

# SUPREME COURT OF INDIA

Punjab University

Vs.

Narinder Kumar

(S V Manohar and A Misra JJ.)

12.08.1999

## ORDER

1. The appellant-Punjab University, Chandigarh had issued an advertisement No. 6/93 inviting application for various posts in the University, fixing 9-7-1993 as the last date for receiving applications. Among the posts so advertised were two posts of Lecturers in Gandhian Studies. The advertisement prescribed qualifications for various posts. These were under two heads. A-Essential and B - Desirable/Essential Specializations etc. Under Head-A there were two sub-paragraphs which read as follows:

### A. ESSENTIAL:

(a) Good academic record with at least 55% marks or an equivalent grade at Master's degree level in the relevant subject from any Indian University, or an equivalent degree from a Foreign University.

(b) Candidates besides fulfilling the above qualifications should have cleared the Joint Preliminary Test (JPT) for the appointment as lecturers in Universities and colleges in the State of Punjab and Union Territory of Chandigarh or eligibility test for Lecturers conducted by UGC, CSIR or similar test accredited by the UGC. However, this requirement will not be applicable to candidates (i) who have passed UGC/CSIR Jr. F. Examination (ii) who have already been awarded Ph. D. degree (iii) who have already been awarded Ph.D., M. Phil, degree up to 31st March, 1994, or (iv) who will submit their Ph. D. thesis up to 31st December, 1993.

Explanation:

The term good academic record would imply that a candidate should possess:

- (i) At least 55% marks or an equivalent grade in Master's degree and
- (ii) At least 50% marks at the graduation level.

OR

At least 50% marks in Honours at the graduation level.

Under (B) 'Desirable/Essential Specialisation etc there were various sub-Heads dealing with the various subjects in which the posts of Lecturers were advertised. In respect of Lecturers in Gandhian Studies, the following were set out under the sub-Head 'Desirable':

(B) Desirable/Essential specialisation etc.

...

...

Lectures in Gandhian Studies: Desirable

I. The candidate should have M.A. degree in one of the following subjects:

- (a) Gandhian and Peace Studies
- (b) History
- (c) Political Science
- (d) Sociology
- (e) Economics
- (f) Public Administration.

II. (a) Research work/Ph.D./M.Phil, in Gandhian and Peace Studies.

(b) Published work on Gandhian and related aspects.

(c) Competence to teach Gandhian Studies to Post-Graduate students.

Pursuant to this advertisement, various persons applied for the posts of Lecturer in Gandhian Studies, including the first respondent (who is the original writ petitioner) and respondents Nos. 2 and 3. After interviewing 13 candidates for the said post, the Selection Committee recommended the names of respondents Nos. 2 and 3 for the two posts of Lecturers in Gandhian Studies. The name of a third candidate Vinod Kumar Verma, was kept on the waiting list. In the minutes of the Selection Committee, it is recorded as follows:

It is certified that the selected and empanelled candidates fulfil the qualifications laid down for the post.

2. The Syndicate of the appellant-University at its meeting held on 1-6-1995, after considering the minutes of the Selection Committee resolved to appoint respondents Nos. 2 and 3 as Lecturers in the Department of Gandhian Studies of the appellant-University. In the meanwhile, the first respondent who was one of the candidates for the said post, filed a writ petition in the High Court of Punjab and Haryana challenging the selection of respondents Nos. 2 and 3 on the ground that these two respondents did not have the qualifications prescribed for the post. A learned single Judge of the High Court held that these two respondents did not possess the requisite qualification of an M.A. Degree in a relevant subject. He, therefore, set aside the selections so made and directed re-advertisement of these posts. This judgment has been upheld in appeal by the Division Bench of the High Court. Hence, the appellant has filed the present appeal.

3. The narrow question is, whether respondents Nos. 2 and 3 possess the requisite qualification of having a master degree in the relevant subject. As set out earlier, the qualifications under the heading "A: Essential" are general qualifications in which the exact subject of studies is not set out.

4. The general qualifications which are prescribed under 'A' are common to the Lecturers in all the subjects which are advertised. This also clearly shows that these are general qualifications. The Explanation to 'A' also shows that the purpose of 'A' is to set out the level of standard in academic studies.

5. Sub-clause (a) on which emphasis has been placed by the High Court as well as by the first respondent who appears in person before us, prescribes a good academic record with at least 55% marks or an equivalent grade at master's degree level in the relevant subject. This clause deals with good academic record and the minimum marks which the candidate should have obtained at the master's degree level. The words "relevant subject" do not throw any light on the question as to what are the relevant subjects for the post of a Lecturer in any specified subject. Presumably, the subjects at the master's degree level have some bearing on the subject for which the Lecturer is being appointed. In the present case, the Lecturer is being appointed in Gandhian Studies. In this context, the column dealing with "Desirable/ Essential Qualifications" becomes directly relevant. It is under this column that the University has, in the advertisement, specified the subjects in which M.A. degree should have been obtained. These are, there fore, the relevant subjects as far as the M.A. degree is concerned. Specific subjects in which M.A. degree should have been obtained are separately listed for the post of Lecturers in Gandhian Studies. There it is set out that the candidates should hold an M.A. degree in one of the following subjects: (a) Gandhian and Peace Studies, (b) History, (c) Political Science, (d) Sociology, (e) Economics and (f) Public Administration. Obviously, therefore, an M.A. degree in any of these subjects is an acceptable qualification provided the degree obtained has the requisite academic standard as prescribed under General Qualifications at 'A'. If we accept the contention of the first respondent that only an M.A. degree in Gandhian and Peace Studies is the requisite qualification for applying for the post of a Lecturer in Gandhian Studies, then the rest of the subjects in which an M.A. degree is acceptable as set out in the advertisement would be entirely redundant, and there would be no sense in listing those subjects in the advertisement at all. Since the advertisement makes it clear that all the subjects which are set out are relevant subjects for the purposes of the post of a Lecturer in Gandhian Studies, we cannot accept the contention of the first respondent that an M.A. degree in the other subjects which are listed, apart from Gandhian and Peace Studies, will not make a candidate eligible for the post of a

Lecturer in Gandhian Studies. The High Court placed emphasis on the general qualifications under A (a) relating to good academic record. Undoubtedly, the good academic record is required "in the relevant subject." But for the purposes of determining which is the relevant subject, the subsequent part of the advertisement cannot be ignored. The High Court, therefore, was not right in coming to the conclusion that an M.A. degree in any of the other subjects listed under the head 'Lecturer of Gandhian Studies' would not be an acceptable qualification and the only acceptable qualification would be an M.A. in Gandhian and Peace Studies.

6. In the present case, the second respondent has an M.A. degree in ancient history in which she has got 57.3% marks. Respondent No. 3 has an M.A. degree in Political Science with 55.6% marks. Since both respondents Nos. 2 and 3 have the requisite qualifications at the M.A. level, their selection has to be upheld, since the only ground on which their selection is set aside is that they do not possess an M.A. degree in the relevant subject.

7. We may also note that the Selection Committee had as its members, experts in the subject; and their evaluation of the candidates cannot be faulted when there are no allegations of mala fides.

8. The first respondent has contended that if the post of a Lecturer in Gandhian Studies is given to a person who has obtained an M.A. degree in other subjects, the opportunities available to those like him, who have a specialisation in Gandhian Studies from M.A. level onwards, get reduced; and this would discourage people from taking a specialisation course in Gandhian Studies at the M.A. level. This argument, however, addresses itself on the policy relating to prescribing qualifications for the various posts. Such a policy has to be formulated by the University in accordance with the norms laid down by the University Grants Commission or any other Expert Body that may have been specified under the relevant statutes. We cannot examine such a policy or reframe it.

9. The appeals are, therefore, allowed and the impugned judgments and orders are set aside. There will, however, be no order as to costs.