



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**
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CWP-19612-2026 (O&M)
Date of decision: 03.07.2026

Renu Kumari Rohal

....Petitioner

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. R.N. Lohan, Advocate
for the petitioner.

Mr. Harish Nain, DAG, Haryana.

HARPREET SINGH BRAR J. (Oral)

1. The present petition has been preferred under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of *Certiorari* for quashing the advertisement No.43 of 2024 dated 02.08.2024 (Annexure P-1) issued by respondent No.3 as well as the subsequent proceedings including selection and appointment of respondents No.4 to 126.

CONTENTIONS

2. Learned counsel for the petitioner submits that respondent No.3-HPSC had issued the impugned advertisement No.43 of 2024 dated 02.08.2024 (Annexure P-1) notifying recruitment to 123 posts of Assistant Professor (College Cadre) for Chemistry. The appointments to the post of Assistant Professor are governed by the University Grants



Commission (Minimum Qualifications for Appointment of Teachers and other Academic Staff in Universities and Colleges and other Measures for the Maintenance of Standards in Higher Education) Regulations, 2018 (hereinafter 'UGC Regulations'). The UGC Regulations have also been duly adopted by the State Government vide memo dated 11.11.2022, however, with modifications to Clause 5.1(v) and Clause 6.0, granting respondent No.3-HPSC the power to frame a selection criteria. Learned counsel argues that the UGC Regulations require a selection committee to be formed, however, vide memo dated 11.11.2022, the same has been circumvented by placing respondent No.3-HPSC in-charge of determination of the selection criteria. The State Government has erred in modifying the procedure and criteria laid down in the UGC Regulations as the Hon'ble Supreme Court in ***Mandeep Singh and others vs. State of Punjab and others* 2025 INSC 834** has held the UGC Regulations to be binding on the State Government thereby making it mandatory to follow the procedure laid down therein for appointment of Assistant Professors.

3. He further submits that the petitioner had applied for the post of Assistant Professor (Chemistry) in terms of the impugned advertisement which prescribed the following selection procedure- (i) screening test (qualifying in nature) with a minimum cut-off of 25% marks, (ii) subject knowledge test of 150 marks, with a minimum cut-off of 35% and (iii) interview/viva voce. The subject knowledge test carries a weightage of 87.5% while the interview carries 12.5%



weightage towards the final merit list. However, this criteria is contrary to the UGC Regulations as it fails to consider parameters such as teaching classes, co-curricular activities, research papers, publications, awards, fellowships etc in order to determine capability and merit of the candidates. The petitioner, a dependent of an ex-serviceman, has passed the JRF and the NET as per certificate dated 22.12.2016. Further, the petitioner qualified the Screening Test held on 29.05.2025 and appeared for the Subject Knowledge Test on 13.07.2025, where she scored 52 marks. Since the qualifying marks (35% of 150 marks) were 52.5, she was considered unsuccessful. Learned counsel contends that, in that context, the present petition is maintainable in view of the judgment of the Hon'ble Supreme Court in ***Dr. (Major) Meeta Sahai vs. State of Bihar and others (2019) 20 SCC 17***. Further, the UGC Regulations do not envisage conducting of an examination for the post of Assistant Professor in the first place. The knowledge of a candidate with respect to a particular subject has already been evaluated by the University Grants Commission by holding an all India level exam, thus, there is no need to conduct a Subject Knowledge Test. Moreover, fixing 35% as the minimum cut-off for the same is arbitrary and illegal in itself and has been set aside by this Court vide judgment dated 12.05.2026 in ***CWP No.661 of 2026*** titled as ***Asha Rani and others vs. State of Haryana and others***.

4. *Per contra* learned State counsel submits that the judgment in ***Mandeep Singh (supra)*** is not applicable to the present case as the



issue therein pertained to the adoption of the UGC Regulations by the State of Punjab and subsequent exclusion of the posts of Assistant Professor from the purview of the Punjab Public Selection Commission. Moreover, the petitioner has not challenged the memo dated 11.11.2022 whereby UGC Regulations were adopted by the State Government upon modification. Furthermore, the petitioner had cleared the Screening Test but failed to qualify the Subject Knowledge Test, as she could not cross the threshold of 35% marks. It is evident that the petitioner has only laid challenge to the selection process because she was unsuccessful therein.

OBSERVATIONS AND ANALYSIS

5. Having heard learned counsel for the parties and after perusing the record of the case, it transpires that vide the impugned advertisement, respondent No.3-HPSC initiated the selection process for 123 posts of Assistant Professor. It is the claim of the petitioner that in doing so, respondent No.3-HPSC has fallen foul of the UGC Regulations. The impugned advertisement provides for a three-pronged approach comprising of a Screening Test (qualifying nature), a Subject Knowledge Test (87.5% weightage towards merit list) and an Interview (12.5% weightage towards merit list); while the UGC Regulations prescribes only an Interview (100% weightage) after being shortlisted on the basis of academic score, research, publications etc. as mentioned in Appendix II. As such, the following issues arise for adjudication before this Court:



- (i) Whether a challenge to the impugned advertisement by unsuccessful candidates is maintainable?*
- (ii) Whether prayer of the petitioner can be considered in absence of a challenge to memo dated 11.11.2022?*
- (iii) Whether conducting a Screening Test or Subject Knowledge Test amounts to violation of the UGC Regulations?*
- (iv) Whether the State Government is empowered to prescribe higher, more rigorous qualifications than those provided in the UGC Regulations?*

(i) Maintainability of Challenge by Unsuccessful Candidates

6. Admittedly, the petitioner participated in the selection process arising out of the impugned advertisement. As a matter of fact, she cleared the Screening Test but could not cross the threshold of 35% marks in the Subject Knowledge Test. Aggrieved by the same, the petitioner has approached this Court on the ground that the mechanism adopted by respondent No.3-HPSC is contrary to the provisions of the UGC Regulations.

7. However, it is no longer *res integra* that a candidate who knowingly participated in a selection process with full knowledge of the procedure, criteria, or the terms of the advertisement governing it cannot subsequently challenge the same merely because the outcome has turned out to be unfavourable. Tritely, participation in the process without protest amounts to acquiescence, and the candidate is deemed to have waived the right to question the methodology or procedure adopted for selection. The underlying rationale is that a person cannot be permitted to approbate and reprobate, by first accepting the rules of the



game and taking a chance of success, and thereafter, upon being declared unsuccessful, turn around to assail the very process to which she had willingly subjected herself.

8. Having availed the opportunity to compete and taken the chance of selection, the petitioner is precluded from challenging the process merely because the result has not been favourable as permitting such challenges would undermine the finality and certainty of selection processes and encourage speculative litigation by unsuccessful candidates. Consequently, once a candidate has taken part in the examination or interview without demur, she/he is ordinarily estopped from questioning the validity of the selection process on grounds which were known or available to him at the time of participation.

9. Learned counsel for the petitioner has relied upon ***Meeta Sahai (supra)*** to support his claim of maintainability of the present petition. However, a two-Judge Bench of the Hon'ble Supreme Court in ***Mohit Kumar vs. State of U.P. 2025 SCC Online SC 1125*** after considering the decision in ***Meeta Sahai (supra)***, made the following observations, speaking through Justice Dipankar Datta:

*“19. It is no longer res integra that terms of an advertisement issued in connection with a selection process are normally not open to challenge unless the challenge is founded on the ground of breach of Article 16 of the Constitution or, for that matter, Article 14. **Once an advertisement is issued inviting applications for public employment, it is the responsibility, nay duty, of an aspirant to read and note the terms and understand what its requirements are.** If any aspirant finds any of the terms ambiguous and there is scope for an inquiry inbuilt in the advertisement or is provided by any rule/regulation, an effort ought to be first made to obtain clarity for*



*understanding the requirements accurately. If no such scope is available, nothing prevents the aspirant from seeking clarity by making a representation. Should such clarity be not provided, the aspirant may participate in the process without prejudice to his rights and may question the term even after he is not selected. **However, if the aspirant does not make any such effort and takes a calculated chance of selection based on his own understanding of the disputed term in the advertisement and later, he emerges unsuccessful, ordinarily, it would not be open to him to challenge the selection on the ground that the disputed term is capable of being understood differently.** In such cases, the courts should be loath to entertain such plea of ambiguity while preferring to accept the recruiting authority's understanding of the said term.* This is for the simple reason that the recruiting authority is the best judge of what its requirements are and it is such understanding of the recruiting authority that would matter most in cases brought up before the courts; hence, after commencement of the process wherein aspirants have participated without raising any demur as to what a particular terms means, even if any of the terms be ambiguous, the courts should lean in favour of the recruiting authority.

20. We are conscious of what this Court observed in paragraphs 15 to 19 of its decision in **Meeta Sahai v. State of Bihar, (2019) 20 SCC 17** under the heading 'Preliminary Issues'. If the procedure followed by the selecting body/appointing authority is such that the same is in breach of constitutional safeguards, an aspirant's challenge to the procedure may not be nipped in the bud only on the ground that he has participated in the process. We also read the decision as recognizing that it may not always be possible for an aspirant to foresee any illegality in the procedure followed, till such time the select list is published. In all such cases **where the illegality could not have been foreseen,** a challenge to the procedure cannot be spurned on the specious ground that the aspirant having participated in the process, he has forfeited his right.”

(emphasis added)

10. Adverting back to the matter at hand, the petitioner, being a well-qualified academic, ought to be aware of the UGC Regulations. In fact, the petitioner has also claimed that she satisfies all the essential



prerequisites for the post of Assistant Professor, as prescribed by the UGC Regulations and thus, need not be subjected to the Subject Knowledge Test. As such, the petitioner had the knowledge, reason and opportunity to challenge the selection process at the stage of issuance of the advertisement itself. Rather, she participated in the same and only moved this Court when she failed to clear the Subject Knowledge Test and thereby, ceased to be eligible for further consideration. Notably, no issue arose till the stage of Screening Test as the petitioner was successful therein. Since the alleged illegality cannot be categorized as unforeseeable, it would not be prudent to allow the petitioner to take shelter of *Meeta Sahai (supra)*.

11. Furthermore, a two-Judge Bench of the Hon'ble Supreme Court in *Rekha Sharma vs. The Rajasthan High Court, Jodhpur and another 2024 INSC 615*, speaking through Justice Bela M. Trivedi, opined as follows in this regard:

“16. As well settled, the candidates who consciously took part in the process of selection cannot be permitted to question the advertisement or the methodology adopted by the respondents for making selection, on their having been declared as unsuccessful in the Preliminary Examinations. The appellants after they having found that their names do not appear in the list of successful candidates of Preliminary Examination, could not have questioned the result on the ground that the respondents had not declared the cut off marks for the Persons with benchmark disabilities. As stated earlier, the respondents have declared the cut off marks for the persons falling under Compartmentalised Horizontal Reservation and not for the Overall Horizontal Reservation under which the appellants fall. Such action could neither be said to be arbitrary nor violative of Article 14, 16 and 21 of the Constitution of India.”

(emphasis added)



11.1. This principle has been repeatedly affirmed by the Hon'ble Supreme Court in a catena of decisions including *Ranjan Kumar vs. State of Bihar and others (2014) 16 SCC 187*, *Madras Institute of Development Studies and another vs. Dr. K. Sivasubramaniyan and others (2016) 1 SCC 454*, *Union of India and others vs. S. Vinodh Kumar and others (2007) 8 SCC 100*, *Sadananda Halo and others vs. Momtaz Ali Sheikhand and others, (2008) 4 SCC 619*, *State of Uttar Pradesh vs. Karunesh Kumar and others, 2022 SCC OnLine SC 1706*.

12. Accordingly, the first issue is answered in the negative i.e. a challenge to the impugned advertisement by unsuccessful candidates is not maintainable.

(ii) **Absence of a challenge to memo dated 11.11.2022**

13. The State Government had adopted the UGC Regulations vide memo dated 11.11.2022, albeit with certain amendments. The UGC Regulations provide for a Selection Committee, as described under Regulation 5.1(v), to make the requisite recruitments. However, vide memo dated 11.11.2022, the power to conduct the selection process has been bestowed on respondent No.3-HPSC. In furtherance thereof, the impugned advertisement was issued seeking applications for the posts of Assistant Professor. It is the case of the petitioner that in contravention of the UGC Regulations, memo dated 11.11.2022 has arbitrarily provided complete autonomy to respondent No.3-HPSC, by entirely bypassing the role of the Selection Committee. Learned counsel



has argued that the UGC Regulations being mandatory in nature cannot be circumvented or be replaced by introducing a new scheme. However, a perusal of the record indicates that the vires of the memo dated 11.11.2022 have not been challenged. A Division Bench of this Court in ***Dhani Ram Chaudhary vs. State of Haryana and another 2005 (1) SCT 571*** held that since the relevant rule had not been impugned by the petitioner, it shall be presumed that the petitioner has accepted the same in its present state. Speaking through Justice J.S. Khehar, the following was opined:

*“12. Since the judgments relied upon by the learned counsel for the petitioner, do not deliberate upon the limitation prescribed in the rule extracted above, we are satisfied that the same are inapplicable for adjudicating the claim raised by the petitioner finally. **The vires of the rules under reference have not been impugned by the petitioner in the instant writ petition. Accordingly, it is imperative to conclude that the petitioner accepts the aforesaid rule as it presently exists.** The rule clearly stipulates that alteration in the date of birth in the service book of a Government employee can be sought only within two years from the date of entry into service. Since the alteration, in the instance case, was sought long years beyond the date of entry into service, and just one year before attaining the age of retirement, it is not possible for us to accept the claim of the petitioner. The instant writ petition is, accordingly, dismissed.”*

(emphasis added)

14. A two-Judge Bench of the Hon’ble Supreme Court in ***State of Rajasthan vs. Sanyam Lodha (2011) 13 SCC 262***, speaking through Justice R.V. Raveendran, held as follows:

“10. The learned counsel for the respondent submitted that the High Court has not declared Rule (5) to be invalid, but



has merely read it down, to save it from being declared as unconstitutional and such reading down is permissible in law. It is true that any provision of an enactment can be read down so as to erase the obnoxious or unconstitutional element in it or to bring it in conformity with the object of such enactment. Similarly a rule forming part of executive instructions can also be read down to save it from invalidity or to bring it in conformity with the avowed policy of the Government. When courts find a rule to be defective or violative of the constitutional or statutory provision, they tend to save the rule, wherever possible and practical, by reading it down by a benevolent interpretation, rather than declare it as unconstitutional or invalid. But such an occasion did not arise in this case as there was no challenge to the validity of Rule 5 and the parties were not at issue on the validity of the said rule.

11. We are therefore of the view that in the absence of any challenge to the Relief Fund Rules and an opportunity to the state Government to defend the validity of Rule 5, the High Court ought not to have modified or read down the said Rule.”

15. Accordingly, the second question is answered in the negative i.e. the prayer of the petitioner cannot be considered in absence of a challenge to memo dated 11.11.2022.

(iii) & (iv) Screening Test/Subject Knowledge Test vis-à-vis UGC

Regulations

16. The origins of the University Grants Commission Act, 1956 can be traced to Entry 66, List I, Schedule VII of the Constitution. The UGC Regulations have been framed exercising the power bestowed upon the University Grants Commission under Section 26 of the Act. Undoubtedly, UGC Regulations form a part of this central legislation. However, by virtue of Entry 25 of List III, the State may also legislate



on the subject of education, subject to Entries 63, 64, 65 and 66 of List I. The same are reproduced below:

“Entry 66, List I

66. Co-ordination and determination of standards in institutions for higher education or research and scientific and technical institutions.

Entry 25, List III

25. Education, including technical education, medical education and universities, subject to the provisions of entries 63, 64, 65 and 66 of List I; vocational and technical training of labour.”

17. Certainly, the State Government has modified certain provisions of the UGC Regulations to add extra layers of scrutiny i.e. the Screening Test and the Subject Knowledge Test. It is a well-settled principle in educational jurisprudence that the UGC Regulations, as also indicated by its full title i.e. University Grants Commission (***Minimum*** Qualifications for Appointment of Teachers and other Academic Staff in Universities and Colleges and other Measures for the Maintenance of Standards in Higher Education) Regulations, 2018, only prescribe the minimum standards that are required to be satisfied in order to recruit teachers in higher education institutions. The UGC Regulations seek to provide a mandatory baseline, the absence of which would leave students vulnerable to unqualified faculty and sub-standard education. By guaranteeing a basic level of academic rigour, the UGC also endeavours to establish a benchmark that would not only assist national and international mobility of students and professionals but also provide value to the degree earned. Such regulatory safeguards are critical to



prevent exploitation in education and ensure that every citizen, regardless of their socio-economic background, is provided qualitative education that aids them in furthering their careers. In fact, in ***Mandeep Singh (supra)***, departure from the UGC Regulations proved to be fatal to the selection process only because the State of Punjab diluted the prescribed standards.

18. In that context, it is necessary to note that the UGC Regulations provide for a minimum benchmark and not a restrictive upper limit on institutional excellence. The higher education institutions are required to necessarily comply with these Regulations in order to avoid disenfranchisement as it serves as a proof of minimal operational viability required to justify their accreditation. However, the criteria laid down therein are the *floor and not the ceiling* as far as prescription of standards is concerned. Proactively exceeding the statutory basics by adopting enhanced models does not violate the regulatory framework, rather it fulfills the progressive spirit of the law and public policy objectives.

19. In the present case, the State Government has introduced a multi-layered process of academic vetting while the UGC Regulations provided for shortlisting on academic score followed by interview. The impugned advertisement has not dispensed with the interview process or denied the manner in which it is supposed to be conducted; rather a test of qualifying nature followed by the Subject Knowledge Test has been added to promote the cause of meritocracy. The State Government has



merely attempted to fulfill its duty to recruit the best possible educators for the benefit of the citizens. As such, this Court is of the considered opinion that the selection process prescribed in the impugned advertisement only supplements the UGC Regulations, especially since it does not diminish the eligibility criteria laid down in the latter.

20. A Constitution Bench of the Hon'ble Supreme Court in ***Dr. Preeti Srivastava vs. State of Madhya Pradesh (1997) 7 SCC 120*** has held that the State may prescribe higher qualifications as long as it does not dilute the norms laid down by the Union. Speaking through Justice Sujata V. Manohar, the following was observed:

“36. It would not be correct to say that the norms for admissions have no connection with the standard of education, or that the rules for admission are covered only by Entry 25 of List III. Norms of admission can have a direct impact on the standards of education. Of course, there can be rules for admission which are consistent with or do not affect adversely the standards of education prescribed by the Union in exercise of powers under Entry 66 of List-I. For example, a State may, for admission to the post-graduate medical courses, lay down qualifications in addition to those prescribed under Entry 66 of List-I. This would be consistent with promoting higher standards for admission to the higher educational courses. But any lowering of the norms laid down can, and do have an adverse effect on the standards of education in the institutes of higher education. Standards of education in an institution or college depend on various factors. Some of these are:

- (1) The calibre of the teaching staff;*
- (2) A proper syllabus designed to achieve a high level of education in the given span of time;*
- (3) The student-teacher ratio;*
- (4) The ratio between the students and the hospital beds available to each student;*
- (5) The calibre of the students admitted to the institution;*



- (6) *Equipment and laboratory facilities, or hospital facilities for training in the case of medical colleges;*
- (7) *Adequate accommodation for the college and the attached hospital; and*
- (8) *The standard of examinations held including the manner in which the papers are set and examined and the clinical performance is judged.*

37. While considering the standards of education in any college or institution, the calibre of students who are admitted to that institution or college cannot be ignored. If the students are of a high calibre, training programmes can be suitably moulded so that they can receive the maximum benefit out of a high level of teaching. If the calibre of the students is poor or they are unable to follow the instructions being imparted, the standard of teaching necessarily has to be lowered to make them understand the course which they have undertaken; and it may not be possible to reach the levels of education and training which can be attained with a bright group. Education involves a continuous interaction between the teachers and the students. The pace of teaching, the level to which teaching can rise and the benefit which the students ultimately receive, depend as much on the calibre of the students as on the calibre of the teachers and the availability of adequate infrastructural facilities. That is why a lower student-teacher ratio has been considered essential at the levels of higher university education, particularly when the training to be imparted is highly professional training requiring individual attention and on-hand training to the pupils who are already doctors and who are expected to treat patients in the course of doing their post-graduate courses.

38. The respondents rely upon some observations in some of the judgments of this Court in support of their stand that it is for the State to lay down the rules and norms for admission; and that these do not have any bearing on the standard of education. In **Minor P. Rajendran v. State of Madras & Ors., 1968(2) SCR 786**, a Constitution Bench of this Court considered the validity under Articles 14 and 15(1), of district-wise reservations made for seats in the medical colleges. In that case, the Act in question prescribed eligibility and qualifications of candidates for admission to the medical colleges. The Court observed:

“So far as admission is concerned, it has to be made by those who are in control of the colleges - in this case, the Government. Because the medical colleges



are Government colleges affiliated to the university. In these circumstances, the Government was entitled to frame rules for admission to medical colleges controlled by it, subject to the rules of the university as to eligibility and qualifications. This was what was done in these cases and, therefore, the selection cannot be challenged on the ground that it was not in accordance with the University Act and the rules framed thereunder.”

This Court, therefore, upheld the additional criteria framed by the State for admission which were not inconsistent with the norms for admission laid down by the University Act. Since these additional qualifications did not diminish the eligibility norm under the University Act, this Court upheld the additional criteria laid down by the State as not affecting the standards laid down by the University Act. The question of diluting the standards laid down, did not arise.

39. The respondents have emphasised the observation that admission has to be made by those who are in control of the colleges. But, the question is, on what basis? Admissions must be made on a basis which is consistent with the standards laid down by a statute or regulation framed by the Central Government in the exercise of its powers under Entry 66, List I. At times, in some of the judgments, the words "eligibility" and "qualification" have been used interchangeably, and in some cases a distinction has been made between the two words - "eligibility" connoting the minimum criteria for selection that may be laid down by the University Act or any Central Statute, while "qualifications" connoting the additional norms laid down by the colleges or by the State. **In every case the minimum standards as laid down by the Central Statute or under it, have to be complied with the by the State while making admissions. It may, in addition, lay down other additional norms for admission or regulate admission in the exercise of its powers under Entry 25 List III in a manner not inconsistent with or in manner which does not dilute the criteria so laid down.**

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42. In the *State of Andhra Pradesh & Ors. v. Lavu Narendranath & Ors. etc.*, 1971(3) SCR 699, this Court considered the validity of a test held by the State Government for admission to medical colleges in the State of Andhra Pradesh. The Andhra University Act, 1926



prescribed the minimum qualification of passing HSC, PUC, I.S.C. etc. examinations for entry into a higher course of study. The Act, however, did not make it incumbent upon the Government to make their selection on the basis of the marks obtained by the candidates at these qualifying examination. Since the seats for the MBBS course were limited, the Government, which ran the medical colleges, had a right to make a selection out of the large number of candidates who had passed the HSC, PUC or other prescribed examinations. For this purpose the State Government prescribed an entrance test of its own and also prescribed a minimum 50% of marks at the qualifying examination of HSC, ISC, PUC etc. for eligibility to appear at the entrance test. **The Court said that merely because the Government supplemented the eligibility rules by a written test in the subjects with which the candidates were already familiar, there was nothing unfair in the test prescribed. Nor did the test militate against the powers of Parliament under Entry 66 of List-I. Entry 66 List-I is not relatable to a screening test prescribed by the Government or by a university for selection of students from out of a large number applying for admission to a particular course of study.**

42. **Therefore, this Court considered the entrance test held by the State in that case as not violating Entry 66 of List-I because the statutory provisions of the Andhra University Act were also complied with and the test was not inconsistent with those provisions. Secondly, in that case the Court viewed the test as not in substitution of the HSC, PUC, ISC or other such examination, but in addition to it, for the purpose of proper selection from out of a large number of students who had applied.**

43. This latter observation is relied upon by the State of Madhya Pradesh in support of its contention that the additional test which the State may prescribe is only for better selection. Therefore, it is not necessary to lay down minimum qualifying marks in the additional test. **Lavu Narendranath (supra)**, however, does not lay down that it is permissible not to have minimum qualifying marks in the entrance test prescribed by the State; nor does it lay down that every test prescribed by the State must necessarily be viewed as only for the screening of candidates. On the facts before it, the Court viewed the test as only a screening test for proper selection from amongst a large number of candidates.



44. On the facts before us, the PGMEET is not just a screening test. Candidates who have qualified from different universities and in courses which are not necessarily identical, have to be assessed on the basis of their relative merit for the purpose of admission to a post-graduate course. It is for proper assessment of relative merit of candidates who have taken different examinations from different universities in the State that a uniform entrance test is prescribed. Such a test necessarily partakes of the character of a eligibility test as also a screening test. In such a situation, minimum qualifying marks are necessary. The question of minimum qualifying marks is not addressed at all in *Levu Narendranath (supra)* since it did not arise in that case.

45. In Dr. Ambesh Kumar v. Principal, L.L.R.M. Medical College, Meerut and Ors., 1986 Supp. SCC 543, a State order prescribed 55% as minimum marks for admission to post-graduate medical courses. The Court considered the question whether the State can impose qualifications in addition to those laid down by the Medical Council of India and the Regulations framed by the Central Government. The Court said that any additional or further qualifications which the State may lay down would not be contrary to Entry 66 of List-I since additional qualifications are not in conflict with the Central Regulations but are designed to further the objective of the Central Regulation which is to promote proper standards. The Court said, (at page 552)

“The State Government by laying down the eligibility qualification, namely, the obtaining of certain minimum marks in the M.B.B.S. examination by the candidates has not in any way encroached upon the Regulations made under the Indian Medical Council Act nor does it infringe the central power provided in the Entry 66 of List-I of the Seventh Schedule to the Constitution. The order merely provides an additional eligibility qualification.”

None of these judgments lays down that any reduction in the eligibility criteria would not impinge on the standards covered by Entry 66 of List-I. All these judgments dealt with additional qualifications - qualifications in addition to what was prescribed by the Central Regulations or Statutes.”

(emphasis added)



21. Furthermore, a two-Judge bench of the Hon'ble Supreme Court in *State of Tamil Nadu and another vs. Adhiyaman Education & Research Institute and others*, (1995) 4 SCC 104, speaking through Justice P.B. Sawant, made the following observations:

14. The subject "coordination and determination of standards in institutions for higher education or research and scientific and technical institutions" has always remained the special preserve of the Parliament. This was so even before the Forty Second Amendment, since Entry 11 of List II even then was subject, among others, to Entry 66 of List I. After the said Amendment, the Constitutional position on that score has not undergone any change. All that has happened is that Entry II was taken out from List II and amalgamated with Entry 25 of List III. However, even the new Entry 25 of List III is also subject to the provisions, among others, of Entry 66 of List I. It cannot, therefore, be doubted nor is it contended before us, that the legislation with regard to coordination and determination of standards in institutions for higher education or research and scientific and technical institutions has always been the preserve of the Parliament what was contended before us on behalf of the State was that Entry 66 enables the Parliament to lay down the minimum standards **but does not deprive the State Legislature from laying down standards above, the said minimum standards.** We will deal with this argument at its proper place.

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43. What emerges from the above discussion is as follows :

[i] The expression "coordination" used in Entry 66 of the Union List of the Seventh Schedule to the Constitution does not merely mean evaluation. It means harmonisation with a view to forge a uniform pattern for a concerted action according to a certain design, scheme or plan of development. It, therefore, includes action not only for removal of disparities in standards but also for preventing the occurrence of such disparities. It would, therefore, also include power to do all things which are necessary to



prevent what would make "coordination" either impossible or difficult. This power is absolute and unconditional and in the absence of any valid compelling reasons, it must be given its full effect according to its plain and express intention.

[ii] To the extent that the State legislation is in conflict with the Central legislation though the former is purported to have been made under Entry 25 of the Concurrent List but in effect encroaches upon legislation including subordinate legislation made by the Centre under Entry 25 of the Concurrent List or to give effect to Entry 66 of the Union List, it would be void and inoperative.

[iii] If there is a conflict between the two legislations, unless the State legislation is saved by the provisions of the main part of clause [2] of Article 254, the State legislation being repugnant to the Central legislation, the same would be inoperative.

[iv] Whether the State law encroaches upon Entry 66 of the Union List or is repugnant to the law made by the Centre under Entry 25 of the Concurrent List, will have to be determined by the examination of the two laws and will depend upon the facts of each case.

[v] When there are more applicants than the available situations/seats, the State authority is not prevented from laying down higher standards or qualifications than those laid down by the Centre or the Central authority to short-list the applicants. When the State authority does so, it does not encroach upon Entry 66 of the Union List or make a law which is repugnant to the Central law.

[vi] However, when the situations/seats are available and the State authorities deny an applicant the same on the ground that the applicant is not qualified according to its standards or qualifications, as the



case may be, although the applicant satisfies the standards or qualifications laid down by the Central law, they act unconstitutionally. So also when the State authorities derecognise or disaffiliate an institution for not satisfying the standards or requirement laid down by them, although it satisfied the norms and requirements laid down by the central authority, the State authorities act illegally.”

(emphasis added)

22. The multi-tiered scrutiny envisaged by respondent No.3-HPSC thus, merely amounts to making the selection process more rigorous while maintaining the minimum benchmark provided in the UGC Regulations. Additionally, since the impugned advertisement is silent with respect to the composition of the Interview Panel and the weightage given to the academic credentials of the candidates, it cannot be presumed that the same have been ignored. Moreover, it is not the case of the petitioner that the criteria provided in the impugned advertisement dilutes the standards set by the UGC Regulations nor has it been argued that the prescribed procedure does not bear any rational nexus with the object sought to achieve. Rather, it has been contended that since the petitioner already satisfies the criteria laid down in the UGC Regulations, she should not be subjected to any additional scrutiny, which cannot be accepted by this Court. Therefore, the decision/action of the State Government cannot reasonably be characterized as repugnant to the UGC Regulations in terms of Article 254 of the Constitution.



23. Further, it is the prerogative of the employer to recruit the best available talent and not merely those who satisfy the base minimum. Thus, respondent No.3-HPSC is well within its rights to prescribe additional scrutiny by way of conducting a Screening Test and a Subject Knowledge Test in addition to the interview. Moreover, conducting meaningful interviews for thousands of candidates applying against 123 posts of Assistant Professors, poses significant practical challenges. A two-Judge bench of the Hon'ble Supreme Court in ***Madhya Pradesh Public Service Commission vs. Navnit Kumar Potdar 1994 INSC 398*** has also recognized that interviewing a large number of applicants may not always be feasible and speaking through Justice N.P. Singh, opined as follows:

*“5. The question which is to be answered is as to whether in the process of short-listing, the Commission has altered or substituted the criteria or the eligibility of a candidate to be considered for being appointed against the post of Presiding Officer, Labour Court. **It may be mentioned at the outset that whenever applications are invited for recruitment to the different posts, certain basic qualifications and criteria are fixed and the applicants must possess those basic qualifications and criteria before their applications can be entertained for consideration. The Selection Board or the Commission has to decide as to what procedure is to be followed for selecting the best candidates amongst the applicants. In most of the services screening tests or written tests have been introduced to limit the numbers of the candidates who have to be called for interview. Such screening tests or written tests have been provided in the concerned statutes or prospectus which govern the selection of the candidates. But where the selection is to be made only on basis of interview, the Commission or the Selection Board can adopt any rational procedure to fix the number of candidates who***



should be called for interview. *It has been impressed by the courts from time to time that where selections are to be made only on the basis of interview, then such interviews/viva voce tests must be carried out in a thorough and scientific manner in order to arrive at a fair and satisfactory evaluation of the personality of the candidate.*

6. Herman Finer in his book 'Theory and Practice of Modern Government' at page 779 says :

"If we really care about the efficiency of the civil service as an instrument of Government, rather than as heaven-sent opportunity to find careers for our brilliant students, these principles should be adopted. The interview should last at least half an hour on each of two separate occasions. It should be almost entirely devoted to a discussion ranging over the academic interests of the candidate as shown in his examination syllabus, and a short verbal report could be required on such subject, the scope of which would be announced at the interview....."

7. The sole purpose of holding interview is to search and select the best among the applicants. **It is obvious that it would be impossible to carry out a satisfactory viva voce test if large number of candidates are interviewed each day till all the applicants who had been found to be eligible on basis of the criteria and qualifications prescribed are interviewed. If large number of applicants are called for interview in respect of four posts, the interview is then bound to be casual and superficial because of the time constraint. The members of the Commission shall not be in a position to assess properly the candidates who appear before them for interview.** *It appears that Union Public Service Commission has also fixed a ratio for calling the candidates for interview with reference to number of available vacancies.*

xxx

xxx

xxx

12. The High Court has taken the view that raising the period from five years to seven and half years' practice for purpose of calling the candidates for interview amounted to changing the statutory criteria by an administrative decision. According to us, the High Court has not



*appreciated the true implication of the short-listing which does not amount to altering or changing of the criteria prescribed in the Rule, but is only a part of the selection process. The High Court has placed reliance on the case of **Praveen Kumar Trivedi v. Public Service Commission, M.P., 1986 Lab IC 1990**, where it has been pointed out that Commission cannot ignore a statutory requirement for filling up a particular post and cannot opt a criteria whereby candidates fulfilling the statutory requirements are eliminated from being even called for interview. As we have already pointed out that where the selection is to be made purely on basis of interview, if the applications for such posts are enormous in number with reference to the number of posts available to be filled up, then the Commission or the Selection Board has no option but to short-list such applicants on some rational and reasonable basis.*

(emphasis added)

24. This approach has also been reiterated by a two-Judge bench of the Hon'ble Supreme Court in **Allahabad University vs. Geetanjali Tiwari (Pandey) etc. 2025 AIR SC 195**, where, speaking through Justice Dipankar Datta, the following was held:

“30. The principle discernible from the above decision as well as those cited on behalf of the appellants is that whenever selection is based solely on the performance of the aspirants in the interview, it is not open to the recruiting authorities to dilute in any manner the norms and standards prescribed by the statutory provisions or executive orders governing recruitment for screening aspirants to be called for interview; however, it is always open to them to prescribe enhanced norms to have the zone of consideration for interview restricted to those aspirants satisfying the enhanced norms or higher criteria. In such cases, however, care has to be taken such that the enhanced norms or higher criteria are not susceptible to a challenge on the ground of arbitrariness or being contrary to the statutory provisions or executive orders governing recruitment.”



(emphasis added)

25. Accordingly, the third and fourth questions are answered in the following manner:-

- (a) Conducting a Screening Test or Subject Knowledge Test does not amount to violation of the UGC Regulations.
- (b) The State Government is empowered to prescribe higher, more rigorous qualifications than those provided in the UGC Regulations so long as the criteria provided in the latter is not diluted.

CONCLUSION

26. In view of the discussion above, the present petition is hereby dismissed.

27. However, for the sake of clarity as well as for the convenience of the litigants, the following questions are framed for reference of a larger bench as there is an apparent conflict of judicial opinion between this Court and the Co-ordinate Bench in *Asha Rani (supra)*:

(i) Whether the State Government is empowered to prescribe higher qualifications, in addition to those prescribed in the University Grants Commission (Minimum Qualifications for Appointment of Teachers and other Academic Staff in Universities and Colleges and other Measures for the Maintenance of Standards in Higher Education) Regulations, 2018, including stipulation of Screening Test/Subject Knowledge Test?

(ii) Whether the State Government is legally bound to accept the University Grants Commission (Minimum Qualifications for Appointment of Teachers and other



Academic Staff in Universities and Colleges and other Measures for the Maintenance of Standards in Higher Education) Regulations, 2018 in toto?

28. The Registry is directed to place the matter before Hon’ble the Acting Chief Justice of this Court for listing the present reference before an appropriate Bench.

**(HARPREET SINGH BRAR)
JUDGE**

03.07.2026
yakub

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