

***** Vs. Union of India and Others

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Court : Punjab and Haryana

Decided On : Aug-27-2013

Appellant : *****

Respondent : Union of India and Others

Judgement :

CWP No.7525 of 2013 :1: IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH ***** CWP No.7525 of 2013 (O&M) Date of decision : August 27, 2013 ***** Dr.

Rajinder Kumar SinglaPetitioners Versus Union of India and others
.....Respondents ***** CORAM: HON'BLE Mr.JUSTICE SANJAY KISHAN KAUL, CHIEF JUSTICE HON'BLE Mr.JUSTICE AUGUSTINE GEORGE MASIH, JUDGE ***** Present: Mr.Vinot Gupta, Advocate for the petitioner.

Mr.Rakesh Nagpal, Advocate for respondents No.1 to 3.

Mr.Anmol Rattan Sidhu, Senior Advocate with Ms.Sonika Kapadia, Advocate for respondent no.4.

***** Sanjay Kishan Kaul, Chief Justice C.M No.12252 of 2013 Notice of the application, which is accepted by the learned counsel for respondent no.4.

Leave is granted to place on record the replication to the written statement of respondent no.4.

C.M is allowed.

CWP No.7525 of 2013 The petitioner has filed the present petition styled as a Public Interest Litigation stating it that he is an RTI activist.

The petitioner seeks to assail the appointment of respondent no.4 to the post of the Director in Dr.

B.R Ambedkar National Institute of Kukreja Ritu 2013.08.30 11:53 I attest to the accuracy and integrity of this document Chandigarh CWP No.7525 of 2013 :2: Technology, Jalandhar.

We may note at the fiRs.instance that the petition does not meet with the norms laid down in Maintainability of Public Interest Litigation Rules, 2010.

by this Court.

Secondly it is clearly a service dispute where there is no aggrieved party before us who has been denied selection.

Despite the aforesaid, we have also examined the merits of the controversy.

The stand of the Union of India is reflected in the affidavit filed and is quite clear.

An advertisement had been issued for the post of Director in 13 NITs in the country.

One of the qualification was that the candidate shall have 15 years experience in teaching/industry/research out of which 10 years must be at the level of professor or above in a reputed educational institute, industry/research organization.

The selection was made by duly constituted selection committee.

Respondent no.4 has been working in IIT Kharaghpur, one of the prestigious institutes of the country.

Respondent no.4 was holding the post of an Associate Professor in the pay scale of Rs.16,400-22,400 w.e.f 1.1.1997 to 8.8.2004 and on the post of a professor in

the pay scale of Rs.18,400-22,400 w.e.f 9.8.2004 to 25.2.2011.

The only disqualification alleged against respondent no.4 is that the aforesaid employment is not at the level of a professor since the said respondent worked on the post of a professor only from August 2004.

This aspect has been explained in the counter affidavit that the experience which was required was not as a Professor but at the level of Professor. The pay scale of an Associate Professor in the IIT is equivalent to the pay scale of a Professor in the NIT and it is in view thereof that the experience of respondent no.4 has been considered at the level of a professor.

We find no fault with the aforesaid selection made through a Selection Committee of eminent persons like Professor U.R Rao, Former Chairman, ISRO, Chairman of the Governing Council of the Physical Research Laboratory at Ahmedabad as Chairman of Selection Committee and other four members. Professor MS Ananth, Director IIT, Madras, Professor Ashok Misra, Chairman of Intellectual Ventures, India, Bangalore and Former Director, IIT Bombay and IIT, Delhi, Professor K.N Ganesh, Director IISER, Pune and Professor N.

Sathyamurthy, Director, IISER, Mohali.

This petition has been filed in the year 2013, i.e three years after the appointment when the tenure of selection is five years. We find the writ petition completely misconceived and is dismissed.

(SANJAY KISHAN KAUL) CHIEF JUSTICE August 27, 2013 (AUGUSTINE GEORGE MASIH) JUDGE Kukreja Ritu 2013.08.30 11:53 I attest to the accuracy and integrity of this document Chandigarh

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