

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

(29)
39

O.A. No. 321/1988
T.A. No.

199

DATE OF DECISION 10 Sep 93

Mohd. Mohsin & Ors.	Petitioner
Shri G.D.Gupta	Advocate for the Petitioner(s)
Versus	
Union of India	Respondent
Ms Avnish Ahlawat	Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. N.V.Krishnan, Vice Chairman (A)

The Hon'ble Mr. B.S.Begde, Member (Judicial)

1. Whether Reporters of local papers may be allowed to see the Judgement? ✓
2. To be referred to the Reporter or not? ✓
3. Whether their Lordships wish to see the fair copy of the Judgement? ✓
4. Whether it needs to be circulated to other Benches of the Tribunal? ✓

JUDGEMENT

(Hon'ble Shri N.V.Krishnan, Vice Chairman(A))

The seven applicants before us are lecturers in non-engineering subjects (e.g. Physics, Math.) in the Delhi College of Engineering. The brief facts giving rise to this application are as follows:-

1.1 Admittedly, this College is run and maintained by the second respondent (Delhi Administration), though it is affiliated to the University of Delhi.

1.2 The Delhi University is governed by the Delhi University Act, 1922 (Act, for short) and the statutes and ordinances framed thereunder. The learned counsel for the applicant has produced for our perusal the calendars (Vol.I of the Delhi University for 1973 and 1988) which contain the Act, statutes and ordinances.

1.3 Ordinance XXIV relates to qualifications of university teachers both appointed by the University

as well as appointed by Colleges, but recognised by the University. In so far as the faculty of Technology is concerned, which includes engineering colleges, it is stated that the candidates for the post of Assistant Professor/Reader should have the following qualifications:-

"Reader/Assistant Professor:

- A. Good academic record with a Doctor's degree in a relevant field. About 5 years' experience of teaching and/or research and development.

Provided that candidates not possessing Ph.D Degree may be considered if they have to their credit equivalent research published work or design/development work of a high order either in the institution or in an industry.

Or

In the case of persons to be recruited from Industry or professional fields, candidates should possess good academic record with recognised professional work of about 7 years which should include innovation and/or research and development."

1.4 It is seen from para 6.10 of the application that the qualifications for the post of Assistant Professor/Reader in non-engineering subjects in engineering colleges was amended by notification dated 24-12-80 of the second respondent (An.B collectively) and the qualification required is as follows:-

"FOR NON-TECHNICAL POSTS

Essential:

Good academic record with first or high second class Master's Degree in the subject concerned with a Doctorate Degree or equivalent published work.

Independent published work (in addition to the published work mentioned above) with at least 5 years' teaching experience in Honours/post-graduate classes essential."

These are more or less the same as the qualifications specified in ordinance XXIV as shown in para 1.3 above.

1.5 The Delhi University amended Ordinance No. XXIV and introduced what has come to be known as the Merit Promotion Scheme -MPS for short-. The full text of the amendment is given in An.E. We shall refer to the details later on. For the present, we only note that the University MPS in so far as it concerns the appointment of Readers in the Delhi University are as

LS

follows:-

"For appointment as Reader under the Merit Promotion Scheme in the Faculties of Arts, Science, Social Sciences, Mathematics, Law, Education, Management Studies and Music & Fine Arts and Lecturers (Reader's Grade) in Colleges:

(a) Eligibility:

The following categories of teachers will be eligible for promotion to Lecturer (Reader's Grade) in the case of Colleges, and to the Reader's Post, in the case of University Department:

- (i) Teachers (including Directors of Physical Education) with at least 15 years teaching experience:
- (ii) Teachers (including Directors of Physical Education) with a Doctoral degree or equivalent published work with at least 10 years' teaching experience Provided that there should be at least 10 years' full time teaching experience in a permanent position in case of category (i) and 7 years full time teaching experience in a permanent position in case of category (ii) and provided further that the teacher concerned in category (i) has 7 years and the teacher concerned in category (ii) has 5 years continuous full time service in the University of Delhi at the time of promotion."

We have left out the explanation attached to the scheme. The important point to note is that this is a facility which is in addition to the normal mode of direct recruitment mentioned in para 1.3 in which teachers of the College of Engineering can participate. Those not selected can be considered under the University MPS. One category which can be considered is teachers with 15 years teaching experience with 10 years of such experience on permanent post and who have at least 7 years full time service in the Delhi University.

1.6 The Govt. of India (Resp.No.1) also introduced a scheme for Merit Promotion for teachers appointed in the Engineering and Professional Colleges in the Union Territories vide their letter dated 14-6-84 (An.F) and the enclosure thereto, to give recognition to outstanding work and give reasonable opportunities for professional advancement. It is stated that these colleges have to be treated at par with the faculty of the University departments for merit promotion scheme.

16

13

1.7 In so far as we are concerned paras 3.1 to 3.3 of the Scheme are relevant and they are reproduced below:-

GENERAL PRINCIPLES

(3.1) All the vacant posts whether already in existence or newly created in the colleges shall be filled up by advertisement according to the requirements of the college and shall not fall within the purview of the Merit Promotion Scheme. Internal candidates would be free to compete with the outsiders for selection to these posts. No such position will be restricted solely for internal promotion.

(3.2) Merit Promotion of lecturers shall cover consideration for promotion to the post of Assistant Professor and of Assistant Professor to the post of Professor.

(3.3) A permanent lecturer recruited through open selection who has completed eight years continuous service as lecturer in the college or has reached the top of scale, subject to a minimum of two years continuous service as lecturer in the college will be eligible for consideration for merit promotion provided he satisfies the qualifications and experience laid down for the post of assistant professor."

1.8 There is a basic difference between the University MPS given in para 1.5 and the Govt. MPS as given in para 1.7. The promotion under the latter Scheme will be given only to teachers who have the necessary qualification and experience (vide para 1.4) for the post of Assistant Professor. As against this, in the former scheme of the University, this condition- i.e. the candidate should have the qualification & experience provided (vide para 1.3) for Assistant Professor- is not stipulated in respect of teachers who have at least 15 years experience.

1.9 The applicants are unable to get the benefit of the Government MPS because they do not have a doctorate degree and that is the root cause of their grievance. They have more than 15 years teaching experience and if the University MPS had been applied to them, they would have qualified for consideration for promotion as Readers.

1.10 The applicants therefore, contend that the Government MPS is illegal, without authority and is discriminatory and that they should be governed only the University MPS.

✓

34
35

1.11 The applicants have therefore challenged the validity of the Govt. MPS dated 14-6-84 (An.F) and sought the following orders/directions in this O.A.

- i) Quashing the guidelines laid down by the Ministry of Education & Culture for framing the Merit Promotion Scheme which are laid down for the employees/teachers of the Delhi College of Engineering.
- ii) Quashing the Merit Promotion Scheme of 1985 and directing the respondents to follow the Merit Promotion Scheme of the University of Delhi.
- iii) Directing the respondents to follow the Merit Promotion Scheme of the Delhi University from the date it had been made effective on the teachers of the University.
- (iv) Quashing the promotion made on the basis of the Merit Promotion Scheme of 1985.
- (v) Directing the respondents to follow the terms and conditions which are laid down for the employees of the University of Delhi.
- (vi) Directing the respondents to give to the applicants all consequential benefits like promotion, seniority, etc.

2. The respondents have filed a reply denying any relief to the applicants. The case is best given in their own words and hence extracts from ^{sub paragraphs of para 6 of} the reply are reproduced below:

- "(i) The Delhi College of Engineering is a Govt. College under the Delhi Administration although it is affiliated to the University of Delhi for academic purposes only. (para 6.1)
- (ii) Ordinance-XII of the University of Delhi has not been implemented for the Delhi College of Engineering. Teachers of Delhi College of Engineering are Govt. servants and they are governed by the Rules and regulations of the Govt. like other Govt. employees.

u

34

Delhi University Act or any ordinance issued by Delhi University is not applicable in Delhi College of Engineering. (para 6.12)

(iii) However, in general, qualifications and experiences of various posts in Engineering Colleges, including Delhi College of Engineering, is prescribed as per the specifications specified by the AICTE-Merit Promotion Scheme of the University of Delhi has no relevance for Delhi College of Engineering as same is not applicable to ^{the} Delhi College of Engineering. (Para 6.7)

(iv) The recruitment rules were changed in 1973. Generally, the AICTE adopts the qualifications and experience for teachers in non Engineering Department, as prescribed by the UGC for teachers in non-Engineering Departments in Engineering Colleges and the same is implemented in Delhi College of Engineering also, after the administrative approval of the Govt./UPSC who are the recruiting agencies for posts in Govt. and the Delhi College of Engineering. However, the qualifications and experience for the teachers in Engineering departments are as per the prescribed qualifications by the AICTE. (Para 6.8)

(v) Ministry of Education and Culture (Department of Education) formulated a scheme for Merit Promotion for teachers in the Engineering and Professional Colleges in the Union Territories to provide them reasonable opportunities for professional advancement. This clearly shows that the present Merit Promotion Scheme which is being implemented at the Delhi College of Engineering is mainly for the Engineering and professional Colleges and has been formulated keeping in view the working and other conditions of Engineering Colleges. (Para 6.16)

(25)

(vi) The Merit Promotion Scheme of the University of Delhi is not applicable to the teachers of the Delhi College of Engineering as well as other Govt. run colleges." (para 6.15)

3. For these reasons, the respondents claim that the An.E Merit Promotion Scheme introduced by the first respondent is valid and is meant to maintain high standards of teaching, without depriving the experienced teachers of their due, if they are otherwise found fit. It is, therefore, contended that his application has no merit and it is to be dismissed.

4. Shri GD Gupta, the learned counsel for the applicants strongly disputed these contentions. He submitted that there can be no doubt, whatsoever, that the Delhi College of Engineering, which is admittedly affiliated to the Delhi University, is bound by the provisions of the Delhi University Act, its Statutes and Ordinances. It is not as if that the Delhi College of Engineering is under the control of the Delhi University, only for academic purposes. He took us through the various provisions of the Act, Statutes and Ordinances, to contend that the Merit Promotion Scheme of the University having been made a part of Ordinance XXV, automatically applies to the Delhi College of Engineering also and therefore the Govt. MPS has to be quashed. He also argued that there are innumerable instances when the Delhi Administration changed the rules and regulations governing the Delhi College of Engineering and the teachers employed therein merely to bring them in conformity with the rules and regulations made by the Delhi University for its own teachers and the teachers of other affiliated colleges. That being the case, the second respondent cannot be permitted to implement a totally different MPS for promotion to the post of Readers, which is different from the MPS of the Delhi University and adversely affects the applicants. Such a scheme would be discriminatory in nature and therefore, liable to be set aside on that ground also.

5. The learned counsel for the respondent, Ms. Avnish

(34)

Ahluwat, submitted that the Delhi University has only limited control over the Delhi College of Engineering; which is run by the second respondent. In academic matters, like curriculum, examination, etc., the Delhi College of Engineering is fully bound by the directions issued by the Delhi University. But there are many matters where the views of the All India Council of Technical Education have been taken into account and implemented. In regard to terms and conditions of the service of its employees, they are governed by rules and regulations which apply to other government employees. She also cited some provisions in the Statutes and Ordinances which clearly exclude Govt. run institutions from their purview. In so far as the Govt. MPS is concerned, she pointed out that there is no engineering college either in the Delhi University or in any of the Universities in the other Union Territories of Chandigarh & Goa, Daman & Diu. Therefore, for obvious reasons, the Delhi University's MPS cannot have any application to the Govt. Engineering Colleges.

6. We have perused the records of the case as well as the Calendar Vol. I of 1988 of the University of Delhi which contains the Act, Statutes and Ordinances. We have also carefully considered the rival contentions of the learned counsel for the parties. Having seen the provisions of the Act, the Statutes and Ordinances, we are satisfied that these provisions do not ipso facto apply in their entirety to Govt. Colleges. The question is whether considering all the provisions of the Statutes & Ordinances, the Delhi College of Engineering is bound by the University MPS. We shall now examine this question.

7. A perusal of the Act shows that there is no provision therein which suggests that its applicability to Govt. run Colleges is restricted or limited. On the contrary, definition of the expression 'College', 'Teachers', and

u

(28)

'Teachers of the University' in clauses (a), (g) & (h) of section 2 of the Act make it clear that the Act fully applies to Govt. Colleges. That conclusion is reinforced by section 4 which outlines the powers of the University, particularly to appoint/recognize teachers (sub section 7) and to give affiliation to Colleges (sub section 9). Academic control over teaching is provided for in section 7. Section 28 enumerates the matters in regard to which provision can be made by statutes. One such matter covered by sub section (h) relates to the conditions under which colleges may be admitted to the privileges of the University and withdrawal of such privileges i.e. affiliation. Sub section (j) states that provision can be made by statutes in regard to matters which are or may be provided for by the statutes. Section 30 enables the issue of ordinances subject to the provisions of the Act or the Statutes, in respect of the matters mentioned therein. Sub section (k) relates to the emoluments and terms and conditions of the service of teachers of the university. There is no specific provision in section 30 regarding provision by Ordinance of the qualifications and experience required by candidates to be eligible for appointment as teachers of the University. However sub section (m) authorises the issue of Ordinance in respect of other matters for which provision is to be made by such Ordinances, according to the Act or the Statutes.

8. We can now see some of the statutes.

Statute 17

9. relates to University teachers and makes it clear that there shall be two classes, viz. (i) appointed teachers of the university; and (ii) recognised teachers of the university. Obviously, the applicants are not 'appointed teachers of the university'. They have been appointed by the Delhi Administration (Resp.2) and they can be categorised as recognised teachers of the University. Statute 18 relates to recognition of teachers and, inter alia, provides in clause (i) that "The qualifications of recognised teachers of the University shall be such as may be determined by

39
22

the Ordinances." Further, statute 18(A) provides that, subject to statute 6(2)(1)- with which we are not concerned- no person shall be appointed or recognised as a teacher of the University except on the recommendations of the Selection Committee- constituted for the purpose. Statute 19 provides for the constitution of the Selection Committee for various posts.

10. The aforesaid provisions suggest that all of them apply to Govt. Colleges also. However, there are some Statutes which do not fully apply to Govt. institutions.

Thus in Statute 30 **mention** is made in sub clause (1) of clause (1) about the conditions which have to be fulfilled by a College before it is admitted to the privileges of the University. The proviso thereto relaxes the conditions in so far as they apply to Govt. Colleges.

Clause (2) of Statute 30 provides that appointment of teaching staff in an affiliated College shall be made on the recommendation of the Selection Committee. The proviso exempts Govt. Colleges from this provision and is thus an exemption to Statute 18-A.

11. We may now examine the relevant Ordinances.

12. The learned counsel for the applicant laid great stress on Ordinance XII which relates to "College appointed teacher", as contrasted with "University appointed teachers" dealt with in Ordinance XI. This Statute originally spelt out only the terms and conditions of appointment of such teachers, which is not relevant for our purpose. For, the issue before us relates to eligibility for appointment/ promotion which is a condition of recruitment as distinct from condition of service. This Ordinance was, however, amended on 29-7-83 (An.E) when the MPS was added to Ordinance XXIV; simultaneously an amendment was made to Ordinance XII by inserting clause 2.A in it. Clause 2-A is relevant and reads as follows as can be seen from the Calendar.

V

40/39

"2-A. Promotion of College Appointed teachers (including Directors of Physical Education) under the Merit Promotion Scheme of 1983 as accepted by the Executive Council, shall be made in accordance with the eligibility conditions and in the manner prescribed in this Scheme in this behalf."

13. Before referring to the most important Ordinance XXIV it should be stated that there is evidence to show that all xx Ordinances do not equally apply to Govt. Colleges and as in the case of some Statutes, there are some exceptions made in the Ordinances in favour of Govt. Colleges. In this connection, it has also to be noticed that the Ordinance XIX which related to "Government Maintained Colleges" was repealed by the Central Government by the letter dated 12th April, 1951. This has to be read in conjunction with Ordinance XVIII regarding "Colleges other than those maintained by the Govt. of India." Ordinance XVIII stipulates that the administration of such a college shall be in accordance with the provisions and conditions contained therein. Obviously there must have some different provisions in respect of Govt. maintained colleges in Ordinance XIX. That too has been repealed. Therefore, in this regard, Govt. maintained Colleges will be governed only by rules/instructions of Govt. The learned counsel for the applicant stressed that **the amended of Ordinance XII** provisions clinches the issue and requires the affiliated Colleges like the Delhi College of Engineering to consider lecturers like the applicant- for promotion as Readers in accordance with the University MPS- we shall advert to this argument presently.

14. For our purposes the most important provision is Ordinance XXV which contains the University MPS as an integral part thereof. The title of this Ordinance is as follows:-

"Ord. XXIV. Qualifications of University Teachers (Appointed and Recognised) and Principals other than those for whom special qualifications maybe prescribed by the Executive Council on the recommendations of the Academic Council."

✓

(40)
(41)

It then sets out the faculties in respect of which the qualifications for the posts of Professors, Readers and Lecturers have been specified as follows:-

"Qualifications for the posts of Professors, Readers and Lecturers under the Faculties of Arts, Science, Social Sciences, Education, Mathematical Sciences, Law, Management Studies, Music and Fine Arts and Technology, except those for Lecturers in Book Publishing, Lecturers in Tourism, Lecturers in Home Science, Lecturers in Nursing, Professors, Readers and Lecturers in Pharmacy."

The Faculty of Technology covers engineering and, admittedly, the College of Engineering is under this Faculty. It is also to be noticed that the University Merit Promotion Scheme- which was introduced by the An.E amendment of Ordinance XXV is a part of this Ordinance. We straightaway notice that unlike Statute 30 in which some exceptions have been made in favour of Govt. Colleges- as mentioned in para 10 supra- or Ordinance XVIII, the provisions of which do not apply to Govt. Colleges- there is no such provision anywhere in this Ordinance. In other words, the provisions of Ordinance XXIV apply to the University, the University run Colleges as well as the other affiliated colleges- whether they are run by Govt. or private bodies. Therefore, prima facie, it should have been possible to uphold the contentions of the applicants that the University MPS alone holds the field and that the introduction of the Govt.MPS is unauthorised and illegal. However, a careful study of the provisions shows that, for reasons **somewhat different** from those given in the reply of the respondents. Such is not the case as will be shown presently.

15. In Ordinance XXIV the qualifications have been separately listed out for different groups of faculties as follows:-

- (i) Faculties of Arts, Science, Social science, Education, Mathematical Sciences, Law and

U

Management Studies.

- (ii) Faculty of Music and Fine Arts.
- (iii) Faculty of Science.
- (iv) Faculty of Medical Sciences.
- (v) Faculty of Agriculture of (Sic) Forestry.
- (vi) Faculty of Technology.

The Delhi College of Engineering is under the Faculty of Technology. We should know what these 'faculties' are.

16. Section 28(g) enables provisions to be made by statute for "the establishment and abolition of Faculties, Departments, Halls, Colleges and Institutions." Statute 9 deals with establishment of Faculties. It states that the University will have such Faculties as may be prescribed by the Statutes. By a proviso, it is clarified that all Faculties established immediately before the commencement of the Delhi University (Amendment) Act, 1952 shall be deemed to have been established in accordance with these Statutes. The names of these Faculties are given in the foot note in the Calendar under statute 9. These Faculties are the faculties of Arts, Science, Law, Medical Sciences, Education, Agriculture & Forestry, Technology and Social Sciences. The foot note also clarifies inter alia, that the Faculty of Technology consists of the Departments of Electrical Engineering, Mechanical Engineering, Chemical Engineering, Textile Technology and Architecture. Statute 9-A mentions the five Faculties established in the University other than those established prior to the commencement of the Delhi University (Amendment) Act, 1952. These are the Faculties of Music & Fine Arts, Mathematical Sciences, Management Studies, Ayurvedic & Unani Medicine and Inter-Disciplinary Applied Sciences. Thus, in all there are 13 Faculties.

17. We can now see the University MPS as introduced by the amendment on 29-7-83 (An.E) There are 5 amendments to

(13)

various Ordinances. The 5th amendment relates to amendment of Ordinance XXIV which is mainly concerned with the qualifications of university teachers. By the amendment the MPS was made a part of this Ordinance and it was directed that this be added at the end of the Ordinance. The other 4 amendments in An.E to other Ordinances are consequential in nature. The University Calendar 1988 thus incorporates in Ordinance XXIV, the MPS.

18. What is of interest to us is the amendment relating to promotion as Reader under the MPS. The title of the relevant Scheme reads as under:

"For appointment as Reader under the MPS in the Faculties of Arts, Science, Social Sciences, Mathematical Sciences, Law, Education, Management Studies and Music and Fine Arts and Lecturers (Reader Grade) in Colleges." Out of the 13 Faculties mentioned in Statute 9 and Statute 9-A the Faculties of Medical Sciences, Agriculture and Forestry, Technology, Ayurvedic & Unani Medicine and Inter Disciplinary and Applied Sciences have been omitted by this scheme. But in another portion of the amendment to Ordinance XXIV, there is a Scheme for promotion of lecturers of University College of Medical sciences/Vallabhai Patel Chest Institute (Medical) Faculty (An.E) as part of MPS. Thus the Faculty of Medical Sciences is also covered. Obviously the MPS of the University has no application to the Faculties of Technology and three other Faculties which have been excluded. There is no escape from this conclusion by construing the provision of the scheme as mentioned in the amendment at An.E which specifies the Faculties to which alone it would apply. If the intention was that the scheme should apply to all Faculties, there should have been no difficulty in stating it so in so many words. The University was fully aware of the fact that there were 13 Faculties in existence as specified in Statute 9 and Statute 9-A.

V

W.A.

19. If the Faculty of Technology is excluded, the College of Engineering, which is connected with one or more departments of this Faculty, is automatically excluded from the Scheme. In other words, the reference to Lecturers (Readers Grade) in Colleges in the Scheme should be construed to refer to lecturers in such colleges as fall within the 9 faculties for which, the scheme has been made applicable. The mere fact that the applicants are teaching non-engineering subjects like physics and maths and that these are covered in the faculties for which the MPS has been proposed is of no assistance to them. They are working in an Engineering College and they cannot be divorced from the faculty of Technology. Mathematics and Physics are incidental subjects for the faculty of Technology. Unless the faculty of Technology is covered by the MPS, the teachers in Engineering Colleges teaching non-engineering subjects cannot be covered by the scheme. As against this the MPS is limited in operation to 8+1=9 Faculties only. One of the Faculties excluded is the Faculty of Technology.

20. We are of the view that on this single ground we have to hold that the Delhi University's MPS does not apply to the Faculty of Technology and hence, it will not govern the promotions in the Delhi College of Engineering.

21. We therefore do not wish to go into the merits of any other grounds, as they are not necessary for the disposal of this application. However, we would like to observe that the Govt. MPS is certainly not arbitrary. The learned counsel for the respondents submitted that this MPS has the approval of the All India Council of Technical Education, which in relation to technical institutions like engineering colleges, stands in the same position as the University Grants Commission stands in relation to Universities and non-technical colleges. That apart, the essence of the Govt. MPS is very simple. The regular vacancies of Readers can be filled up only by those who have the qualifications

✓

(1974 MS)

mentioned in para 1.4. This is done by direct recruitment, in which the staff of the College of Engineering can also participate. It is quite possible that some staff of the College of Engineering though they may have the necessary qualification stipulated in para 1.4 supra are not selected because of stiff competition. In such a situation, it was felt by the first respondent, in consultation with All India Council of Technical Education, that these teachers should not be left high and dry without any further avenue of promotion. Therefore an exception was made in respect of those teachers who not only had the basic qualifications needed to be a Reader- as mentioned in para 1.4- but also had certain additional qualifications. Thus, it was provided that a permanent lecturer recruited through open selection and who had completed 8 years of continuous service or has reached the maximum of the pay scale subject to having served at least for two years in the College will also be eligible for consideration. In both these cases the teachers will be considered for promotion if they have the basic qualification referred to in para 1.4 and the promotion will be given not against any additional post or in any vacant post, but they will be promoted to the next higher level of Reader in the post held by them on a purely personal basis.

22. The applicants have only pointed out that the Govt. MPS does not apply to lecturers with 15 years service, but who do not have the basic qualification mentioned in para 1.4. They fail to notice that the Govt. MPS gives an advantage to those who have reached the maximum of the pay scale, of lecturer, if they have 2 years service. The University MPS does not make these persons eligible for promotion. Thus each scheme has its own advantage/disadvantage for some group or the other. The question is whether the Govt. scheme is discriminatory. That question would arise only if some other scheme applied to certain other categories of engineering colleges. That is not the situation. There is only one

u

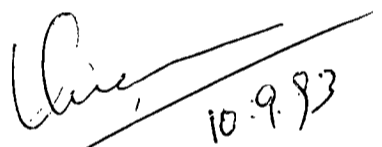
(48)

college of Engineering run by the second respondent in the Union Territory of Delhi. Therefore, the question of discrimination does not arise. We are also of the view that the applicants who are teachers in Physics, Math., etc (i.e. non engineering subjects in the College of Engineering) cannot compare their rules with their counterparts in a College of Science and urge they are being discriminated against. For, the curriculum in the two Colleges for the same subject are bound to be different and the thrust of the course would be different. Therefore, the destinies of these applicants are linked with their colleagues who teach engineering subjects in the engineering colleges. For all of them the Govt. MPS apply uniformly. Hence the charge of discrimination has no basis.

23. Thus, after a careful consideration of this O.A. we find that there is no merit in this application. Accordingly, it is dismissed. There will be no order as to costs.



(B.S. HEGDE)
Member (Judicial)



10.9.83

(N.V. KRISHNAN)
Vice Chairman (A)