

**Before Himachal Pradesh Private Educational Institutions
Regulatory Commission, Shimla .**

Case No: 07/2021
Date of Institution: 23.04.2021
Date of Decision: 03.08.2021

In the matter of:

Amit Monga & Others

.....Petitioner (s)

Versus

Chitkara University, Baddi, Distt.-Solan (HP)

.....Respondent

Order

This order shall dispose off the complaints filed by Sh. Amit Monga and Sh. Sukhraj Brar (herein after referred as petitioners) through emails on dated 05.01.2021, wherein both the petitioners filed complaints against Chitkara University, Baddi, Distt.-Solan (HP) (herein after referred as respondent University) that the said university terminated their services on dated 19.06.2020 with immediate effect for the reasons that mandatory registration in Ph.D program is required by all the faculty members as per Notification dated 18th July, 2018 notified by the University Grants Commission. Further, both the petitioners sought re-joining in the service as per previous salary with proper increment, allowance & EPF in the respondent University. Moreover, as per the record submitted by both the parties, petitioners were appointed against the posts of Assistant Professor in Department of Electronics & Communications Engineering in the year 2011 as per terms & conditions of appointment fixed by the respondent University at that time.

The respondent university contested the complaints and denied all the allegations levelled against them by filing its reply through email dated 22.01.2021. In the reply, the respondent University submitted as follows:

“that as per clause 3.8 of UGC regulations ‘UGC regulations on minimum qualifications for appointment of Teachers and other academic staff in universities and colleges and measures for the maintenance of standards in higher education, 2018’ Ph.D degree has

been made mandatory for appointment and promotion to the post of Associate Professor. Similarly, in the Clause 3.10 Ph.D Degree has been made mandatory for direct recruitment to the post of Assistant Professor. Clause 3.8 and 3.10 are reproduced hereunder:

‘3.8: The Ph.D Degree shall be a mandatory qualification for appointment and promotion to the post of Associate Professor’.

‘3.8: The Ph.D Degree shall be a mandatory qualification for direct recruitment to the post of Assistant Professor in Universities with effect from 01.07.2021’.

‘that in view of new Regulation to improve education standard of the University, so as to bring the same at par with world class standards and fulfil the requirement of the Industry, the University decided to call upon the Assistant Professors without Ph.D Degree on 06.07.2018 and motivated them to enrol for the Ph.D program and submit the proof of enrolment before 15.07.2019. The University again issued the Office Orders on 24.11.2018 and 25.04.2019 as a reminder to all those who did not enrol for their Ph.D degree.

It was also submitted by the respondent University that the complainants though applied for the Ph.D program but never appeared for the entrance exam which is a pre requisite for Ph.D enrolment despite of repeated communications from the University.”

After receiving the reply from the respondent University, the matter was fixed for hearing and during the hearing on dated 29.06.2021, no dues certificates signed by Sh. Amit Monga was submitted by the respondent University. However, both the parties were directed to submit the Recruitment and Promotion Rules & Regulations made by the respondent University and correspondence made between both the parties regarding enrolment in Ph.D. program.

After hearing the plea of both the parties and on examination of all the documents submitted by the parties pertaining to the matter, it is observed that:

1. That on perusal of the appointment letter of the petitioners, petitioners were appointed against the posts of Assistant Professor in Department of Electronics & Communications Engineering in the year 2011 as per terms & conditions of appointment fixed by the respondent University at that time.
2. That in the terms and conditions of appointment fixed by the respondent University, **it has been clearly mentioned that the notice period for termination / resignation will be 30 days. It has also been mentioned in the said guidelines that the petitioners will be bound by rules, regulations and orders promulgated by the University in relation to conduct, discipline and policy matters.**
3. That University Grants Commission notified its regulations on Minimum Qualifications for Appointment of Teachers and Other Academic Staff in Universities and Colleges and Measures for the Maintenance of Standards in Higher Education, 2018, wherein it has been specifically mentioned in **clause 1.3** that these shall come into force from the date of notification and **clause 3.10** that the Ph.D. Degree shall be a mandatory qualification for direct recruitment to the post of Assistant Professor in Universities **with effect from 01.07.2021.**
4. That the respondent University through its email dated 29.06.2021 also submitted the No Dues Certificates signed by the petitioner (Sh. Amit Monga) submitted in the office of Talent Management, Chitkara University, Head Office, Sector-9, Chandigarh vide which Sh. Amit Monga has admitted that he has received all his pending dues from the respondent University as full and final settlement pertaining to notice pay, service compensation, leave or any other claim in connection with his employment and have no further claim/demand for reinstatement or re-employment and nothing remains due towards University. He shall not raise any claim or demand, whatsoever against the University.

Findings:

In view of the submission made by the parties and documents on record, it is evident that the respondent University tried to motivate the petitioners to enrol for the Ph.D program as per **clause 1.3** of aforementioned regulations. However, the termination of petitioners as per by referring the **clause 3.10** of said regulations seems to be inappropriate. As the clause 3.10 of the said regulations clearly states that the Ph.D Degree shall be a mandatory qualification for direct recruitment to the post of Assistant Professor in Universities **with effect from 01.07.2021**, where it can be interpreted that the Ph.D Degree mandatory

requirement for the appointment of Assistant Professor who will be recruited w.e.f. 01.07.2021 and above mentioned regulations shall have prospective effect.

In view of the above observations and findings, the Commission hereby passes the following orders:

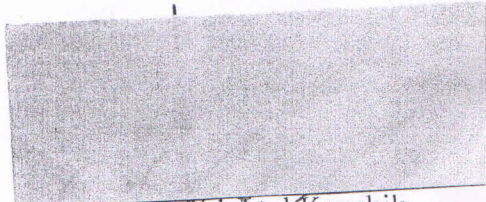
- That the action taken by the respondent University is not accordance with the terms and conditions fixed during the appointment of petitioners in the year 2011 with respect to requisite qualifications of the post. The question of No Objection Certificates does not arise, as the termination of petitioners are prima facie inappropriate as per above mentioned regulations, 2018.
- Both the parties are advised to amicably settle the issues and aggrieved party may approach the appropriate forum for the desired relief.

The above shall order come into the power with immediate effect.

Matter stand adjudicated, representations / applications, if any, in this matter also stand dispose off.

Orders be uploaded on website of the Commission.
File after completion be consigned to record room.

Announced.


Major General Atul Kaushik
Chairman