitled to relaxation. He did not fulfill the condition of having published more than the prescribed number of research papers in reputed National/Foreign journals. Also, he had not won any award, nor did he work as Principal Investigator of any project funded by an outside agency, nor was he a merit holder at the University level. These facts have not been disputed by the petitioner, nor has any counter-affidavit been filed. On account of failure to fulfill these mandatory conditions, he could not have been given the relaxation claimed in B.Sc. marks.

7. In view thereof, there is no merit in the petition and it stands dismissed.

8. Pending miscellaneous application(s), if any, shall also stand(s) disposed of as having been rendered infructuous.

(TRIBHUVAN DAHIYA)  
JUDGE

13.02.2025

Ad

*Whether speaking/reasoned* Yes/No

*Whether reportable* Yes/No