



2026:UHC:4313-DB

JUDGMENT RESERVED ON: 18.05.2026

JUDGMENT DELIVERED ON: 30.05.2026

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL
THE HON'BLE CHIEF JUSTICE MR. MANOJ KUMAR GUPTA
AND
THE HON'BLE JUSTICE MR. SUBHASH UPADHYAY

Writ Petition (S/B) No.582 of 2024

Dr. Navneet Parmar -----Petitioner

Versus

State of Uttarakhand and Others -----Respondents

With

Writ Petition (S/B) No.602 of 2024

Deepmala -----Petitioner

Versus

State of Uttarakhand and Others -----Respondents

Presence:-

Mr. Bhuwan Bhatt and Mr. Pradeep Kumar Chauhan, learned counsel for the petitioners

Mr. B.S. Parihar, learned Additional C.S.C. for the State

Mr. J.S. Bisht, learned counsel for Uttarakhand Ayurved University.

Mr. Avtar Singh Rawat, learned Senior Counsel assisted by Mr. (Dr.) Aman Rab, learned counsel for the respondent no.3 through V.C.

Ms. Anjali Bharagava, learned counsel for the UGC

JUDGMENT: (per Mr. Subhash Upadhyay, J.)

1. As the controversy involved in these two writ petitions relates to the challenge thrown to the appointment of respondent no.3 as the Vice Chancellor of Uttarakhand Ayurved University, as such, both the writ petitions are being decided by this common judgment.



2. Petitioner in WPSB No.582/2024 claims himself to be a social activist, combating corruption by the public authorities. Petitioner in WPSB No.602/2024 claims to be working in Uttaranchal Crime News a Hindi daily, as a Reporter.

3. In these writ petitions, petitioners have prayed for a issuance of writ of *quo warranto* against respondent no.3, on the ground, that he lacks the requisite qualification for the post of Vice Chancellor of Uttarakhand Ayurved University (*hereinafter to be referred as the "University"*).

4. The petitioners, in support of their submissions, have referred to the application submitted by respondent no.3 for the post of Vice Chancellor and contend that the respondent no.3 has worked as Professor, Kaya Chikitsa from 17.02.2009 to 07.11.2013 for a period of 04 years 08 months only and thereafter from 08.11.2013 he has worked as Principal of Government Ayurvedic PG College, Rishikul, Haridwar and Principal/Campus Director of Government Ayurved College, Gurukul Kangri, Haridwar, for a period of 09 years and 06 months.

5. Learned counsel for the petitioners submit that the post of Principal is a non-teaching post and as such the experience of respondent no.3 as a Principal from



08.11.2013 to 10.05.2023, i.e., the last date of submission of application form, for the post of Vice Chancellor, cannot be taken into consideration towards the experience for the post of Professor. Learned counsel for the petitioners, thus, contends that the appointment of respondent no.3 is in contravention to Regulation 7.3 of the UGC Regulations of 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 (*hereinafter to be referred as "UGC Regulations, 2018"*). In support of their case, learned counsel for the petitioners have placed reliance on the following judgments:

- (i) Professor Narendra Singh Bhandari vs. Ravindra Jugran and Others, 2022 (17) SCC 679
- (ii) Gambirdhan K. Gadhvi vs. The State of Gujarat & Others, 2022 (5) SCC 179.
- (iii) Dr. Vinod Kumar Chauhan vs. State of Uttarakhand, WPSB No.567/2021

6. Per contra, learned Additional C.S.C. appearing for the State and learned counsel for the University submit that the Selection Committee constituted as per the Uttarakhand Ayurved University Act, 2009 (*hereinafter to be referred as 'the University Act, 2009'*) considered the



case of eligible candidates as per Regulations 7.3 of the UGC Regulations, 2018. The respondent no.3 possessed the requisite qualification for the post of Vice Chancellor, as the post of Principal is a teaching as well as administrative post. Learned counsel for the respondents further submitted that there is no allegation of malafide against the duly constituted Selection Committee and the respondent no.3 was appointed as Vice Chancellor, as his name was amongst the panel of three meritorious candidates recommended by the Selection Committee.

7. Shri Avtar Singh Rawat, learned Senior Counsel appearing for respondent no.3 submits that advertisement was issued on 19.04.2023 inviting applications for the post of Vice Chancellor and the last date of submission of the application form was 10.05.2023. The respondent no.3, being fully eligible, submitted his candidature for the said post and the Committee constituted as per Section 11 of the University Act, 2009 met on 22.07.2023 and 01.09.2023, and after interacting with the eligible candidates, prepared a panel of three meritorious candidates. The name of respondent no.3 was amongst the panel of three candidates recommended for appointment and the State Government appointed the respondent no.3 owing to his merit.



8. Learned senior counsel further submits that the entire case of the petitioners is based on the fact that the post of Principal is a non-teaching post, however, the said stand is misconceived as the respondent no.3, while working as Principal, had performed the teaching work and guided the researchers. He referred to the order passed by Coordinate Bench of this Court dated 05.01.2026, where considering the said submission, the Court had directed the respondent no.3 to file an additional counter affidavit. Learned senior counsel for respondent no.3 submits that the additional counter affidavit was filed on 10.01.2026 and thereafter, vide order dated 09.03.2026, the petitioners were granted an opportunity to rebut the averments made in additional counter affidavit, however, the petitioners did not file any reply to the said counter affidavit and rather made a statement that they do not wish to file any reply to the said additional counter affidavit. The said statement of the petitioners was taken on record by the Court, in its order dated 09.03.2026. The contents of paragraph nos.2 to 13 of the additional counter affidavit filed by respondent no.3 in pursuance of the order passed by this Court are as follows: -

"2) That the above noted matter was last listed before this Hon'ble Court on 05.01.2026 and vide order dated 05.01.2026 this Hon'ble Court has been pleased to direct as under: -

".....



At the time of arguments, learned Senior Counsel appearing for the private respondent submits that, in fact, the private respondent is still a professor. He was promoted as Principal and he is still taking classes as a Professor, guiding the researchers. He seeks time to file additional counter affidavit to that effect.

Let it be filed within next three days.

Thereafter, within a week, respondent affidavit, if any, may be filed by the petitioners.

....."

3) That the instant additional counter affidavit is being filed in compliance with the aforementioned order.

4) That the deponent has continuously been a Professor of Kayachikitsa from 2009 till date. A detailed table of the responsibilities undertaken by the deponent while discharging the role of a Professor is as specified below:

Sr. No.	Position	Charge taken from	Date of Handing Over the Charge	Duration
	Professor, Govt. Ayurvedic College, Gurukul Kangri, Haridwar	17.02.2009	07.11.2013	4 years 8 months 21 days
	Principal Govt. Ayurvedic PG College Rishikul, Haridwar	08.11.2013	07.08.2015	1 year 8 months 30 days
	Principal, Govt. Ayurvedic PG College, Gurukul Kangri, Haridwar	08.08.2015	14.12.2015	4 months 6 days
	Director, Ayurveda and Unani Services	15.12.2015	11.07.2019	3 years 6 months 26 days
	Principal, Govt. Ayurvedic PG College, Gurukul Kangri, Haridwar (rejoined)	25.07.2019	10.05.2023 (last date of application)	3 years 9 months 16 days
			Total Duration (as Professor/Principal)	10 years 7 months 11 days
			Total length of service including additional charge of Director	14 years 2 months 9 days



5) That the deponent was appointed as Professor (teacher code AYKC 02680) at Government Ayurvedic College, Gurukul Kangri, Haridwar on 17.02.2009 as is certified in the Appointment Letter dated 22.01.2009 (annexure 3 at page 41 of Counter Affidavit on behalf of Respondent No. 3) and the certificate of assuming charge dated 17.02.2009 (annexure 3, page 38 of Counter Affidavit on behalf of Respondent No. 3). Further, the deponent served for a duration of 4 years 8 months 21 days, which is calculated as per the dates certified in the Certificate of Experience awarded by Director, Ayurvedic and Unani Services, Dehradun dated 05.04.2014 (Annexure 3, page 50 of Counter Affidavit on behalf of Respondent No. 3).

6) That the deponent was appointed as the Principal of Government Ayurvedic PG College, Rishikul, Haridwar is through the Appointment Letter dated 07.11.2013 (annexure 3 at page 46 of Counter Affidavit on behalf of Respondent No. 3) and assumed charge on 08.11.2013 (annexure 3 at page 36 of Counter Affidavit on behalf of Respondent No. 3). Additionally, he remained at the post till 07.08.2015 as certified by the Certificate dated 08.10.2024 issued by Campus Director, Rishikul Campus, Haridwar (Annexure 7 at page 58 of Counter Affidavit on behalf of Respondent No. 3).

7) That the deponent then assumed the charge of Principal/Campus Director of Government Ayurved College, Gurukul Kangri, Haridwar on 08.08.2015 as certified in Certificate of Assuming Charge dated 08.08.2015. In this connection, copy of certificate dated 08.08.2015 endorsed by the Registrar, Uttarakhand Ayurved University, Dehradun, along with its typed copy is being 2002 marked and filed as ANNEXURE NO. 1 to this additional Counter affidavit. The deponent served as the Principal and was present at the campus until his charge was assumed by Prof. (Dr.) Meena Ahuja on 14.12.2015. In this connection, copy of certificate dated 17.12.2015 endorsed by the Registrar, Uttarakhand Ayurved University, Dehradun, along with its typed copy is being marked and filed as ANNEXURE NO. 2 to this additional counter affidavit. The deponent was also continuously guiding MD (Ayurveda) and PhD scholars in their research work.

8) That the deponent, was also discharging the additional charge of Director, Uttarakhand Ayurved and Unani Services from 24.07.2014 to 11.07.2019, while handling the core charge of Principal as certified by the Certificate of Experience issued by Secretary, AYUSH and AYUSH Education, Government of Uttarakhand dated 08.05.2023 at



paragraph 2 (Annexure 3 at page 37 of Counter Affidavit on behalf of Respondent No. 3).

9) That the deponent resumed his post as Principal/Campus Director of Gurukul Kangri Campus on 25.07.2019 as per certificate dated 25.07.2019 (Annexure No. 3 at page 35 of the counter affidavit on behalf of Respondent No. 3). The deponent has served at the above-mentioned post continuously till his appointment as the Vice-Chancellor of Uttarakhand Ayurved University, Harrawala, Dehradun as per the Experience Certificate issued by Campus Director, Gurukul Kangri Campus (annexure no. 7 at page 59 of the counter affidavit on behalf of Respondent No. 3).

10) That the deponent was also teaching regular classes of B.A.M.S. (kayachikitsa) and M.D. students in the capacity of a professor during his tenure in the respective colleges. (Annexure No. 7 at Page 58 and 59 of the counter affidavit on behalf of Respondent No. 3) The deponent has conducted regular classes & Examinations in the respective educational institutions as per the time-tables approved by the HoD and Principal from time to time, along with supervising the PhD and MD/MS students allotted to him by the Research Degree Committee (RDC). Copy of time tables of Rishikul and Gurukul Kangri Campus Colleges along with the minutes of the meeting of RDC, along with the typed copy of the relevant portions, are being marked and filed as ANNEXURE NO. 3 to this additional counter affidavit.

11) That the deponent assumed the post of Principal through promotion after selection conducted by PSC since the cadre of professor is a source for recruiting principals under Section 3 of Uttarakhand Ayush (Ayurvedic) College Teacher Service Regulations, 2011. (Annexure no. 4 at page 53 of the counter affidavit on behalf of Respondent No. 3)

12) That Rule 34(5) of National Commission for Indian System of Medicine (Minimum Essential Standards, Assessment and Rating for Undergraduate Ayurveda Colleges and attached Teaching Hospitals) Regulations permits the Head of the Institute (in this case, the Principal) to teach. (Annexure No. 5 at page 55 of the counter affidavit on behalf of Respondent No. 3)

13) That the Government of Uttarakhand vide letter no. 314/XL-1/2023-04/2017 dated 21.03.2023 clarified that service as a principal fall under teaching services. In this connection, Copy of AR



letter dated 21.03.2023 issued by the Government of Uttarakhand is being marked and filed as ANNEXURE NO. 4 to this additional counter affidavit. Further, the Uttarakhand Ayurved University Act, 2009 includes professors in the definition of -Teacher under section 2(v), which is being marked and filed as ANNEXURE NO. 5 to this additional counter affidavit."

9. Learned senior counsel for respondent no.3 submits that the respondent no.3 was having the experience of more than 14 years in a reputed academic organization. The aforesaid experience was duly considered by the Selection Committee which found the said experience to be in conformity with the eligibility prescribed for the post of Vice Chancellor.

10. Heard learned counsel for the parties and perused the record.

11. The appointment to the post of Vice Chancellor of the University is governed by the Uttarakhand Ayurved University Act, 2009. Section 11 of the said Act postulates the process of selection. Sub-Section (1), (2) and (3) of Section 11 of the University Act, which are relevant for the purpose, read as under: -

"11. (1) The Vice-Chancellor shall be a whole time salaried officer of the University and shall be appointed by the Chancellor except as provided from amongst the persons whose names are submitted to him by the Committee



constituted in accordance with the provisions of sub-section (2) by the State Government.

[(2) The Committee specified to in sub-section (1) shall have following members, namely :-

(a) A serving/ retired Judge of State High Court nominated by the Chief Justice;

(b) A renowned educationist nominated by the State Government;

(c) A member nominated by the Chancellor;

(d) A nominated member by the executive council;

(e) Additional Chief Secretary/ Principal Secretary/ Secretary, Ayush education as a member secretary;

The State Government shall appoint one of the members of committee as a Chairperson of the Committee.

The Committee shall forward a panel of three to five such renowned Ayush educationists or retired officers from higher level suitable to hold the post of Vice-chancellor, showing their educational and specific administrative experience in the alphabetical order to the State Government. At the time of recommendation by the committee, the maximum age of recommended person in the panel shall be 65 years. The recommendation by the State Government shall be forwarded to the Chancellor.]¹

(3) The Committee shall, as far as may be, atleast sixty days before the date on which a vacancy the office of the Vice-Chancellor is due to occur by reason of expiry of term or resignation under sub-section (6), and also whenever so required and before such date as may be specified by the Chancellor, submit to the Chancellor the names of not less than three and not more than five persons suitable to hold the office of the Vice-Chancellor. The Committee Shall, while



submitting the names, also forward to the Chancellor a concise statement showing the academic qualifications and other distinctions of each of the persons so recommended, but shall not indicate any order of preference."

12. The eligibility requirement for the post of Vice Chancellor is stipulated in Clause 7.3 of the UGC Regulations, 2018, which reads as under: -

"7.3 VICE CHANCELLOR

- i. A person possessing the highest level of competence, integrity, morals and institutional commitment is to be appointed as Vice-Chancellor. The person to be appointed as a Vice-Chancellor should be a distinguished academician, with a minimum of ten years' of experience as Professor in a University or ten years' of experience in a reputed research and / or academic administrative organisation with proof of having demonstrated academic leadership.*
- ii. The selection for the post of Vice-Chancellor should be through proper identification by a Panel of 3-5 persons by a Search-cum-Selection-Committee, through a public notification or nomination or a talent search process or a combination thereof. The members of such Search-cum-Selection Committee shall be persons' of eminence in the sphere of higher education and shall not be connected in any manner with the University concerned or its colleges. While preparing the panel, the Search cum-Selection Committee shall give proper weightage to the academic excellence, exposure to the higher education system in the country and abroad, and adequate experience in academic and administrative governance, to be given in writing along with the panel to be submitted to the Visitor/Chancellor. One member of the Search cum-Selection Committee shall be nominated by the*



Chairman, University Grants Commission, for selection of Vice Chancellors of State, Private and Deemed to be Universities.

- iii. *The Visitor/Chancellor shall appoint the Vice Chancellor out of the Panel of names recommended by the Search-cum-Selection Committee."*

13. The Committee constituted by the State Government on 04.07.2023, as per provisions of sub-section (2) of Section 11 of the University Act, 2009 considered the candidature of eligible candidates and prepared a panel of three candidates in alphabetical order and recommended their names to the State Government. The name of respondent no.3 was amongst the name of three candidates, who were recommended and, based on the recommendation of the Committee, the appointment was made by the State Government. The minutes of the meeting of the Committee held on 22.07.2023 and 01.09.2023, which are enclosed as Annexure-2 to the counter affidavit filed by respondent no.3 reads as under: -

"Minutes of the meeting of the Committee for forwarding a Panel for appointment of Vice-Chancellor of the Uttarakhand Ayurved University, Harrawala, Dehradun

In the light of sub-section (2) of Section 11 of the Uttarakhand Ayurved University Act, 2009, as amended by the Uttarakhand Ayurved University (Amendment) Act, 2017 hereinafter referred to as "the Act, 2009"), the Search Committee, has been constituted by the Office Memorandum No. 1034/XL-1/2020-149/2010 TC-II dated 04.07.2023, comprising-



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- (1) Honourable Justice Shri Manoj Kumar Tiwari,
High Court of Uttarakhand, Nainital. – Chairperson
- (2) Shri Sanjeev Chopra, I.A.S.(Retd), Former Secretary,
Government of Uttarakhand and former Director,
Lal Bahadur Shastri National Academy of Administration,
Mussoorie. - Member
- (3) Prof. Naresh Chandra Gautam, Former
Vice-Chancellor Mahatma Gandhi Chitrakoot Gramodaya
University, Agra, U.P. - Member
- (4) Shri Dalip Chandra Nath, Retired Vice-Chancellor,
Assam University. - Member
- (5) Secretary, AYUSH and AYUSH Education,
Uttarakhand Government. -Member
Secretary

1. The first meeting of the Committee was held on 22.07.2023
2. The Committee was informed by the Member Secretary of Search Committee (Secretary, AYUSH and AYUSH Education, Government of Uttarakhand) that a Press Note was issued on 19.04.2023 through which applications have been invited for the appointment to the post of the Vice-Chancellor of Uttarakhand Ayurved University. The last date for submitting the applications was 10.05.2023.
- 3- The Member Secretary informed that total 29 applications were received for the post of the Vice-Chancellor till last date of submission. (Annexure).
- 4- The member secretary pointed out that through the judgements of **Writ Petition (Civil) No-1525/2019** Gambhirdan K Gadhvi vs State of Gujarat filed in the Hon'ble Supreme Court, New Delhi, **Civil Appeal No-8184/2022** filed in the Hon'ble Supreme Court, New Delhi and **Writ petition (S/B) NO-567 of 2021** Vinod Kumar Chauhan vs state of Uttarakhand and others filed in the Hon'ble High Court of Uttarakhand, the Hon'ble Supreme Court and the Hon'ble High Court has directed that the selection criteria of the Vice-Chancellor of the University should be as per the provisions and qualifications prescribed by the University Grants Commission regulations, 2018. It has also been clarified by the Hon'ble High Court that in the prescribed provision for the selection of the Vice-Chancellor, the maximum age is fixed at 65 years.



5- The Member Secretary informed that Secretary, **Hon'ble Governor/Hon'ble Chancellor's vide his demi-official letter No.-484/J-22/GS(Edu.)/2023 dated 14 may, 2023** and letter No.-E 3839/GS(Edu.)/C12-1(II)/2017, dated 21 july, 2023, clarified that the appointment of Vice Chancellors in the State by the Honorable Governor/ Chancellor would be done according to the minimum qualification prescribed for the appointment of Vice Chancellors in accordance with the provisions laid down in the University Grants Commission Regulations, 2018.

6- University Grants Commission Regulations, 2018 prescribes "**A person possessing the highest level of competence, integrity, morals and institutional commitment is to be pointed as Vice-Chancellor. The person to be appointed as a Vice-Chancellor should be a distinguished academician, with a minimum of ten years of experience as professor in a University or ten years of experience in a reputed research and/or academic administrative organisation with proof of having demonstrated academic leadership.**"

7- The Committee was informed by the Member Secretary of Search Committee (Secretary, AYUSH and AYUSH Education, Government of Uttarakhand) that according to the minimum qualification prescribed for the post of Vice-Chancellor applications were invited and total 29 applications were received. After scrutiny of the applications, it was found that 11 applicants do not possess the prescribed minimum qualification. The applicants who were found prima facie ineligible were informed by the AYUSH and AYUSH Education department, Government of Uttarakhand by sending them separate letters on 18.07.2023.

Applications of total 18 applicants found prima facie eligible. Out of 18 applicants, only 15 applicants appeared for the interview before the search committee on date 22.07.2023.



Committee interacted with all of them and also saw their certificates and other documents. Committee noticed that certificates/documents of some of the applicants were not available to prove their eligibility for the post of Vice-chancellor.

In view of the non-availability of certificates/ documents of some of the applicants, it was decided that the search committee will meet again to finalise the panel of eligible candidates for the post of Vice-Chancellor. Committee also directed the Secretary, AYUSH and AYUSH Education, Government of Uttarakhand to ensure the availability of documents and certificates of all applicants and decision will be taken after due diligence and discussion.

*(Prof. Dalip Chandra Nath)
Retired Vice-Chancellor, Assam
University-Member*

*(Prof. Naresh Chandra-Gautam)
Former Vice-Chancellor Mahatma
Gandhi Chitrakoot Gramodaya
University, Agra, U.P - Member*

*(Dr. Pankaj kumar Panday)
Secretary, AYUSH and
AYUSH Education, Uttarakhand
Government, Member-Secretary*

*(Mr. Sanjeev Chopra),
IAS(Retd), Former Secretary,
Government of Uttarakhand and
former Director, Lal Bahadur
Shastri National Academy of
Administration, Mussoorie-
Member*

*(Hon'ble Justice Manoj Kumar Tiwari) High Court of
Uttarakhand, Nainital-Chairperson"*

In terms of the resolution passed in first meeting, the Selection Committee again met at Nainital on 01.09.2023, in which all Members were physically present except Mr. Sanjeev Chopra, IAS (Retd.), who participated virtually.

After considering the performance of all the candidates and also their profile, the Search Committee recommends the panel of the candidates, in alphabetic order as follows: -

- 1. Prof. Arun Kumar Tripathi, Campus Director, Gurukul, Haridwar.*
- 2 Vaid Prasanna Narsimmha Rao, SDMC, Hymedillagi, Hasan, He*
- 3 Dr. Uttam Kumar Sharma, Uttrakhand Ayurved Uni. Dehradun*



*(Prof. Dalip Chandra Nath)
Retired Vice-Chancellor, Assam
University-Member*

*(Prof. Naresh Chandra-Gautam)
Former Vice-Chancellor Mahatma
Gandhi Chitrakoot Gramodaya
University, Agra, U.P - Member*

*(Dr. Pankaj kumar Panday)
Secretary, AYUSH and
AYUSH Education, Uttarakhand
Government, Member-Secretary*

*(Mr. Sanjeev Chopra),
IAS(Retd), Former Secretary,
Government of Uttarakhand and
former Director, Lal Bahadur
Shastri National Academy of
Administration, Mussoorie-
Member*

*(Hon'ble Justice Manoj Kumar Tiwari) High Court of Uttarakhand,
Nainital-Chairperson*

14. The details of the meeting of the Committee, referred above, would reveal that amongst the 29 candidates, who applied for the post of Vice Chancellor, only 18 applicants were found to be eligible, and out of which, only 15 candidates appeared for the interview. After interacting with the candidates and taking into consideration their certificates and other documents and by adjudging their suitability as per UGC Regulations, the Committee prepared the panel of three meritorious candidates.

15. Admittedly, the appointment of respondent no.3 was made by the State Government from the panel of candidates recommended by the Committee. There is no imputation on the Selection Committee. The Selection Committee which consisted of a sitting Judge of this High Court and other distinguished experts in their field evaluated the qualification, experience, merits and demerits of each candidate and prepared a panel of three



meritorious candidates. This Court cannot sit in appeal over the recommendation of the Selection Committee.

16. As to whether the decision of the duly constituted body can be interfered by the Court in absence of any malafide against the expert committee was considered by the Hon'ble Apex Court in the case of "**Basavaiah Vs. Dr. H.L. Ramesh**" (2010) 8 SCC 372 wherein the Hon'ble Apex court, while considering the judgment of the Constitutional Bench in the case of "**University of Mysore Vs. C.D. Govinda Rao**" AIR 1965 SC 491 in paragraph nos.20 to 38, has held as under:

"20. It is abundantly clear from the affidavit filed by the University that the Expert Committee had carefully examined and scrutinised the qualification, experience and published work of the appellants before selecting them for the posts of Readers in Sericulture. In our considered opinion, the Division Bench was not justified in sitting in appeal over the unanimous recommendations of the Expert Committee consisting of five experts. The Expert Committee had in fact scrutinised the merits and demerits of each candidate including qualification and the equivalent published work and its recommendations were sent to the University for appointment which were accepted by the University.

21. It is the settled legal position that the courts have to show deference and consideration to the recommendation of an Expert Committee consisting of distinguished experts in the field. In the instant case, the experts had evaluated the qualification, experience and published work of the appellants and thereafter recommendations for their appointments were made. The Division Bench of the High Court ought not to have sat as an appellate court on the recommendations made by the country's leading experts in the field of Sericulture.

22. A similar controversy arose about 45 years ago regarding appointment of Anniah Gowda to the post of Research Reader in



English in Central College, Bangalore in University of Mysore v. C.D. Govinda Rao [AIR 1965 SC 491] in which the Constitution Bench unanimously held that normally the courts should be slow to interfere with the opinions expressed by the experts particularly in a case when there is no allegation of mala fides against the experts who had constituted the Selection Board. The Court further observed that it would normally be wise and safe for the courts to leave the decisions of academic matters to the experts who are more familiar with the problems they face than the courts generally can be.

23. *We have been called upon to adjudicate a similar matter of the same University almost after half a century. In a judicial system governed by precedents, the judgments delivered by the Constitution Bench and other Benches must be respected and relied on with meticulous care and sincerity. The ratio of the Constitution Bench has not been properly appreciated by the learned Judges in the impugned judgment.*

24. *In M.C. Gupta (Dr.) v. Dr. Arun Kumar Gupta [(1979) 2 SCC 339 : 1979 SCC (L&S) 168] , somewhat similar controversy arose for adjudication, in which the State Public Service Commission invited applications for two posts of Professors of Medicine in the State Medical Colleges. The two appellants as well as Respondents 1, 2 and 3 applied for the said post. Appellant 1 had teaching experience of about 6 years and 6 months as a Lecturer in Cardiology in the Department of Medicine and about 3 years and 2 months as Reader in Medicine in S.N. Medical College, Agra. Since there was no separate Department of Cardiology in that College, Cardiology formed part of General Medicine and as such he was required to teach General Medicine to undergraduate students and to some postgraduate students in addition to Cardiology. Similarly, Appellant 2 had one year's experience as post-doctoral teaching fellow in the Department of Medicine, State University of New York, Buffalo, one year's teaching experience as Lecturer while posted as a Pool Officer and 15 months' teaching experience as post-doctoral research fellow in the Department of Medicine in G.S.V.M. Medical College, Kanpur and about 4 years and 6 months' teaching experience as Assistant Professor of Medicine, State University of New York, Buffalo. Cardiology is a part of Medicine and the teaching experience acquired while holding the post of Lecturer in Cardiology was teaching experience in a subject which substantially formed part of General Medicine over and above the*



same. The Commission was amply justified in reaching to the conclusion that he had the requisite teaching experience. The High Court was, therefore, in error in quashing its selection of the appellant in this case.

25. The teaching experience of foreign teaching institutions can be taken into consideration if it is from a recognised institution of repute. It cannot be said that State University of New York at Buffalo, where Appellant 2 served as an Assistant Professor would not be an institution of repute. The experts aiding and advising the Commission must be quite aware of institutions in which the teaching experience was acquired by him and this one is a reputed University. According to the experts of the Selection Board, both the appellants had requisite qualification and were eligible for appointment. If they were selected by the Commission and appointed by the Government, no fault can be found with the same. The High Court interfered and set aside the selections made by the Expert Committee. This Court while setting aside the judgment of the High Court reminded the High Court that it would normally be prudent and safe for the courts to leave the decision of academic matters to experts. The Court observed as under: [M.C. Gupta (Dr.) case [(1979) 2 SCC 339 : 1979 SCC (L&S) 168] , SCC pp. 344-45, para 7]

"7. ... When selection is made by the Commission aided and advised by experts having technical experience and high academic qualifications in the specialist field, probing teaching/research experience in technical subjects, the courts should be slow to interfere with the opinion expressed by experts unless there are allegations of mala fides against them. It would normally be prudent and safe for the courts to leave the decision of academic matters to experts who are more familiar with the problems they face than the courts generally can be."

26. In *J.P. Kulshrestha (Dr.) v. Allahabad University* [(1980) 3 SCC 418 : 1980 SCC (L&S) 436] the Court observed that the court should not substitute its judgment for that of academicians: (SCC p. 426, para 17)

"17. Rulings of this Court were cited before us to hammer home the point that the court should not substitute its judgment for that of academicians when the dispute relates to educational affairs. While there is no absolute ban, it is a rule



of prudence that courts should hesitate to dislodge decisions of academic bodies.”

27. *In Maharashtra State Board of Secondary and Higher Secondary Education v. Paritosh Bhupeshkumar Sheth [(1984) 4 SCC 27] the Court observed thus: (SCC pp. 56-57, para 29)*

“29. ... As has been repeatedly pointed out by this Court, the Court should be extremely reluctant to substitute its own views as to what is wise, prudent and proper in relation to academic matters in preference to those formulated by professional men possessing technical expertise and rich experience of actual day-to-day working of educational institutions and the departments controlling them.”

28. *In Neelima Misra v. Harinder Kaur Paintal [(1990) 2 SCC 746 : 1990 SCC (L&S) 395 : (1990) 13 ATC 732] the Court relied on the judgment in University of Mysore [AIR 1965 SC 491] and observed that in the matter of appointments in the academic field, the court generally does not interfere. The Court further observed that the High Court should show due regard to the opinion expressed by the experts constituting the Selection Committee and its recommendation on which the Chancellor had acted.*

29. *In Bhushan Uttam Khare v. B.J. Medical College [(1992) 2 SCC 220 : 1992 SCC (L&S) 554 : (1992) 20 ATC 223] the Court placed reliance on the Constitution Bench decision in University of Mysore [AIR 1965 SC 491] and reiterated the same legal position and observed as under: (Bhushan Uttam case [(1992) 2 SCC 220 : 1992 SCC (L&S) 554 : (1992) 20 ATC 223] , SCC p. 223, para 8)*

“8. ... the Court should normally be very slow to pass orders in its jurisdiction because matters falling within the jurisdiction of educational authorities should normally be left to their decision and the Court should interfere with them only when it thinks it must do so in the interest of justice.”

30. *In Dalpat Abasaheb Solunke v. Dr. B.S. Mahajan [(1990) 1 SCC 305 : 1990 SCC (L&S) 80 : (1991) 16 ATC 528] the Court in somewhat similar matter observed thus: (SCC pp. 309-10, para 12)*

“12. ... It is needless to emphasise that it is not the function of the court to hear appeals over the decisions of the Selection Committees and to scrutinise the relative merits of the candidates. Whether a candidate is fit for a particular post or not has to be decided by the duly constituted Selection



Committee which has the expertise on the subject. The court has no such expertise. The decision of the Selection Committee can be interfered with only on limited grounds, such as illegality or patent material irregularity in the constitution of the Committee or its procedure vitiating the selection, or proved mala fides affecting the selection, etc. It is not disputed that in the present case the University had constituted the Committee in due compliance with the relevant statutes. The Committee consisted of experts and it selected the candidates after going through all the relevant material before it. In sitting in appeal over the selection so made and in setting it aside on the ground of the so-called comparative merits of the candidates as assessed by the court, the High Court went wrong and exceeded its jurisdiction.

31. *In Chancellor v. Dr. Bijayananda Kar [(1994) 1 SCC 169 : 1994 SCC (L&S) 296 : (1994) 26 ATC 570] the Court observed thus: (SCC pp. 174-75, para 9)*

"9. This Court has repeatedly held that the decisions of the academic authorities should not ordinarily be interfered with by the courts. Whether a candidate fulfils the requisite qualifications or not is a matter which should be entirely left to be decided by the academic bodies and the Selection Committees concerned which invariably consist of experts on the subjects relevant to the selection."

32. *In J&K State Board of Education v. Feyaz Ahmed Malik [(2000) 3 SCC 59] the Court while stressing on the importance of the functions of the expert body observed that the expert body consisted of persons coming from different walks of life who were engaged in or interested in the field of education and had wide experience and were entrusted with the duty of maintaining higher standards of education. The decision of such an expert body should be given due weightage by courts.*

33. *In Dental Council of India v. Subharti K.K.B. Charitable Trust [(2001) 5 SCC 486] the Court reminded the High Courts that the Court's jurisdiction to interfere with the discretion exercised by the expert body is extremely limited.*

34. *In Medical Council of India v. Sarang [(2001) 8 SCC 427] the Court again reiterated the legal principle that the court should not normally interfere or interpret the rules and should instead leave the matter to the experts in the field.*



35. *In B.C. Mylarappa v. Dr. R. Venkatasubbaiah [(2008) 14 SCC 306 : (2009) 2 SCC (L&S) 148]* the Court again reiterated the legal principles and observed regarding importance of the recommendations made by the expert committees.

36. *In Rajbir Singh Dalal (Dr.) v. Chaudhari Devi Lal University [(2008) 9 SCC 284 : (2008) 2 SCC (L&S) 887]* the Court reminded that it is not appropriate for the Supreme Court to sit in appeal over the opinion of the experts.

37. *In All India Council for Technical Education v. Surinder Kumar Dhawan [(2009) 11 SCC 726]* again the legal position has been reiterated that it is a rule of prudence that courts should hesitate to dislodge decisions of academic bodies.

38. *We have dealt with the aforesaid judgments to reiterate and reaffirm the legal position that in the academic matters, the courts have a very limited role particularly when no mala fides have been alleged against the experts constituting the Selection Committee. It would normally be prudent, wholesome and safe for the courts to leave the decisions to the academicians and experts. As a matter of principle, the courts should never make an endeavour to sit in appeal over the decisions of the experts. The courts must realise and appreciate its constraints and limitations in academic matters."*

17. Learned counsel for the petitioners have placed reliance on the case of Professor N.S. Bhandari (supra) wherein judgment passed in Gambirdhan case (supra) was also considered by the Hon'ble Apex Court to contend that the selection of respondent no.3 was illegal. The facts of the said case are totally different from the present case. In the case of Professor N.S. Bhandari (supra), neither any advertisement was issued for filling up the post of Vice Chancellor nor any Selection Committee was constituted and in the backdrop of the said fact the Hon'ble Apex court repelled the contention of the petitioner therein that he



was the most meritorious candidate. Hon'ble Apex Court in para 28 and 29 of the said judgment has observed as follows :-

"28. Now so far as the submission on behalf of the appellant that the appellant was the most meritorious person and looking to his academic career and having been satisfied that he is the suitable and meritorious person to be appointed as Vice-Chancellor, thereafter he was appointed as Vice-Chancellor by the State Government is concerned, it may be true that the appellant might have a very good/bright academic career. However, at the same time, it cannot be said that he was the most meritorious person as his case was not compared with other meritorious persons. Therefore, the State Government had no opportunity to compare his case with other eligible meritorious candidates.

29. As observed hereinabove, and as per the requirement of Regulation 7.3.0 of the UGC Regulations, 2018 and even as per Section 10 of the University Act, 2019, the selection for the post of Vice-Chancellor should be through proper identification by a panel of 3-5 persons by Search-cum-Selection Committee and the members of such Search-cum-Selection Committee shall be the persons of eminence in the sphere of higher education and shall not be connected in any manner with the University concerned or its colleges. While preparing the panel, the Search Committee shall give proper weightage to the academic excellence, etc. and thereafter the Visitor/Chancellor shall appoint the Vice-Chancellor out of the panel of the names recommended by the Search-cum-Selection Committee. The reason behind this seems to be that the person who is ultimately selected and appointed as Vice-Chancellor, his case is compared with other eligible meritorious candidates who were part of the panel recommended by the Search Committee. In the present case, such a procedure has not been followed at all. The merit of the appellant has not at all been compared with other eligible meritorious persons who may be more meritorious than the appellant."

18. However, in the present case, not only the post of Vice Chancellor was advertised, but a Committee was also duly constituted as per Uttarakhand Ayurved University Act, 2009. The Committee, taking into consideration Regulation 7.3 of the UGC Regulations, 2018,



and after interaction with the eligible candidates and taking into consideration their qualifications and experience, prepared a panel of meritorious candidates.

19. The moot question for consideration is whether the experience gained by respondent no.3 as Principal would count to the experience as a Professor. In this connection, it is pertinent to note that under Rule 5 of the Uttarakhand (Ayush Ayurvedic College Teachers) Service Rules, 2011 relating to teaching cadre, the post of Principal is also covered. In paragraph-11 of the counter affidavit of respondent no.3, it was his specific case that during his tenure as Principal, he taught Kaya Chikitsa subject (medicines) to the students. The Government of Uttarakhand, vide letter dated 21.03.2023, had also clarified that the post of Principal is also a teaching post and in view of it, the same age of superannuation, i.e., 65 years as was stipulated for teachers, would also apply to the Principal.

20. In such circumstances, we have no hesitation in holding that the experience gained by respondent no.3 as Principal would also count towards his experience as Professor for reckoning his eligibility for the post of Vice Chancellor.



21. The judgment in the case of **Dr. Vinod Kumar Chauhan**, on which reliance has been placed by learned counsel for the petitioners, is distinguishable on facts. In the said case, the incumbent Vice Chancellor claimed benefit of his experience between 20.04.1993 and 28.03.2017 as Head of Department of Gurukul Kangri Ayurvedic College, Haridwar and between 28.03.2017 and 25.07.2019 as Member Board of Studies and Dean of Faculty. The Court noted that the incumbent had failed to demonstrate before the Court how the position held by him could be treated to be equivalent position in a reputed research and academic organization. The additional reasons given by the Court for discarding the said experience was that he was appointed as Professor only on 29.12.2014. However, in the present case, respondent no.3 has clearly demonstrated how the position held by him as Principal would also count towards his experience as Professor. Respondent no.3 was appointed as Professor on 17.02.2009 and the position of Principal was held by him only since 08.11.2013 much after he was promoted as Professor. As such, the judgment in the case of **Dr. Vinod Kumar Chauhan** would not apply to the facts of the instant case.



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22. In view of the above discussion, we are of the considered view that the selection and appointment of respondent no.3 as Vice Chancellor is in conformity with Uttarakhand Ayurved University Act, 2009 and the Regulation 7.3 of UGC Regulations, 2018.

23. Accordingly, the writ petitions lack merit and the same are hereby dismissed.

24. No order as to costs.

(MANOJ KUMAR GUPTA, C. J.)

(SUBHASH UPADHYAY, J.)

30.05.2026

Rajni