

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

OA No. 060/00989/2017

Pronounced on : 01.06.2018

Reserved on : 30.05.2018

**CORAM: HON'BLE MR.SANJEEV KAUSHIK, MEMBER(J)
HON'BLE MRS. P. GOPINATH, MEMBER(A)**

1. Amit Sharma S/o Nemchand Sharma, Age 33 years, resident of House No. GH-15, Panjab University, Chandigarh.
2. Naveen Chand S/o Krishan Chand, Age 29 years c/o Chairman, Dayanand Chair of Vedic Studies, Arts Block 1, Panjab University, Chandigarh, R/o Village Bah, District Mandi, Himachal Pradesh, PIN-175049.

.....Applicant

BY ADVOCATE: **Sh. Vineet K. Jakhar**

VERSUS

1. Director, Higher Education, Chandigarh Administration, Sector 9, UT Chandigarh.
2. Sudesh Singh S/o Nem Singh through Director, Higher Education, Chandigarh Administration, Sector 9, UT Chandigarh.

.....Respondents

BY ADVOCATE: **Sh. Arvind Moudgil for respdt.No.1
Sh. Barjesh Mittal for respdt. No.2**

ORDER

BY MRS. P. GOPINATH, MEMBER(A):-

1. The first respondent issued advertisement dated 06.07.2017 for filling the post of Assistant Professor in Government Arts & Science College, UT Chandigarh. As per para 4.4.1, the requirement for the post was good academic record with at least 55% marks, qualifying the NET conducted by UGC/CSIR and similar test

accredited by the UGC like SLET/SET. Those with Ph.D Degrees would be exempted from the requirement of NET/SLET/SET. The first applicant possesses a Ph.D Degree and NET qualification. The 2nd applicant possesses the UGC NET qualification in Sanskrit. The applicants challenge the selection of the respondent as Assistant Professor in the subject of Sanskrit on the ground that he is not eligible for the post as he does not possess the qualifications required for the post. The applicants argue that the Degree of Acharya possessed by the applicant is not equivalent to MA (Sanskrit) and UGC NET qualification can only be equated to UGC NET Sanskrit.

2. The respondent fortifies his selection process as being made following due procedure by a duly constituted Selection Committee comprising of subject expert from Punjab University, senior most Principal, and subject expert from colleges as Members. The candidates selected for interview were all those who fulfilled the eligibility criteria as per UGC norms. Respondent No. 2 was selected by the Selection Committee on the basis of his performance in the interview and the academic record vis-à-vis eligibility conditions. They also stressed on the fact that the Selection Committee comprises of qualified educationists in the subject matter and the selection was made following the prescribed procedure. The challenge made by applicant to the Selection Committee comprising of experts was not warranted.

3. The issue to be considered in this OA is whether the selected respondent has the appropriate qualification to be selected

for the post of Assistant Professor in Sanskrit. The selected respondent is a Shastri, i.e. Bachelor of Arts in Sanskrit. The subjects he studies include Sanskrit Literature, Grammar and Philosophy and Shastriya subject Dharmasastram. He scored first division in all these subjects. He is also a first division Acharya (Master of Arts) in Dharmashastram. Hence, there is no doubt that the selected respondent is not only highly qualified First Divisioner, but also fulfils the required qualifications. The party respondent is also a Vishishtacharya (M.Phil) in Sanskrit with first division. All the qualifications have been obtained from Sh. Lal Bahadur Shastri Rashtriya Vidya Peetham, a recognized University. Hence, there is no doubt that the party respondent has got a Bachelor Degree and a Post Graduate Degree required for the post of Assistant Professor for which he was selected. The party respondent has also qualified the UGC Net Examination for Assistant Professor in the subject Sanskrit Traditional subject. The applicant challenges the NET eligibility on the ground that it is in Sanskrit Traditional subject and not Sanskrit. Besides the differentiation in nomenclature in two subjects i.e. Sanskrit and Sanskrit Traditional Subject, the applicant has no other argument for disqualification of the party respondent.

4. Going back to the requirement for the post as advertised, the selected candidate has a good academic record as a Bachelor, Master and B.Ed as he had secured a first division as against the requirement of minimum 55% marks required for the post. The selected candidate has also qualified the NET examination conducted

by the UGC. The post of Assistant Professor as per Annexure A-2 advertised is for the subject Sanskrit. There is no doubt that on the basis of Graduation, Post Graduation and M. Phil Degree, the party respondent is qualified as he has studied the subject Sanskrit. The applicants challenged the Shastri, Shiksha Shastri and Acharya qualification of the party respondent. We find that these are Sanskrit vernacular description of Bachelor of Arts, Bachelor of Education and Master of Arts which is also indicated in the Degree certificates produced by the party respondent and this argument of the applicant would also fail.

5. We are of the view that the applicant is hairsplitting between Sanskrit and Sanskrit Traditional subject. Judicial interference in matters where expert bodies undertake the exercise of selection for appointment is limited. The Tribunal cannot sit in judgment on the relative merit of the applicants for the post. Whether a candidate is fit for a particular post or not has to be decided by the duly constituted Selection Committee who has expertise to do the job. The decision of the Selection Committee can be interfered with only on the grounds of illegality or malafide, both of which are not attracted in this case. Applicant has tried to hair split the NET qualification without adverting to the fact that selected candidate has a BA, MA, and M.Phil Degrees in Sanskrit, the subject he is expected to teach as a Assistant Professor. This Tribunal would exceed its jurisdiction if it attempts a relative or comparative merit of the applicants for the post or sit as an appellate authority on the selections so made. The

Tribunal cannot assume to itself the role of the Selection Committee and look into the qualification required for the post, interview all the persons who have applied for the post and finally arrive at a conclusion that the applicant or the party respondent or any other fits the requirement and qualifications of the post of Assistant Professor (Sanskrit). Besides drawing a distinction between Sanskrit and Sanskrit Traditional, the applicant has not pointed out any malafide in the selection procedure. We are of the view that there is no need to interfere in the selection process so made. OA is devoid of merit and is dismissed. No order as to costs.



(P. GOPINATH)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

Dated:
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