

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Sr. No.230

Date of Decision: 27.08.2025

1) CWP No.28831 of 2023

Karuna Bamel

.... Petitioner

Versus

CCS Haryana Agricultural University, Hisar and others

... Respondents

2) CWP No.16346 of 2021

Navnidhi

.... Petitioner

Versus

Chaudhary Charan Singh Haryana
Agriculture University, Hisar and others

... Respondents

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Sandeep Goyat, Advocate, and
Mr. Ashwani Bhardwaj, Advocate, for the petitioner(s).

Mr. Shreenath A. Khemka, Advocate,
for respondents no.1 to3/University.

Mr. Arvind Galav, Advocate, and
Mr. Dinesh Kumar, Advocate,
for respondent no.4 in CWP No.28831 of 2023.

Ms. Tamanna Banwala, Advocate,
for respondent no.4 in CWP No.16346 of 2021.

TRIBHUVAN DAHIYA, J. (ORAL)

Both the aforesaid petitions raise common questions of law on similar facts; therefore, the same are being decided together by this judgment. For brevity, the facts are being noticed from CWP No.28831 of 2023.

2. The petition has been filed *inter alia* seeking a writ of *certiorari* setting aside appointment of the fourth respondent to the post of Assistant Professor Zoology vide letter dated 05.06.2023. The respondent/University issued advertisement 3/2022 for various teaching posts, including one General category post of Assistant Professor Zoology. The petitioner and the fourth respondent applied for the same; the latter was selected and appointed on merit having secured 65.53 marks, as against 64.20 by the former.

3. Learned counsel for the petitioner(s) contend that the selection(s) need to be set aside on account of marks wrongly awarded under the heads of Postgraduate Training, Graduate Aptitude Test in Engineering (GATE), Publications in the relevant field, and Quality of Publications, under clauses 1(b), 3(iii), 4(a) and (b), respectively, of the selection criteria for Assistant Professor and equivalent posts, as circulated by the University vide memo dated 11.04.2018, Annexure P-3. More specifically, the *first* contention is that the fourth respondent in, CWP No.28831 of 2023, could not have been given two marks for Postgraduate Training on the basis of a certificate dated 18.02.2020, Annexure P-10, which is an online course and cannot be considered a training programme. *Secondly*, he could not have been awarded two marks for having cleared GATE on 17.03.2018, as it was valid for three years and the period came to an end much prior to closing date for submission of applications, i.e., 06.08.2022. *Thirdly*, he was not entitled to marks for three of his articles/research papers, as the same had not been published up to the closing date for submission of applications.

3.1. In the second petition, CWP No.16346 of 2021, selection of the fourth respondent has been challenged on the ground that she has wrongly been awarded five marks each for 'Publications in the relevant field' and 'Quality of Publications' as one of her research articles, *Storage studies of the formulated diabetic dietary supplement*, had not been published

anywhere up to the closing date for submission of applications, or the date of interview, i.e., 05.07.2013. Accordingly, no marks could have been awarded to the fourth respondent for this research article; in case these are excluded from her total selection score of 59.90, she will be placed at number 2 in the merit list and, therefore, the petitioner gets a right to be appointed.

4. *Per contra*, Mr. Shreenath A. Khemka, learned counsel for the University, contends that the selection(s) have been made by awarding marks strictly as per the criteria, and the objections raised by the petitioner(s) are not sustainable. With regard to first contention on behalf of the petitioner against awarding marks for Postgraduate Training under clause 1(b) of the criteria, it is contended that the fourth respondent has been rightly given marks for the online course on 'Basics of Remote Sensing Geographical Information System and Global Navigation Satellite System' which has been conducted by the Indian Institute of Remote Sensing (IIRS), Indian Space Research Organisation (ISRO), Department of Space, Government of India; it is relevant to the field of study and there is no requirement that the course has to be off-line only. And no exception can be taken to the marks awarded for qualifying GATE 2018, as there is no condition that its score should be valid on the date of interview. Also, for publications, the marks were rightly awarded to the said respondent because the papers had been accepted for publication at the relevant time.

4.1. Further, it is contended by Mr. Shreenath that the petitioner in the connected petition, CWP No.16346 of 2021, has no right to challenge the selection since the selected candidate/fourth respondent is entitled to award of marks for 'Publications in the relevant field' and 'Quality of Publications'; her research papers had initially been accepted for publication in the *Journal of Food Science and Technology*, but were to be subsequently published in another Journal, *Current Research in Nutrition and Food*

Sciences, and the University was duly informed by her in this regard vide letter dated 04.10.2019. Besides, even if this publication is excluded, the fourth respondent still scores 4.5 marks under clause 4(a) of the criteria, i.e., 03 marks for three publications under point (i)(a), and 1.5 for three publications under point (ii). This makes her total score as 59.40, which is still higher than the petitioner's marks, 57.90. Accordingly, she has no right of consideration.

5. Submissions advanced by learned counsel for the parties have been considered.

6. The challenge to selection of the private respondent(s) has been laid on the ground that award of marks by the selection committee is in violation of selection criteria for Assistant Professor and equivalent posts; the relevant provisions whereof read as under:

1. Qualifications: 50 marks

Academic Qualifications: 45 marks

xxx xxx xxx

Additional qualifications: 5 marks

a)	xxx
b) Any other PG training/higher training involving not less than three months duration-at a rate of 1 marks per training in the concerned subject.	2.0 marks
c) xxx	xxx
M.Phil	xxx

2. xxx xxx xxx

3. Academic Awards/Patents: 12 marks

i) xxx	xxx
ii) xxx	xxx
iii) JRF/GATE (ICAR/ UGC /CSIR/ DBT/DST or other National Govt. Agency)	2.0 marks
iv) xxx	xxx
v) xxx	xxx
vi) xxx	xxx

4(a) Publications in relevant field: 12 marks

Published papers in standard scientific referred journals:	
For full paper	
(a) For NAAS rating >6.0	
(i) For first and corresponding author	1.5 marks
(ii) For others	0.75 mark
(b) For NAAS rating ≤ 6.0	Max. 6.0 marks
(i) For first and corresponding author	1.0 mark
(ii) For others	0.5 mark
For research note/short communication >6.0 NAAS rating	0.50 mark (Max. 4.0 marks)
For research note/short communication ≤6.0 NAAS rating	0.25 mark (Max. 2.0 marks)
Papers presented and documented in Seminar/ symposium/ conference at National/ International level;	Max. 2.0 marks
International:	0.5 mark
National :	0.25 mark
Popular articles published in leading magazines	0.25 mark (Max.2.0 marks)
Books published by Universities/ National Institutes/Standard publishers	Max. 5.0 marks
a) Authored Book with ISBN No.	2.5 marks
b) Edited Book with ISBN No.	1.5 marks
c) Chapter/Bulletin	1.0 mark
Best paper/presentation/poster award at National/International conference sponsored by (ICAR/UGC/CSIR/DBT/DST or other National Govt. Agency)	1.0 mark

4(b) Quality of Publications in relevant field: 6 marks

To be adjudged by the Selection Committee

7. Clause 1(b) of the selection criteria prescribes award of two marks for any other Postgraduate training/higher training of not less than three months' duration. The fourth respondent has done an online course on "Basics of Remote Sensing Geographical Information System and Global Navigation Satellite System" conducted by IIRS, ISRO, from 19.08.2019 to 22.11.2019. Petitioner's objection is, it is an online course and not a training, whereas the Postgraduate training/higher training mentioned in the criteria

only means off-line training. The fourth respondent is postgraduate possessing M.Sc. degree in Zoology, and has done an online course of three months' duration from IIRS. To train an academic after post-graduation in the field relevant to his/her study, the University would not expect only off-line training/course to be undergone; and in case the organisations like IIRS are offering online courses for updating knowledge and skills for areas relevant to Zoology and the fourth respondent has done that, there is no reason he should be deprived of marks for it. Besides, the criterion itself does not require the training courses undertaken must have been conducted only in off-line mode, nor is it a case that the course in question could not have been conducted online, nor that it is irrelevant to the field of study. Therefore, the objection is groundless and stands rejected, and no exception can be taken to award of marks for the course.

8. Secondly, under clause 3(iii) two marks can be awarded for qualifying JRF/GATE, and the fourth respondent has qualified GATE 2018 on 17.03.2018; its validity period is three years. It remains acknowledged that after qualifying GATE, a candidate is entitled to get admission to technical institutions on that basis for a period of three years depending upon its score. It is not the case that GATE is a qualifying examination for the post in question; rather, it is considered an academic award under the criteria and qualifying the same entitles a candidate to two marks. The validity of GATE for a particular period is relevant only where a candidate has to take admission or appointment on that basis. Where qualifying GATE is to be considered as an additional qualification for award of marks during selection, as in the instant case, its validity on the closing date to apply loses significance. Resultantly, clearing GATE is the only relevant fact to be taken into consideration, which has rightly been done by the selection committee in awarding two marks to the fourth respondent.

9. Thirdly, clause 4(a) entitles a candidate to marks for published book and articles. The objection is that the research papers submitted by the fourth respondent have not been published before the closing date for submission of application forms. It, however, remains undisputed that the same had been accepted for publication before the closing date, and on that basis selection committee had awarded marks for such research papers considering the same as published. The selection committee cannot be faulted with for doing so, as award of marks to a candidate cannot depend upon date of publication of a research paper which has already been accepted for publication. The fact of its acceptance for publication by a particular journal indicates its academic value as well as credentials of the author. It is only after evaluation by editors and/or other experts in the field and considering the quality of research, that a paper is considered worthy of publication; this affords a reasonable and objective basis to award marks under the criteria, and not the date of actual publication. The date may or may not be before the closing date for submission of applications, as publication of journal depends upon so many factors, including frequency of its release, which may be quarterly, biannual or annual, or, there may be circumstances, unrelated to the contributors, which might delay the journal going to press. Accordingly, award of marks under the criteria cannot be made contingent to the date of publication, nor does the criteria indicate thus in any manner. The requirement is of a published work. And for the reasons aforementioned, no harm would be caused to academic standards as well as interests of the University if candidates are held entitled to award of marks for the papers/articles accepted for publication before the closing date; rather, it will be in furtherance of objective of the criteria. Therefore, in case the fourth respondent has been awarded marks for the research papers

accepted for publication before the closing date and published later, it cannot be termed in violation of the criteria.

9.1. A similar view has been taken by the High Court of Bombay, Nagpur Bench, in Writ Petition No.1383 of 2022 titled *Dr. Sunil v. The State of Maharashtra and others*; the relevant paragraph whereof reads as under:

14. Once it is established on record that the Medical Council of India considers the research papers accepted for publication as eligible for various posts and it is found that the fourth research paper of the petitioner was accepted for publication on 19.8.2021, much before the due date of 26.8.2021, the Committee of Experts could not have found the petitioner to be not eligible on the ground that the publication of the research paper of the petitioner was after the said due date. In fact, the publication of any research paper in an international journal is only a consequence of the decision to accept the research paper for publication and this consequence may ensue immediately after the acceptance of the research paper for publication or may visit after a gap of several days, months and even years. That apart publication of any research paper, which is already accepted for publication depends various factors such as availability of space in the journal, frequency of the journal and so on. These things are not within the control of the researcher and, in fact, should not matter for determining the eligibility of a researcher for a particular post or qualification. What should matter in such a case is the date on which a research paper is accepted for publication as it is such acceptance only which indicates the worth of research paper for its publication. In our view, it is only the fitness or worthiness of research paper for its publication, which comes from a decision of its acceptance for publication, which should determine the issue of eligibility of the researcher for a particular post or qualification. The guidelines issued by the Medical Council of India, (document-A3), in our view, make sense and they only show that Medical Council of India accepts that it is only the finding about worthiness of research paper for its publication which matters

and not it's actual publication. The Committee of Experts, however, glossed over this most important aspect of the matter and reached a patently wrong and perverse conclusion. It, therefore, deserves to be interfered with.

10. Lastly, the selected candidate/fourth respondent in the second petition was awarded marks for research papers which had neither been published nor accepted for publication before the closing date for submission of applications. The justification put forth by the University in this regard is that the research paper could not be published in the journal for which it was accepted, *Journal of Food Science and Technology*, and was later published in another journal, *Current Research in Nutrition and Food Sciences*. But there is no denying the fact that the latter acceptance as well as publication is after the closing date; therefore, marks could not have been awarded for it. However, the fact remains, even if the fourth respondent is not to be given weightage for the said research paper, she gets 4.5 marks for the remaining publications, regarding which there is no dispute. This gives her total 59.40 marks in selection, which are higher than the petitioner's marks, 57.90. Accordingly, the fourth respondent still retains first position in the order of merit, and remains entitled to appointment.

11. In view of the discussion, this Court finds no merit in the petitions, and the same stand dismissed.

12. A photocopy of this order be placed on the connected file.

(TRIBHUVAN DAHIYA)
JUDGE

27.08.2025
Maninder

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No