



**HIGH COURT OF UTTARAKHAND AT NAINITAL**

**Writ Petition Service Bench No.250 of 2020**

Dr. Jaspal Singh Khatri --Petitioner

**Versus**

Union Of India and Others --Respondents

**Presence:**

*Mr. Abhijay Negi, learned counsel for petitioner.*

*Mr. Krishan Mohan Joshi, learned counsel holding brief of Mr. V.K. Kaparuwan, learned Standing Counsel for Union of India/respondent No.1.*

*Dr. Kartikey Hari Gupta, learned counsel for respondent No.2-University.*

*Mr. Kaushal Sah Jagati, learned counsel for respondent No.3.*

**Coram: Hon'ble Manoj Kumar Tiwari, J. (Oral)**  
**Hon'ble Pankaj Purohit, J.**

Petitioner responded to advertisement dated 22.08.2019 issued by H.N.B. Garhwal University, for the post of Assistant Professor in the Department of History, including Ancient Indian History, Culture and Archeology.

2. Petitioner possesses Master's Degree in History besides Ph.D. Degree in the same Subject. He participated in the selection process, however, he was not recommended for appointment, instead respondent No.3 was recommended and appointed.

3. In this writ petition, petitioner has challenged selection and appointment of respondent No.3 mainly on the ground that he does not possess Post Graduate Degree in History, but, he possesses Masters Degree in Ancient Indian History, Culture and Archeology from H.N.B. Garhwal University.

4. It transpires that the Screening Committee consisting of 05 Members examined the question of eligibility of all the candidates who applied pursuant to the aforesaid advertisement and in its report dated 12.12.2019, Screening



Committee opined that both petitioner and respondent No.3 are eligible to participate in the selection, as they possess the qualification needed for the post in-question. Thereafter, another Screening Committee appears to have been constituted, consisting of only 02 Members, namely Dean and Head of concerned Department, to examine the question of eligibility of all candidates for the post of Assistant Professor in the Department of History, including Ancient Indian History, Culture and Archeology. The said Committee screened out respondent No.3 for the post in-question.

5. Thereafter, third Screening Committee was again constituted consisting of the same 02 Members namely Dean and Head of concerned Department and this time, the Screening Committee found respondent No.3 to be educationally qualified for the post in-question.

6. Respondent No.3 appeared before the Selection Committee and based on the recommendation of the said Committee, he was offered appointment as Assistant Professor in the Department of History, including Ancient Indian History, Culture and Archeology.

7. Learned counsel for petitioner submits that since, the appointment was to be made in the Department of History and the Post Graduate Degree possessed by respondent No.3 is not in History subject but in some other allied subject, therefore, respondent No.3 could not have been selected for appointment, when candidates with Post Graduation Degree in History subject were available. He relies upon the report of Second Screening Committee in support of his contention that the Screening Committee found respondent No.3 to be not eligible for appointment.

8. Learned counsel for respondent No.2-University submits that first Screening Committee, which found respondent No.3 to be educationally qualified, alone was constituted in terms of decision taken by the Executive



Council of the University in its meeting held on 04.10.2019, which was attended by Deans of different Schools of the University. He submits that the other two Screening Committees were not properly constituted, as they consisted of only 02 Members, which was contrary to the decision taken by the Executive Council in its meeting held on 04.10.2019.

9. Learned counsel for respondent No.2-University further submits that the contention that respondent No.3 does not possess Masters Degree in History, therefore, is not eligible, is without substance. He submits that appointment was to be made in the Department of History, including Ancient Indian History, Culture and Archeology, therefore, Post Graduate Degree possessed by respondent No.3 was valid for appointment as per University Grants Commission (UGC) Regulations.

10. He refers to Clause 4.1-1-A(i) of the UGC Regulations on minimum qualifications for appointment of Teachers, notified on 18.07.2018. The relevant provision of the Regulations is extracted below:-

**“4.1 For the Disciplines of Arts, Commerce, Humanities, Education, Law, Social Sciences, Sciences, Languages, Library Science, Physical Education, and Journalism & Mass Communication.**

**1. Assistant Professor:**

Eligibility (A or B) :

- A. i) A Master's degree with 55% marks (or an equivalent grade in a point-scale wherever the grading system is followed) in a concerned/relevant/allied subject from an Indian University, or an equivalent degree from an accredited foreign university.
- ii) Besides fulfilling the above qualifications, the candidate must have cleared the National Eligibility Test (NET) conducted by the UGC or the CSIR, or a similar test accredited by the UGC, like SLET/SET or who are or have been awarded a Ph. D. Degree in accordance with the University Grants Commission (Minimum Standards and Procedure for Award of M.Phil./Ph.D. Degree) Regulations, 2009 or 2016 and their amendments from time to time as the case may be exempted from NET/SLET/SET.”

11. Learned counsel for respondent No.2-University further contends that as per the UGC Regulations, Master's Degree with 55% marks in the concerned/relevant/allied



subject is required for appointment to the post of Assistant Professor in any discipline. He submits that careful perusal of provision contained in Clause (i) of 4.1-1-A of UGC Regulations, indicates that a candidate, who has Masters Degree in the concerned or relevant or allied subject from an Indian University, is eligible for appointment, provided he has secured minimum 55% marks in Post Graduation. He submits that the expression used in Clause (i) of 4.1-1-A of the Regulations, namely 'concerned', 'relevant' and 'allied' are separated by 'slash', which has to be read as 'or', therefore, even if the contention made on behalf of petitioner is taken on its face value that respondent No.3 possesses Masters Degree in an allied subject, then also he cannot be declared as ineligible in view of the express provision contained in the relevant UGC Regulations.

12. Learned counsel for respondent No.2-University submits that in the present case, Masters Degree possessed by respondent No.3 cannot be treated to be in an allied subject, as name of subject in which respondent No.3 pursued Master's Degree Course resonates with the name of department in which he sought appointment. He submits that since concerned department is known as department of History, including Ancient Indian History, Culture and Archeology and the Post Graduation Degree possessed by respondent No.3 is also in Ancient Indian History, Culture and Archeology, therefore, the qualification possessed by respondent No.3 is appropriate for appointment in the concerned department.

13. Learned counsel for respondent No.3 contends that the first Screening Committee was constituted as per norms and the other two Committees were not properly constituted. He submits that the properly constituted Screening Committee consisting of 05 Members declared respondent No.3 as eligible after examining his academic



qualifications, therefore, constitution of another Screening Committee, was without any valid reason. He points out that two members Screening Committee could not have overruled the decision taken by five member committee. He submits that the third Screening Committee also found respondent No.3 to be eligible for the post in-question. He thus submits that the challenge thrown by petitioner to the selection and appointment of respondent No.3 is without any basis.

14. We find substance in the submissions made on behalf of respondents. As per UGC Regulations governing the field, anyone who possesses Masters Degree in concerned or relevant or allied subject from an Indian University with 55% marks, is eligible for appointment as Assistant Professor. As per the UGC Regulations, degree in 'concerned' or 'relevant' or 'allied' subject are to be treated at par as it does not provide any preference to a candidate having Masters Degree in concerned subject. The expressions 'concerned', 'relevant' and 'allied', are separated by using slash, which signifies intention of the rule making authority that these are interchangeable and a candidate with any one of the three qualifications is eligible. Thus, petitioner cannot claim to be better placed merely because he possesses Masters Degree in History.

15. The contention raised on behalf of respondents that Masters Degree in Ancient Indian History, Culture and Archeology possessed by respondent No. 3 resonates with the name of the Department in which appointment is to be made, has substance. Name of the department indicates that instructions are imparted not only in History but also in Ancient Indian History, Culture and Archeology. Thus, respondent No. 3 cannot be, held to be ineligible by accepting the contention of the petitioner.

16. Learned counsel for respondent No.2-University concedes that the second Screening Committee consisting of 02 Members did not include name of respondent No.3 in the



list of eligible candidates. He however could not give any satisfactory reply to the query put by us as to what was the occasion for constituting another Screening Committee when the first Screening Committee, which was constituted as per norms, found respondent No.3 to be eligible.

17. The sheet anchor of case of the petitioner is the report of the second Screening Committee, which impliedly screened out respondent No.3. Selection. Appointment of respondent No.3 cannot be disturbed based solely on the opinion of the second Screening Committee especially when a third Screening Committee with same composition as that of second Screening Committee, found respondent No.3 to be eligible for appointment.

18. The Screening Committee consists of Academicians who are experts in their respective field, therefore, while exercising power of judicial review, this Court cannot sit in judgment over the opinion of subject experts. Moreover, the opinion given by Subject Experts is in consonance of UGC Regulations. Since, subject experts found respondent No.3 qualified for appointment, therefore, this Court do not find any reason to interfere in the matter. The reliefs as claimed by petitioner therefore cannot be granted.

19. The writ petition accordingly fails and is dismissed.

20. Interim order, if any, stands vacated.

**(Pankaj Purohit, J.)**

**(Manoj Kumar Tiwari, J.)**

**02.07.2026**

PN/-