



254 **IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-4886-2013

Date of Decision: 21.08.2025

Harish Kumar

...Petitioner

Versus

Panjab University and Others

...Respondents

CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Ms. Nancy Vashistha, Advocate for the petitioner

Mr. Arun Kumar Bakshi, Advocate
for respondents No.1 and 2.

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Article 226/227 of the Constitution of India is seeking setting aside of order dated 27.12.2012 whereby respondent has rejected his claim of designation of Assistant Professor.

2. The petitioner completed his diploma in Electronics & Communication in May' 1985. He joined Panjab University as Junior Technician in Chemistry Department. He completed Master's Degree in Electronics & Communication from Panjab University in 2002. He worked as Guest Teacher during 2002. The respondent in the meeting of Senate dated 16.09.2009 considered case of different faculties for designation as Lecturer (Personal). The petitioner applied for designation as Lecturer. In the meeting dated 23.10.2009 case of 22 applicants was considered and four officials were granted designation of Lecturer. The Syndicate in its meeting dated 06.12.2009 approved recommendations of committee with respect to award of designation of Lecturer to four

employees. The petitioner was not granted designation of Lecturer. He served legal notice dated 20.08.2012 upon the respondent. The said representation came to be rejected vide communication dated 27.12.2012.

3. The respondent has rejected claim of petitioner on the ground that petitioner is not holding Master's degree in Chemistry. He is not further NET qualified.

4. Learned counsel for the petitioner claims that petitioner taught during 2002-2003 in the University Institute of Engineering and Technology (for short 'UIET'). He was holding Master's Degree in Engineering, thus, he was eligible for designation of Lecturer as per letter dated 16.09.2009. The respondent designated as Lecturer similarly situated persons and petitioner was discriminated. He was eligible for all intents and purposes.

5. *Per contra*, learned counsel representing respondents No.1 and 2 submits that petitioner was holding substantive post in Chemistry Department and holding Master's Degree in Engineering. He concededly taught engineering in UIET during 2002-2003 whereas University considered question of designation in September' 2009. He did not teach during 2003-2009. He could be directly recruited as Lecturer in Engineering Department, however, he could not be designated as Lecturer in Chemistry Department. As per UGC Guidelines, in the Chemistry Department, minimum qualification is different from Engineering Department.

6. I have heard learned counsel for the parties and perused the record with their able assistance.

7. From the perusal of record, it is evident that petitioner was

part of Department of Chemistry. The said department is not part of Technology and Engineering Discipline. The UGC has prescribed qualification for the post of Lecturer (Assistant Professor). For Arts, Humanities, Sciences, Social Sciences, Commerce, Education, Languages, Law, Journalism and Mass Communication, the prescribed qualification is:

“i. Good academic record as defined by the concerned university with atleast 55% marks (or an equivalent grade in a point scale wherever grading system is followed) at the Master's Degree level in a relevant subject from an Indian University or an equivalent degree from an accredited foreign university.

ii. Besides fulfilling the above qualifications, the candidate must have cleared the National Eligibility Test (NET) conducted by the UGC-CSIR or similar test accredited by the UGC like SLET / SET.

(iii) Notwithstanding anything contained in sub-clauses (i) and (ii) to this Clause 4.4.1, candidates, who are, or have been awarded a Ph.D Degree in accordance with the University Grants Commission (Minimum Standards and Procedure for Award of Ph.D Degree) Regulations, 2009, shall be exempted from the requirement of the minimum eligibility condition of NET/SLET/SET for recruitment and appointment of Assistant Professor or equivalent positions in Universities/ College/ Institutions.

iv. NET/SLET/SET shall also not be required for such Masters Programmes in disciplines for which NET/SLET/SET is not conducted.”

8. For appointment as Assistant Professor in Engineering and Technology discipline, the minimum qualification is as below:

“1. Assistant Professor

(i) Essential

First Class Master's Degree in the appropriate branch of Engineering (Engg.) & Technology (Tech).

(ii) Without prejudice to the above, the following conditions may be considered desirable

1. Teaching, research industrial and/or professional experience in a reputed organization;

2. Papers presented at Conference and/or in referred journals.”

9. The petitioner is possessing Master's Degree in Engineering and Technology, thus, can be appointed as Assistant Professor in Engineering and Technology Discipline. He is working in Chemistry Department, thus, he is holding substantive post in Chemistry Department but he is not having requisite qualification for the post of Assistant Professor in Chemistry Department. In this way, he is possessing educational qualification for the post of Assistant Professor in Engineering and Technology Discipline but is holding substantive post in Chemistry Department where qualification prescribed for the post of Assistant Professor is entirely different. Concededly, the petitioner is not possessing qualification required for the post of Assistant Professor in Chemistry Department. The respondent considered case of 22 candidates and only 04 were designated as Lecturer. The petitioner cannot claim discrimination because 18 candidates were not designated as Lecturer. The respondent vide communication dated 16.09.2009 formed an opinion that officials doing technical work apart from teaching may be designated as Lecturer. The objective was only to appreciate job of technicians who were doing teaching job apart from technical job. The petitioner concededly was not imparting lectures post 2003. He worked as Teacher

only during 2002-2003. He taught in UIET, though was part of Department of Chemistry. The petitioner might be teaching in Chemistry Department, however, could not be designated as Lecturer in said department because he was not holding requisite qualification for the post of Assistant Professor.

10. In the wake of above discussion and findings, the instant petition deserves to be dismissed and accordingly dismissed.

(JAGMOHAN BANSAL)
JUDGE

21.08.2025
Prince Chawla

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No