



IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.4259 of 2026
a/w CWP No.5087 of 2026
Reserved on: 24.08.2026
Date of decision: 27.08.2026
Uploaded on: 27.08.2026

1. **CWP No.4259 of 2026**

Narender Kumar Sankhyan. ...Petitioner.

Versus

State of Himachal Pradesh & Ors. ...Respondents.

2. **CWP No.5087 of 2026**

Sanjeev Kumar Chauhan. ...Petitioner.

Versus

State of Himachal Pradesh & Ors. ...Respondents.

Coram

Hon'ble Mr. Justice Vivek Singh Thakur, Judge.

Hon'ble Mr. Justice Ranjan Sharma, Judge.

Whether approved for reporting?¹ Yes.

CWP No.4259 of 2026

For the petitioner : Mr. Ashok Sharma, Senior Advocate with Mr. Sunny Dhatwalia and Ms. Anubhuti Sharma, Advocates.

For the respondent(s) : Mr. Anup Rattan, Advocate General with Mr. Ramakant Sharma, Additional Advocate General, Ms. Swati Draik, Deputy Advocate General and Mr. Shalabh Thakur, Assistant Advocate General, for respondent No.1-State.

¹ Whether the reporters of the local papers may be allowed to see the Judgment? Yes

Mr. Janesh Mahajan, Advocate, for respondent No.2- Chaudhary Sarwan Kumar Himachal Pradesh Krishi Vishwavidyalaya, Palampur.

Mr. Hitender Verma, Mr. Yug Singhal, Mr. Prashant Sharma, Advocates, for respondent No.3-UGC.

CWP No.5087 of 2026

For the petitioner : Mr. Ashok Sharma, Senior Advocate with Mr. Sunny Dhatwalia and Ms. Anubhuti Sharma, Advocates.

For the respondent(s) : Mr. Anup Rattan, Advocate General with Mr. Ramakant Sharma, Additional Advocate General, Ms. Swati Draik, Deputy Advocate General and Mr. Shalabh Thakur, Assistant Advocate General, for respondent No.1-State.

Mr. Deepak Sharma, Advocate, for respondent No.2-Dr. Y.S. Parmar Agricultural University.

Mr. Hitender Verma and Mr. Yug Singhal, Advocates vice Mr. Prashant Sharma, Advocate, for respondent No.3-UGC.

Vivek Singh Thakur, Judge

For involvement of common question of law and facts, to be adjudicated in these matters, these petitions are being decided by this common judgment.

2. State of Himachal Pradesh has enacted the Himachal Pradesh Universities of Agriculture, Horticulture and Forestry Act, 1986 (Act No.4 of 1987) [hereinafter referred to as '**Universities Act, 1986**'].

3. Two Universities of Himachal Pradesh namely, Chaudhary Sarwan Kumar Himachal Pradesh Krishi Vishvavidyalaya, Palampur (hereinafter referred to as '**Krishi Vishvavidyalaya**') and Dr. Yashwant Singh Parmar University of Horticulture Forestry, Nauni (Solan) [hereinafter referred to as '**Horticulture University**'] are governed by the aforesaid Universities Act, 1986.

4. Provisions for the appointment of the Vice-Chancellor are contained in Sections 23 and 24 of the Universities Act, 1986. The State of Himachal Pradesh has also framed the Himachal Pradesh Universities of Agriculture, Horticulture and Forestry Rules, 2026 (hereinafter referred to as '**Universities Rules, 2026**') for appointment of the Vice-Chancellor in aforesaid Universities.

5. The State of Himachal Pradesh has amended the provisions of the Universities Act, 1986, relating to appointment of the Vice-Chancellor by carrying out amendments in Sections 23 and 24 of the Universities Act, 1986, vide the Himachal Pradesh Universities of Agriculture, Horticulture and Forestry (Amendment) Act, 2023 [hereinafter referred to as '**Universities Amendment Act, 2023**']. The State of Himachal Pradesh has also inserted Section 55-A conferring powers upon the State to make Rules for carrying out

the purposes of the Universities Act. Thereafter, the State of Himachal Pradesh framed the Universities Rules, 2026, providing the procedure for the appointment of Vice-Chancellor in the aforesaid Universities.

6. Petitioners have assailed the amendment carried out by the respondents in Sections 23 and 24 of the Universities Act, 1986, and Universities Rules, 2026 governing the appointment to the post of Vice Chancellors in aforesaid Universities as well as even dated respective advertisements dated 26.02.2026, inviting application to the post of Vice-Chancellor in the Krishi Vishvavidyalaya, Palampur and Horticulture University, Solan.

7. Reply on behalf of the respondent-State has been filed in CWP No.4259 of 2026 and, as requested, the same has been treated as the reply in both petitions on behalf of respondent-State. Respondent No.2 (Krishi Vishvavidyalaya, Palampur) in CWP No.4259 of 2026 and respondent No.2 (Horticulture University, Solan) in CWP No.5087 of 2026 have also adopted the said reply of the State. Learned counsel for respondent No.3 (University Grants Commission) in both petitions has placed on record a detailed brief on behalf of the UGC.

8. Both petitioners have pleaded that they possess the requisite qualifications, experience and outstanding academic record for being appointed as Vice-Chancellor of the respective Universities, as per the University Grants Commission (UGC) Regulations, 2018.

9. It has been further stated by both petitioners that they are even eligible in terms of amended provisions of the Universities Act, 1986, Universities Rules, 2026, as well as advertisement(s) dated 26.02.2026, but they have not applied in response to the said advertisement(s) issued by the Registrars of the Krishi Vishvavidyalaya, Palampur and Horticulture University, Solan, as the advertisements are illegal and unconstitutional.

10. Following identical substantial reliefs have been prayed for in both petitions: -

- “A That the impugned amending Act, i.e. Act No.46 of 2025 known as the Himachal Pradesh Universities of Agriculture, Horticulture and Forestry (Amendment Act, 2023), may kindly be declared as ultra vires the constitution being contrary to the UG Regulations, 2018 governing the appointment to the post of Vice-Chancellors in the Universities.
- B. That the Rules, Annexure P-3, i.e. Himachal Pradesh Universities of Agriculture, Horticulture and Forestry Rules, 2026 may kindly be declared as ultra vires the constitution

and null and void being contrary to the UGC Regulations, 2018 governing the appointment to the post of Vice-Chancellors in the Universities.

- C That the impugned advertisement dated 26.02.2026 (Annexure P-4), inviting applications to the post of Vice-Chancellor *CSKHPKV Palampur/Dr. Y.S. Parmar Agricultural University, Nauni, Solan* may kindly be quashed.”

[Emphasis supplied]

11. Parliament, in exercise of its power with reference to Entry 66 of List I (Union List) of the Seventh Schedule of the Constitution of India has enacted the University Grants Commission Act, 1956 (Act No.3 of 1956) [hereinafter referred to as the ‘**UGC Act, 1956**’].

PLEA OF THE PETITIONERS

12. It is the case of the petitioners that the appointment of Vice-Chancellors in the State Universities, including Krishi Vishvavidyalaya, Palampur and Horticulture University, Solan, is governed by the UGC Regulations, 2018, framed and circulated by the University Grants Commission in the exercise of powers conferred under clauses (e) and (g) of sub-section (I) of Section 26, read with Section 14 of UGC Act, 1956.

13. It is case of the petitioners that UGC Regulations have been framed by the UGC in exercise of power conferred under the UGC Act and the said Act has been enacted by the Parliament in exercise of its exclusive Legislative competence under Entry 66 of List I of the Constitution and the Regulations made by the UGC are laid down before the Parliament and, therefore, these Regulations have force of Act framed by the Parliament.

14. It has been submitted by learned counsel for the petitioners that the procedure for the appointment of Vice-Chancellors contained in the State Act, i.e. Universities Act, 1986, was in consonance with the UGC Act, 1956 as well as the Guidelines and Regulations framed thereunder. However, by carrying out the impugned amendments to the Universities Act, 1986 and framing Universities Rules, 2026, respondent-State has incorporated provisions for the appointment of Vice-Chancellors, which are in conflict with and contrary to the Guidelines and Regulations issued by the UGC.

15. It has been stated on behalf of the petitioners that in view of the provisions of Articles 246 and 254 of the Constitution of India, where there is a conflict, a Central Act shall have precedence over a State Act.

16. It is further case of the petitioners that Entry 14 of List II (State List) of the Seventh Schedule of the Constitution empowers the State to make laws related to agriculture, including agricultural education and research, and Entry 32 of List II empowers the State regarding the incorporation, regulation and winding-up of Universities, but these powers are expressly subject to Entries 63 to 67 of List I (Union List) of the Seventh Schedule.

17. It is further case of the petitioner that where a subject matter is covered under the entries in List I (Union List) and List II (State List) both, or under any entry in List-III (Concurrent List), and there exists an enactment of Parliament, any State enactment dealing with such subject matter requires the assent of the President of India under Article 254(2), whereas in present cases, despite the exclusive domain of Parliament to prescribe standards for higher education (which includes the appointment of Vice-Chancellors), the State carried out amendments and framed Rules in conflict with Central Regulations without submitting the same for the assent of the President of India, rather has notified the same without complying with due constitutional procedure, therefore, the impugned provisions of the Universities Amendment Act, 2023, the

Universities Rules, 2026, and the consequential advertisements dated 26.02.2026, are unconstitutional and liable to be quashed.

18. According to petitioner, the impugned amendment and framing of Rules is in conflict with and contrary to mandate of University Grants Commission Regulations, which has been framed by the University Grants Commission, exercising the power conferred upon the UGC under Sections 26(1)(e) and 26(1)(g), read with Section 14 of University Grants Commission Act, 1956 (UGC Act), and as per entry 66 of List I in Seventh Schedule of the Constitution, coordination and determination of standards in institutions for higher education or research, and scientific and technical institutions is in domain of the Parliament and, therefore, Act of the State cannot provide a procedure in violation of UGC Act and Regulations framed thereunder and as per Constitutional Mandate in case any provision of the State Act is in conflict with the Central Act, the law made by the Parliament shall prevail.

19. It has been further submitted on behalf of petitioners that though in Entry No. 25 of List III, education including technical education, medical education and universities have been included to enable the Parliament and the State to make an Act, but the same is subject to provisions of entries 63, 64, 65 and 66 of List I and,

therefore also, any provision of any Act in conflict with Parliament Act, i.e., UGC Act and Regulations framed thereunder, is unconstitutional.

20. It has been further canvassed on behalf of petitioners that in Clause 7.3 (ii) of Regulation, 2018, it has been provided that 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, consisting of members as provided in this Clause, including one member of the Search-cum-Selection Committee nominated by the Chairman of UGC with further provision that the said Search Committee shall submit panel of persons, suitable for appointment as Vice-Chancellor to the Chancellor and, thereafter, as provided under Clause 7.3(iii), Chancellor shall appoint Vice-Chancellor out of the panel of names, recommended by the Search-cum-Selection Committee.

21. It has been submitted by learned counsel for the petitioners that contrary to the aforesaid, amended Section of 24 provides appointment of Vice-Chancellor by the Chancellor on aid and advice of Government instead of appointment out of the panel submitted by the Search-cum-Selection Committee and further that constitution of Committee has also been changed by providing Chief

Secretary to the Government of Himachal Pradesh as a Chairperson of Search-cum-Selection Committee along with members of the Committee, enumerated in Rule 3 of Rules 2026, but excluding the Chairman of UGC or his nominee from the said Committee with further change that instead of nominee of Chancellor, Chief Secretary shall act as Chairperson of the Search Committee.

22. Learned counsel for the petitioners submits that as per UGC norms, persons, having direct interest in the concerned University, cannot be member of the Selection Committee. Further, it has been stated that Section 9 of University Act, 1986 provides constitution of State Council for Education and Research, wherein Chief Secretary to the State Government is Chairman and Vice-Chancellors of Universities, Secretaries of the State Government in the Department of Agriculture, Horticulture, Animal Husbandry, Finance and Forest, are members of the State Council along with one representative of Indian Council of Agriculture Research. The powers and functions of the Council enumerated in Section 9(3) clearly indicates that Chief Secretary to the Government of Himachal Pradesh has a direct interest in the Agriculture/Horticulture University.

23. It has been further submitted by learned counsel for petitioners that members of Search-cum-Selection Committee should not have any interest in the University, but the Chief Secretary, who has been made Chairman of the Committee, has direct interest in the University, being Chief Secretary of the State and being Chairman of the State Council for Education and Research constituted for purpose of effective coordination in the activity of Universities set-up under the University Act, 1986.

24. It has been further submitted on behalf of the petitioners that the UGC Regulations, 2018, specifically provide that these Regulations are applicable to all Universities, including State Universities, and the standards laid down therein apply uniformly to Agricultural and Horticultural Universities also, unless a separate Regulatory Authority has been constituted by the Parliament under Article 246 of the Constitution. In the present case, no such Regulatory Authority has been constituted under the Act of Parliament, and the ICAR, being a society registered under the Societies Registration Act, 1860, is not a statutory authority constituted under the Act of Parliament. Therefore, the plea of the respondents that ICAR regulates these State Agricultural Universities is legally untenable.

25. It has been further submitted that both Krishi Vishvavidyalaya, Palampur and Horticulture University, Solan receive grants from the ICAR, which is an organization funded by the Union of India. Section 12B of the UGC Act, 1956, creates a bar to give grant to any University unless it is declared fit by UGC for receiving grants. Such grants are not necessarily to be released or given by the UGC, but even grants given by the Union of India and/or the ICAR is subject to declaration under Section 12B of the UGC Act. Therefore, the procedure being adopted by the respondents for the appointment of Vice-Chancellors, in both Universities in reference, is contrary to the UGC Regulations, 2018. The UGC Regulations carry statutory force, and thus, the impugned action, including the amendment in the State Act and the framing of the 2026 Rules, is liable to be quashed and set aside.

26. It has been further submitted that the UGC Regulations, 2018, have become part of the statute framed by Parliament, and therefore they shall prevail over the State Act.

PLEA OF THE STATE

27. It has been further submitted by learned Advocate General that Act 1986 is a State Act framed by exercising power

conferred upon the State Legislature in Entry 14 of List II of the Seventh Schedule of the Constitution.

28. It has been contended on behalf of the respondent State that Universities in reference have been established by the State Act exercising power conferred under Entries 14 and 32 of List II of the Seventh Schedule of the Constitution. The legislative competence of the State to enact the Universities Act, 1986 has been exercised with the object to make suitable provisions for enforcing uniform standards of teaching, research and extension education in the fields of agriculture, horticulture and forestry in the Universities in reference.

29. It has been further argued by learned Advocate General that both Universities are funded purely by the State Government and project related funds, such as, the All India Coordinated Research Project (AICRP) and Krishi Vigyan Kendra (KVKs) research funds, and also by the Indian Council of Agricultural Research (hereinafter referred to as '**ICAR**') under various schemes, including the National Agricultural Higher Education Project (NAHEP) whereas no funding is provided by the UGC. The Universities have adopted the ICAR directives, and therefore, the UGC Regulations, 2018, are not applicable in present cases.

30. It has been further submitted by learned Advocate General that the UGC Regulations, 2018, have no binding application on Krishi Vishvavidyalaya, Palampur and Horticulture University, Solan, as the State of Himachal Pradesh has explicitly not adopted the said Regulations for its Agricultural Universities by reiterating that Universities in reference receive no funding whatsoever from the UGC, but are relying instead on the State Exchequer and specific development grants provided by the ICAR.

31. It has been further submitted by the learned Advocate General that the Ministry of Agriculture, Government of India, has constituted ICAR and established Agricultural Education Division in the Ministry with a vision for strengthening and development of Higher Agricultural Education in India; Human Resources Development for leadership roles in agricultural sciences; improving quality of Agricultural Education through innovative approaches in teaching, research, and outreach activities. It carries a mandate to plan, promote, and coordinate Agricultural Education in the country; to enhance the quality and relevance of Higher Agricultural Education in the country; and to strengthen the Agricultural University System for developing quality human resources in agriculture and allied sciences.

32. It has been further argued by learned Advocate General that the Agricultural Education Division, ICAR, is involved in strengthening and streamlining of higher agricultural education system to enhance the quality of human resources in agri-supply chain to meet future challenges in agriculture sector in the country. This calls for regular planning, development, coordination and quality assurance in higher agricultural education in India and this Division strives for maintaining and upgrading quality and relevance of higher agricultural education through partnership and efforts of the ICAR-Agricultural Universities (AUs) system comprising of 62 State Agricultural Universities, 5 Deemed to be universities, 2 Central Agricultural University and 4 Central Universities with Agriculture Faculty.

33. Learned Advocate General has also submitted that though there is no specific Act passed by the Parliament with respect to Agriculture Universities, however, there is a Model Act for Higher Agricultural Educational Institutions in India (Revised 2023), published by the Agricultural Education Division, Indian Council of Agricultural Research, New Delhi, wherein Clause 4.3 of Chapter 4 provides that the Vice Chancellor shall be appointed by the Chancellor from a panel of eminent educationists in agricultural and

allied sciences drawn by a Search Committee consisting of the Director General, ICAR or his nominee not below the rank of DDG/Vice Chancellor, one nominee of the Government not below the rank of Vice Chancellor or equivalent, and one nominee of the Chancellor not below the rank of Vice Chancellor or equivalent, and in this Model Act for Agriculture Universities drafted by the Indian Council of Agricultural Research, there is no provision for a member nominated by the University Grants Commission and, therefore, it has been contended that ICAR Model Act for Agriculture University has a guiding force in case of selection of Vice-Chancellor to the Agriculture/Horticulture University, but not the UGC.

34. Learned Advocate General has referred various Acts of Central as well as State Agricultural Universities, wherein provisions for appointment of Vice-Chancellor has been provided distinct from and independent of the provisions contained in UGC Regulations, 2018. These Acts are the Dr. Rajendra Prasad Central Agricultural University Act, 2016; Jawaharlal Nehru Krishi Vishwavidhyalaya Act, 1963; The Maharashtra Agricultural Universities (Krishi Vidyapeeths) Act, 1983; the Gujarat Agricultural Universities Act, 2004; the Haryana and Punjab Agricultural Universities Act, 1970; the Bihar Agricultural University Act, 2010; the Bidhan Chandra

Krishi Viswa Vidyalaya Act, 1974; the Tamil Nadu Agricultural University Act, 1971; and the Uttar Pradesh (Krishi Evam Prodyogik Vishwavidyalaya) Act, 1958.

35. Illustrating this practice, it has been submitted that the Punjab Agricultural University (PAU), regulated under the *Haryana and Punjab Agricultural Universities Act, 1970*, constitutes its selection panel under its own Board of Management without any mandatory UGC intervention. Similarly, both Universities in reference, follow the ICAR pattern where nominees are drawn from the fields of agricultural science or nominated by the Director-General, ICAR, thereby ensuring specialized, domain-specific selection rather than generalized UGC inputs.

36. It has been submitted by learned Advocate General that the selection and appointment to the posts of Vice-Chancellor at Krishi Vishwavidyalaya, Palampur and Horticulture University, Solan, is exclusively governed by the statutory provisions contained within the Universities Act, 1986.

37. It has been further submitted by learned Advocate General that the relevant statutory provision in the State Act has been modeled precisely after the ICAR Model Act, which consciously

omits a nominee from the University Grants Commission to ensure domain-specific expertise in agricultural administration.

38. Learned Advocate General has contended that absence of a UGC nominee in Agricultural Universities is a standard national practice, framed strictly in line with the ICAR Model Act for Agricultural Universities.

39. It has been further submitted by learned Advocate General that there are more than 10 other Central/State Universities that have a procedure for appointment of Vice-Chancellor which does not include a UGC Nominee. Since other States and Universities are not following it, Himachal Pradesh should not be obligated to follow it as well.

40. It has been further submitted by learned Advocate General that the ICAR prescribes the course curriculum, such as syllabus for Undergraduate courses, Postgraduate courses and Doctorate programmes etc. Further that University Grants Commission Regulations concerning appointment and service conditions of teachers and officials, including the Vice-Chancellor, do not automatically apply to State Agricultural Universities

established under State enactments, in the absence of specific adoption by the State Legislature or the State Government.

41. Learned Advocate General has vehemently opposed the prayer of the petitioner with submission that respondents are strictly adhering to the norms and standards provided for appointment of a person to the post of Vice-Chancellor in further consonance with Indian Council for Agricultural Research (ICAR). Referring Clause 7.3(i) of UGC Regulations, he has submitted that eligibility prescribed for Vice-Chancellor has been provided in consonance with the said provisions of the UGC.

42. Learned Advocate General has further submitted that the Clause 7.3(ii) of UGC Regulations provides selection of Vice-Chancellor through Select Committee of 3-5 persons and the impugned Provisions of Act and Rules provides Search-cum-Selection Committee of five members, as provided under Rule 3 of the Rule 2026, and further that a nominee of Indian Council of Agricultural Research is necessary for the purpose of appointing Vice-Chancellor in Agriculture University, but not the nominee of UGC. According to him, respondents are bound to maintain standards provided for appointment of Vice-Chancellor in UGC Regulations, but not bound to follow constitution of Committee

strictly in terms of provisions of UGC Act or Regulations framed thereunder.

43. It has been submitted by learned Advocate General that, under the constitutional scheme and distribution of legislative powers, the State Legislature holds exclusive legislative competence and prerogative over the field of agriculture and agricultural education. In this regard, it has been contended by learned Advocate General that Entry 14 of List II (State List) of the Seventh Schedule of the Constitution of India confers exclusive jurisdiction upon State Legislatures over *"Agriculture, including agricultural education and research; protection against pests and prevention of plant diseases."*

44. It has been further submitted that Entry 32 of List II of the Seventh Schedule likewise confers exclusive legislative competence upon the State Legislature in respect of *"Incorporation, regulation and winding up of corporations, other than those specified in List I, and universities; unincorporated trading, literary, scientific, religious and other societies and associations; co-operative societies."*

45. Learned Advocate General has further highlighted the specific carve-out preserved under the constitutional scheme by

stating that while general "Education" was transferred to the Concurrent List (List III, Entry 25) by virtue of the 42nd Constitutional Amendment, "Agricultural Education" was consciously and deliberately retained exclusively under Entry 14 of List II. It has, therefore, been submitted that Parliament lacks the legislative competence to encroach upon or legislate on a subject falling strictly within the State List under the garb of prescribing coordination and determination of standards in higher education.

46. Advancing the argument on the inapplicability of Article 254 of the Constitution of India, learned Advocate General has submitted that the doctrine of repugnancy under Article 254 applies strictly and exclusively to statutes enacted in respect of matters enumerated in the Concurrent List (List III).

47. It has been further urged that since the State Act has been enacted within the exclusive and absolute legislative domain of the State Legislature under Entries 14 and 32 of List II, no question of repugnancy can arise in relation to any Central enactment referable to Entry 66 of List I (Union List). The learned Advocate General has thus submitted that the respective enactments operate in entirely distinct and non-overlapping legislative fields.

48. It has been further submitted by learned Advocate General that Parliament has not made any Act with respect to the Universities in Himachal Pradesh including the Act 1986, establishing the Agriculture University and, therefore, there is no conflict between the Act made by the State and the Act made by the Parliament. According to him, the Agriculture University is not within the domain of UGC with respect to subject matter, which has been specifically dealt with in the Act, 1986. In support of his contention, he has placed reliance on Articles 245 and 246 of the Constitution.

49. It has been submitted by learned Advocate General that Entry 14 of List II specifically deals with Agricultural Education, whereas Entry 66 of List I deals with institutions for higher education, but does not deal with subject matter of Agriculture Education specifically and when there is a specific entry in List II with no corresponding specific entry in List I, then there is no question of conflict between the Parliament Act and the State Act and State Act being a valid enactment in exercise of power conferred under the Constitution, shall have to be permitted to give effect.

50. Highlighting the parallel State frameworks, learned Advocate General has urged that High Courts across the country have recognized that where specialized domains are carved out, the

inclusion of an ICAR or domain-specific nominee is structurally sound and tailored to the unique nature of such institutions. Furthermore, it has been submitted that various High Courts and Apex Court have categorically recognized the non-adoption of UGC Regulations by a State as a fundamental and determinative factor for their non-applicability, as evidenced by judgments cited and placed on record during the course of proceedings.

51. It has been further submitted by learned Advocate General that, based on the established canon of statutory interpretation *generalibus specialia derogant* (special provisions prevail over general provisions), the primacy of specialized domains carved out under the State List must be upheld.

52. It has been further submitted by learned Advocate General that, even for the sake of argument, if it is presumed that the University Grants Commission has an overarching reach, the UGC Regulations, 2018, contain internal limitations and "Coverage" clauses under the proviso to Clause 1.1 that expressly acknowledge the existence and jurisdiction of other specialized regulatory authorities.

53. Advancing the submission on the exclusion of specialized regulatory bodies, learned Advocate General has contended that the parent proviso governing the coverage of the UGC Regulations, 2018, excludes institutions governed by other specialized regulatory authorities. It has been argued that though petitioners are arguing that such bodies must strictly be statutory bodies created by Parliament, but a purposive and contextual reading of the proviso reveals a wider ambit of specialized Regulatory Authority referred in the UGC Regulations, 2018.

54. Distinguishing between a "Regulatory Body" and a "Statutory Body", learned Advocate General has urged:

- That the proviso to Clause 1.1 specifically encompasses "Regulatory Bodies" within its exceptions, and in the specialized field of agriculture, the Indian Council of Agricultural Research (ICAR) serves as the designated, specialized expert regulatory authority;
- That an authority does not necessarily need to be a "Statutory Body" in the strictest sense of having been created under a standalone Central Act to be recognized as the relevant "Regulatory Authority" for a specialized discipline; and

- That by incorporating the ICAR Model Act into its State statute, the State of Himachal Pradesh has consciously aligned itself with the recognized national regulatory standard for agriculture, to which the UGC's generalized framework must yield by virtue of its own exclusionary proviso.

55. It has been vehemently contended by learned Advocate General that while the State maintains its primary stance that it holds exclusive legislative competence over agricultural universities under List II, in the alternative, even if it is assumed that the UGC framework generally extends to higher educational institutions, the exception carved out in the Coverage proviso of the UGC Regulations, 2018, itself ensures that specialized agricultural institutions remain ring-fenced from generalized UGC mandates. It has thus been submitted that the adoption of an ICAR-aligned selection process is not a dilution of academic standards, but rather strict adherence to a specialized and domain-specific standard recognized by the very proviso of the UGC Regulations.

56. Learned Advocate General has prayed that the writ petitions be dismissed by upholding the absolute validity of the statutory provision under the Himachal Pradesh Universities of

Agriculture, Horticulture and Forestry Act, 1986, and further by holding that the UGC Regulations, 2018, are purely directory in nature and wholly inapplicable to Universities in reference, owing to their conscious non-adoption by the State and the lack of any funding from the University Grants Commission.

UGC SUBMISSIONS

57. Learned counsel appearing for the University Grants Commission submitted that the detailed brief submitted on behalf of the UGC be considered as response of the UGC to the issues involved in present writ petitions.

58. In its detailed brief submitted by respondent No.3-UGC, it has been stated as under:-

“Detailed Brief

Facts & Background

Narender K. Sankhyan, the petitioner, is a seasoned academician who was appointed Assistant Professor in Chaudhary Sarwan Kumar Himachal Pradesh Krishi Vishwavidyalaya (SKHPKV), Palampur on 31.10.1998, was promoted as Associate Professor in 2007, and thereafter as Professor on 31.10.2013. He also served as Head of the Department from May 2021 to July 2025, and is presently working as Registrar in Himachal Pradesh Central University. Dharamshala. He additionally served as Director, Research at Dr. Y.S. Parmar Horticulture University, Nauni, Solan from August 2022 to November 2025. Having accumulated more than 10 years of experience as Professor, he is fully eligible to be

considered for the post of Vice-Chancellor as per UG Regulations 2018. The State of Himachal Pradesh enacted the Himachal Pradesh Universities of Agriculture, Horticulture and Forestry Act, 1986, which was subsequently amended from time to time, the latest being Act No. 46 of 2025, also referred to as the Himachal Pradesh Universities of Agriculture, Horticulture and Forestry (Amendment Act, 2023). By virtue of this amendment, Section 24 of the principal Act was altered to provide that the Vice-Chancellor shall be a whole-time officer of the University appointed by the Chancellor on the aid and advice of the Government in the manner prescribed under the Rules. Pursuant to this amendment, the State Government notified the Himachal Pradesh Universities of Agriculture, Horticulture and Forestry Rules, 2026 vide notification dated 06.01.2026, laying down the procedure for selection and appointment to the post of Vice-Chancellor. Under these Rules, the process is required to be initiated by the constitution of a Search-cum-Selection Committee as provided under Rule 3, and it is this Committee alone, under Rule 4, which is empowered to invite applications for the post of Vice-Chancellor. However, without constituting any such Search-cum-Selection Committee, Respondent No. 2, i.e., the Registrar, CSKHPKV Palampur, acting on the directions of Respondent No. 1, the State of Himachal Pradesh, issued an advertisement dated 26.02.2026 directly inviting applications from eligible candidates for the post of Vice-Chancellor with the last date fixed as 27.03.2026. The petitioner, while eligible to apply, has consciously refrained from submitting his application pursuant to this advertisement, as he considers the entire process to be unconstitutional and void ab initio. He had however submitted his application when the process was initiated by the Chancellor in 2025, pursuant to a Recruitment Notice dated 21.07.2025, which proceeding is already stayed by this Hon'ble Court in a pending writ petition. Being aggrieved by the impugned advertisement, the amending Act, and the Rules framed thereunder, the petitioner has preferred the present writ petition

under Article 226 of the Constitution of India before the Hon'ble High Court of Himachal Pradesh at Shimla, challenging the constitutional validity of the amendment, the Rules, and the consequential advertisement, while simultaneously filing a Civil Miscellaneous Petition seeking stay of the entire appointment process during the pendency of the writ petition.

The Role of UGC

The University Grants Commission occupies a pivotal and overriding role in the present case, both as a statutory body and as Respondent No. 3 in the petition. The UG was established by Parliament under the UG Act, drawing its authority from Entry 66 of List I of the Seventh Schedule to the Constitution of India, which exclusively vests in Parliament the power to legislate on coordination and determination of standards in institutions of higher education. This is a domain entirely outside the competence of State Legislatures, and the State's power over education under List II is expressly subordinate to and controlled by Entries 63 to 67 of List I. In exercise of its statutory powers under Sections 26(1)(e) and 26(1)(g) read with Section 14 of the UGC Act, the UG framed the UG Regulations 2018, which lay down a comprehensive and mandatory framework governing the appointment of Vice-Chancellors in universities across the country. These Regulations, particularly Regulation 7, mandate that the Search-cum-Selection Committee must identify a panel of 3 to 5 names for the post of Vice-Chancellor, that the members of such Committee shall be persons of eminence in the field of higher education who are not connected in any manner with the concerned University or its affiliated colleges, and most critically, that one member of the Search-cum-Selection Committee shall necessarily be a nominee of the Chairman of the UG. The Chancellor is then required to appoint the Vice-Chancellor from the panel so recommended. The State's amending Act and Rules, as challenged in this petition, are in direct and irreconcilable

conflict with these mandatory UG Regulations on multiple counts: first, the Rules constitute the Chief Secretary of the State as Chairman of the Search-cum-Selection Committee, whereas the Chief Secretary, being the administrative head of the State and directly connected with the University, cannot even be a member of the Committee under the UG Regulations; second, the Rules make no provision whatsoever for a nominee of the UG Chairman on the Search-cum-Selection Committee, in clear violation of Regulation 7.3; third, the amending Act requires the Chancellor to act on the aid and advice of the Government in making the appointment, thereby curtailing the Chancellor's independent discretion in a manner wholly repugnant to the UG framework; and fourth, Rule 5 of the Rules purports to empower the State Government to prescribe qualifications for the post, which is not permissible under the constitutional scheme since the power to determine standards in higher education exclusively belongs to Parliament through the UG. Since the UGC Regulations trace their source to Entry 66 of List I and are framed under a Central enactment, they occupy the field and possess overriding effect over any State legislation on the subject. As per the mandate of Article 254(1) of the Constitution, where there is a repugnancy between a State law and a Parliamentary law or a regulation framed thereunder on a concurrent or exclusively Central subject, it is the Central law that prevails and the State law stands eclipsed to that extent. The only saving grace for the State law under Article 254(2) would have been if the amending Act had been reserved for the consideration of the President of India and had received Presidential assent - but admittedly, neither was the amending Act reserved for the President's consideration nor has any Presidential assent been obtained, rendering the amendment void on this ground alone. The legal position has been conclusively settled by the Hon'ble Supreme Court in *Dr. S. Mohan v. Secretary to the Chancellor, Puducherry Technological University & Ors.* (Civil Appeal Nos. 54-55 of 2025), wherein it was categorically

held that UG Regulations 2018 prevail over State university laws, that the inclusion of a UGC nominee in the Search-cum-Selection Committee is an integral and non-negotiable component of the standards prescribed for appointments in higher education, and that any deviation therefrom not only vitiates the constitution of the Search-cum-Selection Committee but also renders the entire appointment process legally vulnerable and unsustainable. In light of the above, the UGC Regulations 2018 serve as the supreme and binding legal standard in this case, the deviation from which by the State of Himachal Pradesh through its amending Act and Rules has rendered the entire process of appointment to the post of Vice-Chancellor of CSKHPKV Palampur, including the impugned advertisement dated 26.02.2026, unconstitutional, illegal, and void ab initio.”

NATURE, ROLE & STATUS OF ICAR

59. Undisputedly, the Indian Council of Agriculture and Research (ICAR) is an autonomous organization under the Department of Agricultural Research and Education (DARE), Ministry of Agriculture and Farmers Welfare, Government of India. Formerly known as Imperial Council of Agricultural Research, it was established on 16th July 1929 as a registered society under the Societies Registration Act, 1860 in pursuance of the report of the Royal Commission on Agriculture. ICAR is the apex body for coordinating, guiding, and managing research and education in agriculture, including horticultural sciences, fisheries sciences, and animal sciences. With a vast network comprising 115 ICAR Institutes

and 80 Agricultural Universities across the country, it represents one of the largest national agricultural research, education and extension systems in the world. ICAR has been instrumental in driving the Green Revolution and spearheading the modernization of Indian agriculture through its innovative research, education, and extension initiatives. The Council currently addresses the challenge of ensuring nutritional security for India's growing population, despite constraints such as limited cultivable land, increasing water scarcity, and the escalating impacts of global warming. Its mandate includes planning, undertaking, coordinating, and promoting research and technology development for sustainable agriculture; aiding, imparting, and coordinating agricultural education to enable quality human resource development; leading frontline extension for technology application, adoption, knowledge management, and capacity development for agri-based rural development; and providing policy, cooperation, and consultancy in agricultural research, education, and extension. Organizationally, the Union Minister of Agriculture and Farmers Welfare is the ex-officio President of the ICAR Society, and the Secretary, Department of Agricultural Research & Education, Ministry of Agriculture and Farmers Welfare, Government of India, and Director General, ICAR, is the Principal Executive Officer of the ICAR.

60. Learned counsel for the petitioners has also referred stand of the ICAR taken in **CWP No.14366 of 2025** titled '**Anubhav Thakur vs. CSKHPKV & Ors.**', which has been referred in the judgment of the said case as under:-

“4(v)(b) Secondly, the ICAR in its reply has clarified having not framed any separate recruitment norms or regulations and that all ICAR accredited universities are bound to follow the UGC Regulations. According to respondent-University, it is the ICAR, which is the apex regulatory authority for it (agricultural universities). When the apex regulatory authority for agricultural universities itself mandates compliance with UGC norms, respondent-University cannot circumvent the compliance of UGC norms/regulations, which even as per its stand, it is bound to comply. Respondent-University's fall back upon its statute to wriggle out from the directions of ICAR & in turn the UGC regulations are of no help to it as respondent-University itself acknowledges it is required to adhere to ICAR directions.

4(v)(c) The ICAR has taken a clear stand that UGC regulations of exempting Ph.D. degree holders from NET essentiality are applicable to respondent-university and to all agricultural universities in the country. Even otherwise, respondent-University's endeavour to take shelter of two previous letters of ICAR dated 23.12.2011 & 09.03.2017 to justify imposing NET essentiality even for Ph.D. degree holders is misplaced. These letters do not impose such condition upon Ph.D. degree holders. Even as per these letters, which have otherwise lost their relevance as on date, Ph.D. degree holders could be exempted from NET essentiality subject to satisfaction of certain other parameters.

4(v)(d) Both ICAR & UGC are unison in their stand that in view of regulations in place which are binding upon all agricultural

universities including respondent No.1, Ph.D. degree holders are exempted from NET essentiality in direct recruitment to the posts. Respondent-University admits to ICAR's supremacy over the issue and that it is bound by ICAR's directions. Given this position, respondent-University is bound to exempt Ph.D. degree holders from NET essentiality."

RELEVANT PROVISIONS OF REGULATION AND ACTS IN THE CONSTITUTION.

61. It would be relevant to refer following clauses of UGC Regulations, 2010:-

“UGC REGULATIONS ON MINIMUM QUALIFICATIONS FOR APPOINTMENT OF TEACHERS AND OTHER ACADEMIC STAFF IN UNIVERSITIES AND COLLEGES AND MEASURES FOR THE MAINTENANCE OF STANDARDS IN HIGHER EDUCATION, 2010

These Regulations are issued for minimum qualifications for appointment and other service conditions of University and College Teachers, Librarians, Directors of Physical Education and Sports for the maintenance of standards in higher education and revision of pay scales.

1.0.0 COVERAGE

1.1.1 For teachers in the Faculties of Agriculture and Veterinary Science, the norms /Regulations of Indian Council of Agricultural Research; for Faculty of Medicine, Dentistry, Nursing and AYUSH, the norms/Regulations of Ministry of Health and Family Welfare, Government of India; for Faculty of Education, the norms/Regulations formulated in consultations with National Council of Teacher Education; for Engineering and Technology, Pharmacy and Management/Business Administration, the norms/Regulations formulated in consultations with All India Council for Technical Education; and the qualifications in the field of rehabilitation and special

education at Degree, PG Diploma and Masters level, the norms/Regulations formulated in consultations with Rehabilitation Council of India, shall apply.

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7.0.0. SELECTION OF PRO-VICE CHANCELLOR / VICE - CHANCELLOR OF UNIVERSITIES:

7.1.0. PRO-VICE-CHANCELLOR:

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7.3.0. VICE CHANCELLOR:

- i. Persons of the highest level of competence, integrity, morals and institutional commitment are to be appointed as Vice-Chancellors. The Vice-Chancellor to be appointed should be a distinguished academician, with a minimum of ten years of experience as Professor in a University system or ten years of experience in an equivalent position in a reputed research and / or academic administrative organization.
- ii. The selection of Vice-Chancellor should be through proper identification of a Panel of 3-5 names by a Search Committee through a public Notification or nomination or a talent search process or in combination. The members of the above Search 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 committee must give proper weightage to 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. In respect of State and Central Universities, the following shall be the constitution of the Search Committee.

- a) a nominee of the Visitor/Chancellor, who should be the Chairperson of the Committee.
 - b) a nominee of the Chairman, University Grants Commission.
 - c) a nominee of the Syndicate/ Executive Council / Board of Management of the University.
- iii. The Visitor/Chancellor shall appoint the Vice Chancellor out of the Panel of names recommended by the Search Committee.
- iv. The conditions of service of the Vice Chancellor shall be prescribed in the Statutes of the Universities concerned in conformity with these Regulations.
- v. The term of office of the Vice Chancellor shall form part of the service period of the incumbent concerned making him/her eligible for all service related benefits.

7.4.0 The Universities/State Governments shall modify or amend the relevant Act/Statutes of the Universities concerned within 6 months of adoption of these Regulations.

62. Following provisions of UGC Regulations, 2018, are also relevant to be referred:-

“UNIVERSITY GRANTS COMMISSION
NOTIFICATION

New Delhi, the 18th July, 2018

UGC REGULATIONS ON MINIMUM QUALIFICATIONS FOR APPOINTMENT OF TEACHERS AND OTHER ACADEMIC STAFF IN UNIVERSITIES AND COLLEGES AND MEASURES FOR THE MAINTENANCE OF STANDARDS IN HIGHER EDUCATION, 2018

No. F.1-2/2017(EC/PS).—In exercise of the powers conferred under clause (e) and (g) of sub-section(I) of Section 26 read with Section 14 of the University Grants Commission Act, 1956 (3 of 1956), and in supersession of the “UGC Regulations on Minimum qualifications for Appointment of Teachers and other Academic Staff in Universities and Colleges and Measures for the Maintenance of Standards in Higher Education 2010” (Regulation No.F.3-1/2009 dated 30th June, 2010) together with all amendments made therein from time to time, the University Grants Commission, hereby, frames the following Regulations, namely:-

1. Short title, application and commencement:

- 1.1 These Regulations may be called 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.
- 1.2 These shall apply to every University established or incorporated by or under a Central Act, Provincial Act or a State Act, every Institution including a Constituent or an affiliated College recognized by the Commission, in consultation with the University concerned under Clause (i) of Section 2 of the University Grants Commission Act, 1956 and every Institution deemed to be a University under Section 3 of the said Act.
- 1.3 These shall come into force from the date of notification.

2. The Minimum Qualifications for appointment and other service conditions of University and College teachers, Librarians, and Directors of Physical Education and Sports as a measure for the maintenance of standards in higher education, shall be as provided in the Annexure to these Regulations.
3. If any University contravenes the provisions of these Regulations, the Commission after taking into consideration the cause, if any, shown by the University for such failure or contravention, may withhold from the University, the grants proposed to be made out of the Fund of the Commission.

Minimum qualifications for the posts of Senior Professor, Professors and Teachers, and other Academic Staff in Universities and Colleges and revision of pay scales and other Service Conditions pertaining to such posts.

1.0 Coverage

These Regulations are issued for minimum qualifications for appointment and other service conditions of University and College teachers and cadres of Librarians, Directors of Physical Education and Sports for maintenance of standards in higher education and revision of pay-scales.

- 1.1 For the purposes of direct recruitment to teaching posts in disciplines relating to university and collegiate education, inter-alia in the fields of health, medicine, special education, agriculture, veterinary and allied fields, technical education, teacher education, norms or standards laid down by authorities established by the relevant Act of Parliament under article 246 of the Constitution for the purpose of co-ordination and determination of standards in institutions for higher

education or research and scientific and technical institutions, shall prevail

- i. Provided that where no such norms and standards have been laid down by any regulatory authority, UGC Regulations herein shall be applicable till such time as any norms or standards are prescribed by the appropriate regulatory authority.
- ii. Provided further that for appointment to the post of Assistant Professor and equivalent positions pertaining to disciplines in which the National Eligibility Test (NET), conducted by the University Grants Commission or Council of Scientific and Industrial Research as the case may be, or State level Eligibility Test (SLET) or the State Eligibility Test (SET), conducted by bodies accredited by the UGC for the said purpose, qualifying in NET/SLET/SET shall be an additional requirement.

1.2 Every university or institution deemed to be University, as the case may be, shall as soon as may be, but not later than within six months of the coming into force of these Regulations, take effective steps for the amendment of the statutes, ordinances or other statutory provisions governing it, so as to bring the same in accordance with these Regulations.

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7.0 SELECTION OF PRO-VICE CHANCELLOR / VICE - CHANCELLOR OF UNIVERSITIES:

7.1 PRO-VICE-CHANCELLOR:

The Pro-Vice-Chancellor shall be appointed by the Executive Council on the recommendation of the Vice-Chancellor.

7.2 It shall be the prerogative of the Vice-Chancellor to recommend a person to be the Pro-Vice-Chancellor to the Executive Council. The Pro-Vice-Chancellor shall hold office for a period, which is co-terminus with that of the Vice-Chancellor.

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.
- iv. The term of office of the Vice-Chancellor shall form part of the service period of the incumbent making him/her eligible for all service related benefits.”

63. It is apt to record that prior to UGC Regulations 2018, UGC had framed UGC Regulations, 2010. In both the Regulations, identical eligibility and procedure for appointment of Vice-Chancellor has been provided. But in the Regulations 2010, there was option with the Universities to adopt or not to adopt the scheme of UGC Regulations 2010. However, in the UGC Regulation 2018, there is no such option available, and even more than that, these Regulations have been made applicable to all State, Central Universities, and therefore, are binding on all Universities as such.

64. Following Articles as well as Entries of List I, List II and List III of Seventh Schedule of the Constitution are also relevant to be referred:-

“245. Extent of laws made by Parliament and by the Legislatures of States. (1) Subject to the provisions of this Constitution, Parliament may make laws for the whole or any part of the territory of India, and the Legislature of a State may make laws for the whole or any part of the State.

(2) No law made by Parliament shall be deemed to be invalid on the ground that it would have extra-territorial operation

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246. Subject-matter of laws made by Parliament and by the Legislatures of States. (1) Notwithstanding anything in clauses (2) and (3), Parliament has exclusive power to make laws with respect to any of the matters enumerated in List I in the Seventh Schedule (in this Constitution referred to as the “Union List”).

(2) Notwithstanding anything in clause (3), Parliament, and, subject to clause (1), the Legislature of any State also, have power to make laws with respect to any of the matters enumerated in List III in the Seventh Schedule (in this Constitution referred to as the “Concurrent List”).

(3) Subject to clauses (1) and (2), the Legislature of any State has exclusive power to make laws for such State or any part thereof with respect to any of the matters enumerated in List II in the Seventh Schedule (in this Constitution referred to as the “State List”).

(4) Parliament has power to make laws with respect to any matter for any part of the territory of India not included 2 [in a State] notwithstanding that such matter is a matter enumerated in the State List.

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254. Inconsistency between laws made by Parliament and laws made by the Legislatures of States. -(1) If any provision of

a law made by the Legislature of a State is repugnant to any provision of a law made by Parliament which Parliament is competent to enact, or to any provision of an existing law with respect to one of the matters enumerated in the Concurrent List, then, subject to the provisions of clause (2), the law made by Parliament, whether passed before or after the law made by the Legislature of such State, or, as the case may be, the existing law, shall prevail and the law made by the Legislature of the State shall, to the extent of the repugnancy, be void.

(2) Where a law made by the Legislature of a State *** with respect to one of the matters enumerated in the Concurrent List contains any provision repugnant to the provisions of an earlier law made by Parliament or an existing law with respect to that matter, then, the law so made by the Legislature of such State shall, if it has been reserved for the consideration of the President and has received his assent, prevail in that State:

Provided that nothing in this clause shall prevent Parliament from enacting at any time any law with respect to the same matter including a law adding to, amending, varying or repealing the law so made by the Legislature of the State.”

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SEVENTH SCHEDULE
(Article 246)
List I—Union List

63. The institutions known at the commencement of this Constitution as the Benares Hindu University, the Aligarh Muslim University and the 1 [Delhi University; the University established

in pursuance of article 371E;] any other institution declared by Parliament by law to be an institution of national importance.

64. Institutions for scientific or technical education financed by the Government of India wholly or in part and declared by Parliament by law to be institutions of national importance.

65. Union agencies and institutions for—
- (a) professional, vocational or technical training, including the training of police officers; or
 - (b) the promotion of special studies or research; or
 - (c) scientific or technical assistance in the investigation or detection of crime.

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

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List II—State List

14. Agriculture, including agricultural education and research, protection against pests and prevention of plant diseases.

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32. Incorporation, regulation and winding up of corporations, other than those specified in List I, and universities; unincorporated trading, literary, scientific, religious and other societies and associations; cooperative societies.

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List III—Concurrent List

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.”

65. Relevant portion of Section 23 and Section 24 of Universities Act, 1986, read as under:-

“Chancellor

- 23.(1) xx xx xx
- (2) xx xx xx
- (3) xx xx xx

(4) The Chancellor shall exercise such other powers and perform such other duties as may be conferred or imposed on him by this Act or the Statutes

Vice-Chancellor

24.(1) The Vice-Chancellor shall be a whole time officer of the University, who shall be appointed by the Chancellor on the recommendations of the Selection Committee consisting of :-

- i) a nominee of the Chancellor
- ii) the Director General, Indian Council of Agricultural Research; and
- iii) the Chairman, Universities Grants Commission or his nominee.

- (2) The Chancellor shall nominate one of the members referred to in sub-section (1) as the Chairman of the Selection Committee.
- (3) The Vice-Chancellor shall normally hold office for a term of three years and be eligible for re-appointment for another three years but not beyond the age of 65. The emoluments and other conditions of service of the Vice-Chancellor shall be such as may be prescribed and shall not be varied to his disadvantage after his appointment;

Provided that the Chancellor may allow him to continue in office until his successor is appointed but this period shall not exceed one year.”

66. Amendment in Sections 23 and 24 of the Universities Act, 1986 vide Universities Amendment Act, 2023 is as under:-

- “3. Amendment of section 23.-In section 23 of the principal Act, in sub-section (4), after the words "The Chancellor", the signs and words "on the aid and advice of the Government," shall be inserted.

4. Amendment of section 24.-In section 24 of the principal Act,-

(i) for sub-section (1), the following shall be substituted, namely:—

"The Vice-Chancellor shall be a whole time officer of the University, who shall be appointed by the Chancellor, "on the aid and advice of the Government, in the manner as may be prescribed by the rules."; and

(ii) sub- section (2) shall be omitted.”

67. Relevant provisions of Sections 23 and 24 of Universities Act, 1986 after amendment vide Universities (Amendment) Act, 2023 are as under:-

“Chancellor

- 23.(1) xx xx xx
- (2) xx xx xx
- (3) xx xx xx
- (4) The Chancellor on the aid and advice of the Government shall exercise such other powers and perform such other duties as may be conferred or imposed on him by this Act or the Statutes

Vice-Chancellor

24.(1) The Vice-Chancellor shall be a whole time officer of the University, who shall be appointed by the Chancellor, on the aid and advice of the Government in the manner as may be prescribed by the rules.

- i) a nominee of the Chancellor
- ii) the Director General, Indian Council of Agricultural Research; and
- iii) the Chairman, Universities Grants Commission or his nominee.

(2) Omitted.

(3) The Vice-Chancellor shall normally hold office for a term of three years and be eligible for re-appointment for another three years but not beyond the age of 65. The emoluments and other conditions of service of the Vice-Chancellor shall be such as may be prescribed and shall not be varied to his disadvantage after his appointment;

Provided that the Chancellor may allow him to continue in office until his successor is appointed but this period shall not exceed one year.”

68.

Relevant provisions of Universities Rules, 2026, reads

as under:-

“2. Appointment of the Vice-Chancellor.—The Vice-Chancellor shall be appointed by the Chancellor on the aid and advice of the Government. The Government will constitute Search-cum-Selection committee, which shall forward a panel of three persons to the Government. The State Government will select a candidate from the panel and forward the same to the Chancellor for appointment to the post of Vice-Chancellor.

3. Search-cum-Selection Committee.—The Committee shall consist of the following members:—

- (i) The Chief Secretary to the Government of Himachal Pradesh as Chairperson;
- (ii) Director General, Indian Council of Agricultural Research or his nominee not below the rank of Vice Chancellor or equivalent;
- (iii) One nominee of the Chancellor not below the rank of Pr. Secretary/Vice-chancellor/ professor having 15 years' experience;
- (iv) The nominee of the State Government to be appointed by the State Government not below the rank of Pr. Secretary/Vice-Chancellor/Professor having 15 years' experience, and
- (v) An expert of Agriculture/ Horticulture/ Veterinary and Animal Sciences not below the rank of Professor with 15 years' experience as professor nominated by the Government.

4. Procedure of the Committee:

- (a) The Committee shall invite applications and nominations through Registrar of the concerned University, specifying eligibility conditions;
- (b) The Committee shall submit a panel of three persons to the State Government;
- (c) The State Government shall select one name from the panel and recommend to the Chancellor for appointment;
- (d) The Chancellor shall make appointment of the person recommended by the State Government within a period of one week, failing which the Administrative Secretary of Agriculture/Horticulture Department shall issue the notification of appointment;

- (e) The Committee shall maintain confidentiality of deliberations; and
- (f) The Administrative Secretary (Agriculture/Horticulture) to the Government shall act as Convener for concerned University for the selection process.”

69. Following provisions of UGC Act, 1956, are also relevant to be referred:-

- “2. In this Act, unless the context otherwise requires-
- xx xx xx
- (f) “University” means a University established or incorporated by or under a Central Act, a Provincial Act or a State Act, and includes any such institution as may, in consultation with the University concerned, be recognised by the Commission in accordance with the regulations made in this behalf under this Act.

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12. Functions of the Commission - It shall be the general duty of the Commission to take, in consultation with the Universities or other bodies concerned, all such steps as it may think fit for the promotion and co-ordination of University education and for the determination and maintenance of standards of teaching, examination and research in Universities, and for the purpose of performing its functions under this Act, the Commission may-

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- (b) allocate and disburse, out of the Fund of the Commission, grants to Universities established or incorporated by or

under a Central Act for the maintenance and development of such Universities or for any other general or specified purpose;

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[12-B.] Prohibition regarding giving of any grant to a University not declared by the Commission fit to receive such grant.-No grant shall be given by the Central Government, the Commission, or any other organisation receiving any funds from the Central Government, to a University which is established after the commencement of the University Grants Commission (Amendment) Act, 1972 (33 of 1972), unless the Commission has, after satisfying itself as to such matters as may be prescribed, declared such University to be fit for receiving such grant."

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14. **Consequences of failure of Universities to comply with recommendations of the Commission** - If any University [grants affiliation in respect of any course of study to any college referred to in subsection (5) of section 12A in contravention of the provisions of that sub-section or] fails within a reasonable time to comply with any recommendation made by the Commission under section 12 or section 13, 2 [or contravenes the provision of any rule made under clause (f) or clause (g) of sub-section (2) of section 25, or of any regulation made under clause (e) or clause (f) or clause (g) of section 26,] the Commission, after taking into consideration the cause, if any, shown by the University 3 [for Such failure or contraventions may withhold from the University the grants proposed to be made out of the Fund of the Commission.

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Power to make regulations

26. (1) The Commission [may, by notification in the Official Gazette, make regulations] consistent with this Act and the rules made thereunder—

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- (e) defining the qualifications that should ordinarily be required of any person to be appointed to the teaching staff of the University, having regard to the branch of education in which he is expected to give instruction;
- (g) regulating the maintenance of standards and the co-ordination of work or facilities in Universities.”

CASE LAW REFERRED BY THE PETITIONERS

70. Learned counsel for the petitioner has placed reliance on following judgments:-

- a) ***Gujarat University, Ahmedabad v. Krishna Ranganath Mudholkar & Ors.***, reported in AIR 1963 SC 703 : 1962 SCC OnLine SC 146 : 1963 Supp(1) SCR 112.
- b) ***Hardwari Lal vs G.D. Tapase And Ors.***, reported in AIR 1982 P&H 439.
- c) ***State of Tamil Nadu & Anr. v. Adhiyaman Educational & Research Institute & Ors.***, reported in (1995) 4 SCC 104.

- d) **Kaiser-I-Hind Pvt. Ltd. & Ors. v. National Textile Corporation (Maharashtra North) Ltd. & Ors.**, reported in (2002) 8 SCC 182 : 2002 SCC OnLine SC 910.
- e) **State of Madhya Pradesh vs Narmada Bachao Andolan & Anr.**; reported in (2011) 7 SCC 639 : AIR 2011 SC1989.
- f) **Innoventive Industries Ltd. v. ICICI Bank & Anr.**, reported in (2018) 1 SCC 407: 2017 SCC OnLine SC 1025.
- g) **Gambhirdan K. Gadhvi v. State of Gujarat & Ors.**, reported in (2022) 5 SCC 179.
- h) **G. Mohan Rao & Ors. v. State of Tamil Nadu & Ors.**, reported in (2022) 12 SCC 696 : 2021 SCC OnLine SC 440.
- i) **State of West Bengal v. Anindya Sundar Das & Ors.**, reported in (2022) 16 SCC 318 : 2022 SCC OnLine SC 1382.
- j) **Professor Narendra Singh Bhandari vs. Ravindra Jugran & Ors.**, reported in (2022) 17 SCC 679 : 2022 SCC OnLine SC 1555.
- k) **Dr. K.K. Vijayan v. Chancellor, KUFOS**, reported in 2022 SCC OnLine KER 5760 : (2022) 6 KLT 787.

- l) **Professor (Dr.) Sreejith P.S. v. Dr. Rajasree M.S. & Ors.**, reported in (2023) 17 SCC 338 : 2022 SCC OnLine SC 1473 : 2022 LiveLaw (SC) 871.
- m) **Dr. Premachandran Keezhoth v. Chancellor, Kannur University & Ors.**, reported in AIR 2024 SC 135 : 2023 SCC Online SC 1592.
- n) **CWP No.14366 of 2025** titled '**Anbhav Thaur v. CSKHPKV & Ors.**' decided on 20.11.2025 by High Court of Himachal Pradesh.
- o) **Dr. S. Mohan v. Secretary to the Chancellor, Puducherry Technological University & Ors.**; reported in 2026 SCC OnLine SC 128.

71. Learned counsel for the petitioner referring judgment of the Apex Court in **Gujarat University, Ahmedabad v. Krishna Ranganath Mudholkar and others**, reported in **AIR 1963 SC 703** has submitted that the validity of the State Legislation on University education and as regards the education in technical and scientific institutions not falling within List 1, Entry 64, would have to be judged having regard to whether it impinges on the field reserved for the Union under Entry 66. In other words, the validity of State legislation would depend upon whether it prejudicially affects coordination and

determination of standards, but not upon the existence of some definite Union legislation directed to achieve that purpose. If there be Union Legislation in respect of coordination and determination of standards, that would have paramountcy over the State law by virtue of the first part of Article 254(1), even if that power be not exercised by the Union Parliament, the relevant legislative entries being in the exclusive lists, a State law trenching upon the Union field would still be invalid.

72. Referring to the judgment of the Apex Court in **Sreejith P.S. v. Rajasree M.S., (2023) 17 SCC 330**, it has been submitted that the appointment of a Vice-Chancellor cannot be made *dehors* the applicable UGC Regulations, even if the State Act concerned prescribes diluted eligibility criteria prescribed under the applicable UGC Regulations and where there is conflict between State legislation and Central legislation, the Central legislation, i.e., the applicable UGC Regulations shall prevail by applying the principle of repugnancy under Article 254 of the Constitution, as the subject "Education" is contained in the Concurrent List (List III, Entry 25) of the Seventh Schedule of the Constitution.

73. It has been submitted that the UGC Regulations, 2018, regarding the post of Vice-Chancellor are binding as per verdict of

the Apex Court pronounced in the judgments in ***Kalyani Mathivanan v. K.V. Jeyaraj*** reported in (2015) 6 SCC 363, ***Gambhir Dan K. Gadhvi v. State of Gujarat*** reported in (2022) 5 SCC 179, and ***State of West Bengal vs. Anindya Sundar Das & Ors.*** reported in (2022) 16 SCC 318.

74. It has been further submitted that in view of binding decisions of the Apex Court in ***Kalyani Mathivanan v. K.V. Jeyaraj*** reported in (2015) 6 SCC 363 and ***Gambhir Dan K. Gadhvi v. State of Gujarat*** reported in (2022) 5 SCC 179, any appointment of a Vice-Chancellor made on the recommendations of a Search-cum-Selection Committee constituted contrary to the provisions of the UGC Regulations, 2018, shall be *void ab initio* and in case of conflict between State legislation and Union legislation, the Union law shall prevail even as per Article 254 of the Constitution to the extent the provision of the State legislation is repugnant.

75. Referring to the judgment in ***Dr. S. Mohan v. Secretary to the Chancellor, Puducherry Technological University***, reported in 2026 SCC OnLine SC 128, it has been submitted by learned counsel for the petitioners that both the Union as well as the States have the power to legislate on education, including agriculture education, subject, *inter alia*, to Entry 66 of List I which deals with

laying down standards in institutions for higher education or research and scientific and technical institutions as also coordination of such standards. A State has, therefore, the right to control education, including agriculture education so long as the field is not occupied by any Union legislation. Secondly, the State cannot, while controlling education in the State, impinge on standards in institutions for higher education. Because this is exclusively within the purview of the Union Government. Therefore, while prescribing the criteria for admission to the institutions for higher education, including higher agriculture education, the State cannot adversely affect the standards laid down by the Union of India under Entry 66 of List I. Secondly, while considering the cases on the subject it is also necessary to remember that from 1977, education, including, *inter alia*, agriculture and university education, is now in the Concurrent List so that the Union can legislate on admission criteria also. If it does so, the State will not be able to legislate in this field, except as provided in Article 254.

76. It has been further submitted by learned counsel for the petitioners that Article 254(2) contemplates “reservation for consideration of the President” and “assent”. Further that the “reservation for consideration is not the empty formality”.

77. While referring to aforesaid Apex Court's judgment, learned counsel for the petitioners has submitted that the concerned High Court held that both the Union as well as the States possess the power to legislate on subject of education, however, the State's competence to regulate on matters relating to education, including agriculture and university education, is restricted to the fields not occupied by the Union legislation. Furthermore, the State cannot, while exercising control over education within its jurisdiction, impinge upon the standards prescribed for institutions of higher education, which remain exclusively within the competence of the Union.

78. Further, referring to aforesaid judgment, it has been submitted that a plain reading of Entry 25 of List III indicates that while the State Legislature is competent to enact laws on the subject of education, such legislative power is expressly circumscribed by Entries 63 to 66 of List I, and in particular, Entry 66 thereof, which confers exclusive authority upon the Parliament to legislate with respect to the coordination and determination of standards in institutions for higher education. The said Entry reads as below:-

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

CASE LAW REFERRED BY THE STATE

79. Learned Advocate General has placed reliance on following judgments:-

- a) ***Hoechst Pharmaceuticals Ltd. & Anr. v. State of Bihar & Ors.***, reported in (1983) 4 SCC 45 : 1983 SCC OnLine SC 3.
- b) ***S.R. Bommai v. Union of India & Ors.***, reported in (1994) 3 SCC 1 : 1994 SCC OnLine SC 134.
- c) ***State of Tamil Nadu & Anr. v. P. Krishnamurthy & Ors.***, reported in (2006) 4 SCC 517 : 2006 SCC OnLine SC 339.
- d) ***Jagdish Prasad Sharma & Ors. v. State of Bihar & Ors.***, reported in (2013) 8 SCC 633 : SCC OnLine SC 639.
- e) ***Kalyani Mathivanan v. K.V. Jeyaraj & Ors.***, reported in (2015) 6 SCC 363 : 2015 SCC OnLine SC 205.
- f) **Writ Pet No.22565 and 22566 of 2015**, titled as '***Change India v. Government of Tamil Nadu & Anr.***', decided on 06.04.2016 by Madras High Court.

- g) **Mineral Area Development Authority & Anr. v. M/s Steel Authority of India Ltd. & Anr. & Etc.**, reported in (2024) 10 SCC 1.
- h) **P.J. Dharmaraj v. Church of South India & Ors.**, reported in (2024) 16 SCC 725.
- i) **State of Uttar Pradesh & Ors. v. M/s Lalta Prasad Vaish & Sons**, reported in (2024) 17 SCC 1 : 2024 SCC OnLine SC 3029.
- j) **WA No.302 of 2022** titled '**Shreemoye Bordoloi & Ors. v. Union of India & Ors.**' decided on 18.02.2025 by Gauhati High Court.
- k) **WRIT - C No.3848 of 2023**, titled as '**Dr. Rakeshpal Singh v. Prof. Chander Shekhar**' decided on 25.05.2026 by Allahabad High Court

80. It has been further submitted by learned Advocate General that reliance placed by the petitioners on the judgment of the Apex Court in **The Gujarat University, Ahmedabad v. Krishna Ranganath Mudholkar**, AIR 1963 SC 703, to assert the absolute supremacy of Entry 66 of List I is completely misplaced and legally distinguishable on facts as well as in law.

81. Advancing the distinction on the nature of the legislative power, learned Advocate General has contended that the decision in **Gujarat University (supra)**, first and foremost, did not pertain to an agricultural university, and consequently, the scope and applicability of Entry 14 of List II, which falls within the exclusive legislative domain of the State, was neither raised nor considered. It has been highlighted that the controversy in the said decision arose out of a direct conflict where State Legislation sought to impose Gujarati/Hindi as the exclusive medium of instruction and barred English, thereby directly impacting and diluting academic standards in general higher education (then relatable to erstwhile Entry 11 of List II).

82. It has been further submitted by learned Advocate General that the Constitution Bench in **Gujarat University's case (supra)** had no occasion to evaluate, discuss, or rule upon the question of '*adoption versus non-adoption*' of Central regulations by a State Government, nor did it consider the applicability of UGC Regulations to specialized, unadopted fields. It has been submitted that the said decision was a pure conflict related to entry languages, rendering it completely distinct from the legislative and administrative scheme under challenge in the present case.

83. Emphasizing the factual separation, learned Advocate General has submitted that the present case involves the statutory appointment of a Vice-Chancellor at an agricultural university governed under Entry 14 in List II. It has been argued that the selection process of a Vice-Chancellor by an eminent Search Committee, including ICAR scientists, does not degrade education standards, on the contrary, vesting such decision-making power with a specialized body enhances administrative efficacy under Entry 32 in List II. It has, thus, been contended that the ruling in **Gujarat University's case (supra)** had no occasion to consider a subject matter that is explicitly and consciously ring-fenced under Entry 14 of List II of the Seventh Schedule.

84. It has been further submitted by learned Advocate General that reliance placed on the decision of the Apex Court in **Gambhir Dan K. Gadhvi v. State of Gujarat, (2022) 5 SCC 179**, is completely untenable based on the explicit text of that very judgment.

85. Highlighting the element of voluntary adoption, learned Advocate General has contended that in **Gambhirdan's case (supra)**, the State of Gujarat had specifically adopted the UGC Scheme, modified its pay scales, and accepted 80% Central

financial maintenance assistance from the UGC. It has been submitted that the Supreme Court held that having chosen to adopt the scheme, the State could not pick and choose which parts to ignore.

86. Emphasizing the element of funding, it has been further submitted that in the present case, the Universities in reference are funded by the State Exchequer and supported by development grants from the ICAR and not the UGC.

87. Learned Advocate General has also urged that since the State of Himachal Pradesh has explicitly not adopted the UGC Regulations for this University and receives no UGC funding, no estoppel or binding contractual obligation exists, and therefore, **Gambhirdan's** judgment (*supra*) is not applicable in present cases.

88. It has been further submitted by learned Advocate General that the larger Three-Judge Bench of the Hon'ble Supreme Court in **Jagdish Prasad Sharma v. State of Bihar, (2013) 8 SCC 633**, has categorically settled the limits of the UGC's reach over State-created universities, holding as "*Education now being a List III subject, the State Government is at liberty to frame its own laws relating to education in the State and is not, therefore, bound to*

accept or follow the Regulations framed by UGC. It is only natural that if they wish to adopt the Regulations... the States will have to abide by the conditions..."

89. Advancing the constitutional significance of State discretion in non-adoption, learned Advocate General has contended that the explicit recognition by the Apex Court regarding a State's discretion to adopt or not adopt UGC Regulations carries a profound constitutional inference.

90. It has been further submitted that even though the UGC Regulations are framed under Entry 66 of List I, the judiciary's consistent defense of the State's choice to reject them proves that Entry 66 does not grant absolute, automated supremacy over State legislative frameworks. By ruling that unadopted regulations are merely directory, the courts have affirmed that a State retains the sovereign power to decide its own administrative pathways, especially when enacting laws on subjects exclusively reserved within the State List (such as List II, Entries 14 and 32), and non-adoption acts as a valid, constitutionally protected shield against central administrative overreach.

91. Referring the doctrine of *per incuriam* and judicial discipline, it has been urged by learned Advocate General that **Jagdish Prasad Sharma (supra)** is a Three-Judge Bench decision (Constitutional Bench), whereas subsequent decisions such as **Gambhirdan (supra)** and **Sreejith P.S. (supra)** were delivered by smaller Two-Judge Benches (Division Bench). It has been submitted that under the doctrine of *stare decisis*, a smaller bench cannot overrule or dilute the categorical legal principles laid down by a larger bench. Consequently, to the extent that any subsequent Two-Judge Bench decision implies that unadopted UGC Regulations automatically override non-conflicting State Acts via Entry 66 of List I, such observations are *per incuriam* as they completely overlook the binding declaration of law in **Jagdish Prasad Sharma's** case (*supra*).

92. Highlighting the reaffirmation in subsequent judgment, learned Advocate General has pointed out that in **Kalyani Mathivanan v. K.V. Jeyaraj, (2015) 6 SCC 363**, the Apex Court has clearly held that UGC Regulations are mandatory for Central Universities, but directory for State Universities unless explicitly adopted by the respective State Government.

93. It has been further by learned Advocate General submitted that in ***P.J. Dharmaraj v. Church of South India & Ors.***, reported in **(2024) 16 SCC 725**, the Apex Court has re-asserted this exact premise, dictating that if a State Government has not adopted amended Central Regulations, they cannot be forcibly applied to the localized institute.

94. Further, learned Advocate General has submitted that all the judgments relied upon by the petitioners do not deal with the aspect and significance of Entry 14 of List II, which vests sole, exclusive, and unfettered power in the State to make laws with respect to agricultural universities. It has thus been contended that if UGC Regulations are imposed on State agricultural universities, it would render Entry 14 of List II completely redundant.

95. In support of above contention, heavy reliance has been placed on behalf of the respondent-State upon the Constitution Bench judgment of the Hon'ble Supreme Court in ***State of U.P. & Ors. v. M/s Lalta Prasad Vaish and Sons (Civil Appeal No. 151 of 2007)***, wherein the Hon'ble Supreme Court, in Paragraph 71, elucidated the interpretive rule regarding general and specific entries as under:

“The power to legislate is given to the appropriate Legislatures by Article 246 of the Constitution... if there is a conflict between an entry in List II and an entry in List I or List III, the former must yield to the latter. However, this is subject to the principle that a specific entry must prevail over a general entry.”

96. By asserting applicability of the aforesaid principle to the present case, learned Advocate General has submitted that Entry 66 of List I is a general entry relating to the *"coordination and determination of standards"* in higher education, whereas Entry 14 of List II is a specific entry reserved exclusively for *"Agriculture, including agricultural education"*. It has thus been contended that following the ratio laid down in ***Lalta Prasad Vaish (supra)***, the specific legislative domain of *"Agricultural Education"* under List II must be ring-fenced from the general standard-setting powers of the UGC under List I.

PLEA OF UNIVERSITIES

97. Learned counsel for the respondent-Universities adopted the arguments advanced by learned Advocate General.

ANALYSIS

98. There is no dispute with regard to the ratio of law laid down in the aforesaid judgments. However, as discussed hereinafter, the issues are required to be decided on the basis of the prevailing circumstances at the relevant time and, therefore, do not require

detailed discussion. Rather, on the basis of the ratio of law laid down in these judgments, the present petition is being adjudicated in accordance with the settled law of the land and in consonance with the constitutional mandate.

99. With regard to issue involved in present petitions, analysis of the Apex Court in **Dr. S. Mohan v. Secretary to the Chancellor, Puducherry Technological University, 2026 SCC OnLine SC 128**, is relevant, which reads as under:-

“12. Aggrieved with the appointment of the appellant as the Vice-Chancellor of the University, respondent No. 2-Palaniappa instituted Writ Petition No. 28147 of 2022 before the High Court seeking to challenge the appellant’s appointment as the Vice-Chancellor. In parallel, respondent No. 1-Mourouga Pragash filed Writ Petition No. 4174 of 2023, laying a broader challenge to the statutory framework itself, assailing Section 14(5) and its proviso as unconstitutional, void, and *non-est*. Both the writ petitions, though distinct in form, effectively sought to challenge the duly concluded selection process and the appointment made pursuant thereto of the appellant as the Vice-Chancellor of the University.

xx	xx	xx
xx	xx	xx

16. After applying the ratio of above judicial pronouncements, the High Court struck down Section 14(5) of the PTU Act as being *ultra vires* the UGC Regulations, 2018 and consequently invalidated the appointment of the appellant as Vice-Chancellor of the University. Nonetheless, to ensure continuity of administration and prevent a leadership vacuum, the High Court allowed the

appellant to remain in office until a duly appointed successor assumed charge in accordance with law, or until 30th June, 2024, whichever occurs earlier.

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XX XX XX

ANALYSIS

31. XX XX XX

32. The case of the writ petitioners before the High Court was that, although the procedure prescribed under the PTU Act for constituting the Search-cum-Selection Committee for appointment of the Vice Chancellor of the University may have been followed but the same was not in accordance with the UGC Regulations, 2018. The relevant extracts from the discussion made by the High Court for declaring Section 14(5) of the PTU Act *ultra vires* on the ground of being inconsistent with Regulation 7.3 of the UGC Regulations, 2018 and thereby quashing and setting aside the appointment of the appellant are as below:-

“10. Though elaborate submissions have been made by both sides on repugnancy in terms of Article 254 of the Constitution arising out of inconsistency of Section 14(5) of the PT Act with Regulation 7.3 of the UGC Regulations, 2018, in view of the legal position having been settled by the Constitution Bench of the Hon’ble Supreme Court of India in *Dr. Preeti Srivastava v. State of M.P.*, [(1999) 7 SCC 120], it would not be necessary to delve into it, except to notice the relevant passage from that ruling, which reads as follows:-

“35. The legislative competence of Parliament and the legislatures of the States to make laws under Article 246 is regulated by the VIIth Schedule to the Constitution. In the VIIth Schedule as originally in force, Entry 11 of List II gave to the State an

exclusive power to legislate on “education including universities, subject to the provisions of Entries 63, 64, 65 and 66 of List I and Entry 25 of List III”.

Entry 11 of List II was deleted and Entry 25 of List III was amended with effect from 3-1-1976 as a result of the Constitution 42nd Amendment Act of 1976. The present Entry 25 in the Concurrent List is as follows:

“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.”

Entry 25 is subject, inter alia, to Entry 66 of List I. Entry 66 of List I is as follows:

“66. Coordination and determination of standards in institutions for higher education or research and scientific and technical institutions.”

Both the Union as well as the States have the power to legislate on education including medical education, subject, inter alia, to Entry 66 of List I which deals with laying down standards in institutions for higher education or research and scientific and technical institutions as also coordination of such standards. A State has, therefore, the right to control education including medical education so long as the field is not occupied by any Union legislation. Secondly, the State cannot, while controlling education in the State, impinge on standards in institutions for higher education. Because this is exclusively within the purview of the Union Government. Therefore, while prescribing the criteria for admission to the institutions for higher education including higher medical education, the State cannot adversely affect

the standards laid down by the Union of India under Entry 66 of List I. Secondly, while considering the cases on the subject it is also necessary to remember that from 1977, education, including, inter alia, medical and university education, is now in the Concurrent List so that the Union can legislate on admission criteria also. If it does so, the State will not be able to legislate in this field, except as provided in Article 254.

It would be beneficial here to extract Article 254 of the Constitution, which reads as follows:-

“254. Inconsistency between laws made by Parliament and laws made by the Legislatures of States.— (1) If any provision of a law made by the Legislature of a State is repugnant to any provision of a law made by Parliament which Parliament is competent to enact, or to any provision of an existing law with respect to one of the matters enumerated in the Concurrent List, then, subject to the provisions of clause (2), the law made by Parliament, whether passed before or after the law made by the Legislature of such State, or, as the case may be, the existing law, shall prevail and the law made by the Legislature of the State shall, to the extent of the repugnancy, be void.

(2) Where a law made by the Legislature of a State with respect to one of the matters enumerated in the Concurrent List contains any provision repugnant to the provisions of an earlier law made by Parliament or an existing law with respect to that matter, then, the law so made by the Legislature of such State shall, if it has been reserved for the consideration of the

President and has received his assent, prevail in that State:

Provided that nothing in this clause shall prevent Parliament from enacting at any time any law with respect to the same matter including a law adding to, amending, varying or repealing the law so made by the Legislature of the State.

The Constitution Bench of the Hon'ble Supreme Court of India in *Kaiser-I-Hind (P) Ltd. v. National Textile Corporation*, [(2002) 8 SCC 182] has authoritatively explicated the law in that regard as follows:-

“65

2. (a) Article 254(2) contemplates “reservation for consideration of the President” and also “assent”. Reservation for consideration is not an empty formality. Pointed attention of the President is required to be drawn to the repugnancy between the earlier law made by Parliament and the contemplated State legislation and the reasons for having such law despite the enactment by Parliament.

(b) The word “assent” used in clause (2) of Article 254 would in context mean express agreement of mind to what is proposed by the State.

(c) In case where it is not indicated that “assent” is qua a particular law made by Parliament, then it is open to the Court to call for the proposals made by the State for the consideration of the President before obtaining assent.”

Viewed from this perspective, the Government of Puducherry has not placed any material before the Court to show that the assent of the President has

been obtained for the PTU Act with specific reference to the inconsistency of Section 14(5) of the PTU Act with Regulation 7.3 of the UGC Regulations, 2018 that requires a nominee of the Chairman of the UGC to constitute the 'Search Committee' for the appointment of the Vice-Chancellor of PT University.

[Emphasis supplied]

33. A plain reading of the aforesaid extract shows that the High Court held that both the Union as well as the States possess the power to legislate on subject of education, however, the State's competence to regulate on matters relating to education, including medical and university education, is restricted to the fields not occupied by the Union legislation. Furthermore, the State cannot, while exercising control over education within its jurisdiction, impinge upon the standards prescribed for institutions of higher education, which remain exclusively within the competence of the Union.

34. The High Court further held that, while prescribing the criterion for admission to the institutions of higher education, the State cannot adversely affect the standards laid down by the Union, in exercise of its legislative power under Entry 66 in List I. Furthermore, since the year 1977, medical and university education have been included in the Concurrent List and hence, the Union can legislate on admission criterion also. In such a scenario, the State is precluded from enacting legislation in this field except in accordance with Article 254, which governs repugnancy between Union and State laws.

35. Moreover, while referring to Article 254, the High Court observed that the Government of Puducherry did not place any material before the Court to show that assent of the Hon'ble President had been obtained for the PTU Act with specific

reference to the inconsistency between Section 14(5) of the PTU Act and Regulation 7.3 of the UGC Regulations, 2018, which unequivocally requires that one of the members of the Search-cum-Selection Committee for appointment of Vice-Chancellor must be a nominee of the Chairman, UGC.

36. Before proceeding to examine the merits of the controversy raised in the present appeals, it is necessary and appropriate to advert to the constitutional scheme governing the distribution of legislative powers under Article 246 of the Constitution, since the determination of the source, extent, and limits of legislative competence constitutes the essential backdrop against which the validity of the appointment of the appellant as the Vice-Chancellor must be assessed.

37. The scheme of legislative distribution under the Constitution is delineated in Article 246 read with the Seventh Schedule. Parliament is vested with the power to legislate on matters enumerated in List I of the Seventh Schedule, whereas the State Legislatures are competent to enact laws on subjects falling within List II. In respect of matters placed in List III, legislative competence is shared by both Parliament and the State Legislatures, subject to the constitutional mechanism governing overlap and inconsistency. The controversy involved in the present appeals, according to the appellant, relates to a subject traceable to Entry 25 of List III, which therefore assumes relevance for its proper determination and is reproduced hereinbelow for ready reference:-

“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”

[Emphasis Supplied]

38. A plain reading of Entry 25 of List III indicates that while the State Legislature is competent to enact laws on the subject of education, such legislative power is expressly circumscribed by Entries 63 to 66 of List I, and in particular, Entry 66 thereof, which confers exclusive authority upon the Parliament to legislate with respect to the coordination and determination of standards in institutions for higher education. The said Entry reads as below: -

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

39. As noted above (supra para No.28), this Court in **Dr. Preeti Srivastava** (supra) held that both the Union and the States have legislative competence over education, including medical education, subject to Entry 66 of List I, which exclusively vests Parliament with the power to determine standards in higher education. While the State may regulate education so long as the field is unoccupied, it cannot, in doing so, impinge upon or dilute the standards prescribed by the Union under Entry 66 of List I.

40. The UGC Regulations, 2018 trace their source to Entry 66 of List I, inasmuch as the said Regulations have been framed by the UGC in exercise of the powers conferred under Section 26(1)(e) and 26(1)(g) read with Section 14 of the UGC Act, which itself has been enacted by the Parliament in exercise of its exclusive legislative competence under Entry 66 of List I of the Constitution.

41. On that anvil, the PTU Act was required to operate in strict conformity with Regulation 7.3 of the UGC Regulations, 2018, which lays down a mandatory framework for appointment of a Vice Chancellor and, *inter alia*, stipulates that the Search- cum- Selection Committee must necessarily include one nominee of the Chairman, UGC. The inclusion of a UGC nominee being an integral component of the standards prescribed for appointments

in higher education, any deviation therefrom strikes at the root of the scheme envisaged under the Regulations. In the present case, it is undisputed that the Search-cum-Selection Committee was constituted without the inclusion of the nominee of the Chairman, UGC, in clear disregard of Regulation 7.3 of the UGC Regulations, 2018. Consequently, Section 14(5) of the PTU Act, to the extent it prescribes a composition of the Search-cum-Selection Committee contrary to the mandate of the UGC Regulations, 2018, has to be declared *ultra vires* the UGC Regulations, 2018, which have been framed under a Central enactment traceable to Entry 66 of List I, which occupies the field and therefore, possess overriding effect.

42. Moreover, Regulation 7.3(ii) of the UGC Regulations, 2018 mandates that members of the Search-cum-Selection Committee shall not be connected in any manner with the concerned University or its affiliated colleges. However, proviso to Section 14(5) of the PTU Act includes the Secretary to the Government (Higher & Technical Education) as a member of the Search-cum-Selection Committee for appointment of the 1st Vice-Chancellor. The Secretary to the Government (Higher & Technical Education) in the capacity of Pro-Chancellor and as a former member of the Governing Body of the erstwhile Puducherry Engineering College, stands directly connected with the University, thereby giving rise to a clear conflict of interest and placing the said provision in direct contravention of the UGC Regulations, 2018.

43. The aforesaid deviations from the mandatory requirements of the UGC Regulations, 2018 not only vitiate the constitution of the Search-cum-Selection Committee but also strike at the statutory framework governing appointments to the office of Vice-Chancellor, thereby rendering such appointments legally vulnerable.

44. As also noted by the High Court, this Court in *Gambhirdan* (supra), while setting aside the appointment of the Vice-Chancellor of Sardar Patel University, held that the UGC

Regulations, being subordinate legislation framed under the UGC Act and laid before Parliament as statutorily mandated, form an integral part of the Central enactment and that any appointment made in derogation thereof amounts to a violation of statutory provisions and is consequently unsustainable in law, warranting judicial interference. This Court held as follows in **Gambhirdan** (supra):-

“49. Therefore, when the appointment of Respondent 4 is found to be contrary to the UGC Regulations, 2018 and the UGC Regulations are having the statutory force, we are of the opinion that this is a fit case to issue a writ of quo warranto and to quash and set aside the appointment of Respondent 4 as the Vice-Chancellor of the SP University.

50. It cannot be disputed that the UGC Regulations are enacted by the UGC in exercise of powers under Sections 26(1)(e) and 26(1)(g) of the UGC Act, 1956. Even as per the UGC Act every rule and regulation made under the said Act, shall be laid before each House of Parliament. Therefore, being a subordinate legislation, UGC Regulations becomes part of the Act. In case of any conflict between the State legislation and the Central legislation, Central legislation shall prevail by applying the rule/principle of repugnancy as enunciated in Article 254 of the Constitution as the subject “education” is in the Concurrent List (List III) of the Seventh Schedule to the Constitution. Therefore, any appointment as a Vice-Chancellor contrary to the provisions of the UGC Regulations can be said to be in violation of the statutory provisions, warranting a writ of quo warranto.”

45. The legislative provisions under consideration trace their source to different entries in the Seventh Schedule, with the UGC Act and the UGC Regulations, 2018 framed thereunder being referable to Entry 66 of List I, while the PTU Act is traceable to

Entry 25 of List III. The two enactments, therefore, do not operate within the same legislative field, but are founded on distinct heads of legislative competence allocated under the Constitution of India.

46. In that view of the matter, the factual matrix does not give rise to any occasion to examine the issue of repugnancy under Article 254 of the Constitution of India, since the doctrine of repugnancy and the concomitant requirement of Presidential assent are attracted only where both the Central and State legislations operate within the Concurrent List. Undeniably, in the present case, the Central legislation occupies a field exclusively reserved for the Parliament under List I, and consequently the question of testing or determining repugnancy, or of curing the same by recourse to Article 254(2), does not arise at all.

47. This Court in **Hoechst Pharmaceuticals Ltd. v. State of Bihar [(1983) 4 SCC 45]**, categorically ruled that the doctrine of repugnancy and provision of Article 254 of the Constitution are attracted only when both legislations operate within the Concurrent List. The Court observed as follows:

“69. We fail to comprehend the basis for the submission put forward on behalf of the appellants that there is repugnancy between sub-section (3) of Section 5 of the Act which is relatable to Entry 54 of List II of the Seventh Schedule and para 21 of the Control Order issued by the Central Government under sub-section (1) of Section 3 of the Essential Commodities Act relatable to Entry 33 of List III and therefore sub-section (3) of Section 5 of the Act which is a law made by the State legislature is void under Article 254(1). **The question of repugnancy under Article 254(1) between a law made by Parliament and a law made by the State legislature arises only in case both the legislations occupy the same field with respect to one of the matters enumerated in the Concurrent List, and there is direct conflict between the two laws. It is**

only when both these requirements are fulfilled that the State law will, to the extent of repugnancy, become void. Article 254(1) has no application to cases of repugnancy due to overlapping found between List II on the one hand and Lists I and III on the other. If such overlapping exists in any particular case, the State law will be ultra vires because of the non obstante clause in Article 246(1) read with the opening words "subject to" in Article 246(3). In such a case, the State law will fail not because of repugnance to the Union law but due to want of legislative competence. It is no doubt true that the expression "a law made by Parliament which Parliament is competent to enact" in Article 254(1) is susceptible of a construction that repugnance between a State law and a law made by Parliament may take place outside the concurrent sphere because Parliament is competent to enact law with respect to subjects included in List III as well as "List I". But if Article 254(1) is read as a whole, it will be seen that it is expressly made subject to clause (2) which makes reference to repugnancy in the field of Concurrent List — in other words, if clause (2) is to be the guide in the determination of scope of clause (1), the repugnancy between Union and State law must be taken to refer only to the Concurrent field. Article 254(1) speaks of a State law being repugnant to (a) a law made by Parliament or (b) an existing law. There was a controversy at one time as to whether the succeeding words "with respect to one of the matters enumerated in the Concurrent List" govern both (a) and (b) or (b) alone. It is now settled that the words "with respect to" qualify both the clauses in Article 254(1) viz, a law made by Parliament which Parliament is competent to enact as well as any provision of an existing law. The underlying principle is that the question of repugnancy arises only when both the legislatures are competent to

legislate in the same field i.e. with respect to one of the matters enumerated in the Concurrent List. Hence, Article 254(1) cannot apply unless both the Union and the State laws relate to a subject specified in the Concurrent List, and they occupy the same field.”

(Empasis Supplied)

48. Thus, in view of the constitutional scheme and the analysis undertaken hereinabove, no occasion arises for this Court to embark upon an examination of any perceived or alleged conflict of views in the decisions in **Kaiser-i-Hind** (supra) and **Rajiv Sarin** (supra) concerning the requirement of Presidential assent under Article 254 of the Constitution, the said provision being inapplicable to the present controversy.

49. Upon an exhaustive examination of the material placed on record and a careful consideration of the submissions advanced by the learned counsel for the parties, we are of the considered view that the findings recorded and the conclusions arrived at by the High Court in the impugned judgment do not suffer from any legal infirmity, perversity, or jurisdictional error warranting interference by this Court.”

100. There is a significant difference between the UGC Regulations of 2010 and the UGC Regulations of 2018. The relevant portions of these Regulations unambiguously depict that the schemes/provisions notified and circulated in the Regulations of 2010 were not explicitly made applicable to any University unless adopted by the said University. Whereas, as in clause 1.2 of Chapter 1 (Short title, application, and commencement) of UGC Regulation 2018, it has been specifically stated that these Regulations shall

apply to every University established or incorporated by/under a Central Act, Provincial Act or a State Act, and further that it shall also apply to every institution, including constituent or affiliated colleges recognized by the Commission in consultation with the University concerned under Clause (f) of Section 2 of the UGC Act, 1956.

101. In UGC Regulations, 2018, under the head of “Coverage” in Clause 1.1, clearly mandates that in the absence of any statutory authority established by an Act of Parliament under Article 246 of the Constitution, the standards laid down in the UGC Regulations of 2018 shall be applicable to all Universities and collegiate education across different fields, including Agriculture.

102. The ICAR is not an authority established by Parliament under Article 246 of the Constitution, it is merely a society registered under the Societies Registration Act, 1860. Therefore, Krishi Vishvavidyalaya, Palampur and Horticulture University, Solan, are covered by the UGC Regulations, 2018, irrespective of adoption or non-adoption by the State. Because of the mandatory provisions of the UGC Regulations, 2018, the procedures and standards prescribed under Clause 7 of UGC Regulations, 2018, are also mandatorily applicable to both Krishi Vishvavidyalaya, Palampur and Horticulture University, Solan.

103. At this stage, it is also apt to notice that in the UGC Regulations, 2010, there was Clause 7.4, permitting/directing the respondents to make suitable changes in their relevant laws and rules after adoption of the Regulations of 2010. Therefore, there was option either to adopt or not to adopt. But in the Regulations of 2018, no such option is available. Instead in these Regulations, it has been clearly stated that they have been framed in supersession of previous Regulations, including the Regulations of 2010. The provisions contained in Chapter I (Short title, application and commencement), as well as the clauses defining coverage, clearly indicate that the applicability of the 2018 Regulations does not depend upon adoption by the concerned University, rather, these Regulations are self-applicable by their very nature.

104. The UGC Regulations, 2018, have been framed in exercise of powers under Section 26(1)(e) and (g) read with Section 14 of the UGC Act, 1956. The UGC Act, 1956, was enacted by Parliament, and therefore Regulations framed thereunder gain the same status as an enactment by Parliament.

105. The judgments which have been decided with regard to UGC Regulations, 2010, holding that the Regulations apply only after adoption, are not relevant or applicable after the framing of the

UGC Regulations, 2018, in supersession of all previous regulations. Under the Regulations, 2018, there is no clause, discretion, or choice available to the University either to adopt or not to adopt, rather these Regulations are applicable to all Central and State Universities, including Krishi Vishvavidyalaya, Palampur and Horticulture University, Solan.

106. Similarly, the judgments wherein the ICAR was considered a controlling body, but without reference to the UGC Regulations, 2018, or Entry 66 of List I, are not relevant. In our considered view, the only relevant judgments are ***Gambhir Dan K. Gadhvi v. State of Gujarat, (2022) 5 SCC 179***; ***Professor (Dr.) Sreejith P.S. v. Dr. Rajasree M.S., (2023) 17 SCC 330***, and ***Dr. S. Mohan v. Secretary to the Chancellor, Puducherry Technological University, 2026 SCC OnLine SC 128***, wherein considering binding nature of an Act enacted by Parliament, it has been held that Central Act shall have precedence over a State Act under Article 254 of the Constitution, and that, any State Act in conflict with Union law under List I or List III is unconstitutional and liable to be struck down.

107. Though learned Advocate General has referred a large number of State enactments showing deviation from UGC norms,

the existence of those provisions in various Acts does not provide any shield to the provisions of the Universities Act, 1986. We are dealing specifically with the Universities Act of Himachal Pradesh, and the existence of contrary provisions in other unassailed State Acts offers no assistance to the respondents. The existence of a large number of enactments containing unconstitutional or illegal provisions cannot grant legal sanctity to similar provisions in the present Act.

108. Learned Advocate General had contended that judgments in *Gambhirdan's case* and *Dr. S. Mohan's case* are *per incuriam* on the ground that the earlier judgment of larger Bench of three Judges (Constitutional Bench) of the Apex Court in **Jagdish Prasad Sharma and others v. State of Bihar and others**, (2013) 8 SCC 633, was not taken into consideration, and whereas the said principle has been reaffirmed by the Apex Court in **Kalyani Mathivanan v. K.V. Jeyaraj and others**, (2015) 6 SCC 363, with further submission that UGC Regulations are mandatory for Central Universities only and not for State Universities unless explicitly adopted by the respective State Government. This contention is not sustainable in view discussion hereinafter.

109. In **Jagdish Prasad Sharma's case (*supra*)**, the issue involved was related to the Scheme issued by the University Grants Commission regarding the revision of pay scales and superannuation on attaining the age of 62 years, which was issued on 24.12.1998. At that time, the UGC Regulations, 2018, were not in existence. The Scheme was not applicable *ipso facto* merely on the basis of framing of the said Scheme, but an option was given to the State Governments to adopt and implement the Scheme, subject to terms and conditions notified therefor.

110. In **Jagdish Prasad Sharma's case**, in paragraphs 11 and 12, it has been recorded that the provisions of Clauses (p) and (p)(v) of the Scheme issued by the UGC were not applicable to all *ipso facto*, but there was option to adopt or not, and the relevant provisions as quoted in the aforesaid paragraphs 11 and 12 read as under:-

“(p) Applicability of the Scheme: (i) This Scheme shall be applicable to teachers and other equivalent cadres of Library and Physical Education in all the Central Universities and Colleges there-under and the Institutions Deemed to be Universities whose maintenance expenditure is met by the UGC. The implementation of the revised scales shall be subject to the acceptance of all the conditions mentioned in this letter as well as Regulations to be framed by the UGC in this behalf. Universities implementing this Scheme shall be advised by the UGC to amend their relevant

statutes and ordinances in line with the UGC Regulations within three months from the date of issue of this letter.

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(p)(v) This Scheme may be extended to universities, Colleges and other higher educational institutions coming under the purview of State legislatures, provided State Governments wish to adopt and implement the Scheme subject to the following terms and conditions:

(a) Financial assistance from the Central Government to State Governments opting to revise pay scales of teachers and other equivalent cadre covered under the Scheme shall be limited to the extent of 80% (eighty percent) of the additional expenditure involved in the implementation of the revision.

(b) The State Government opting for revision of pay shall meet the remaining 20% (twenty percent) of the additional expenditure from its own sources.

(c) Financial assistance referred to in sub-clause (a) above shall be provided for the period from 1.01.2006 to 31.03.2010.

(d) The entire liability on account of revision of pay scales etc. of university and college teachers shall be taken over by the State Government opting for revision of pay scales with effect from 1.04.2010.

(e) Financial assistance from the Central Government shall be restricted to revision of pay scales in respect of only those posts which were in existence and had been filled up as on 1.01.2006.

(f) State Governments, taking into consideration other local conditions, may also decide in their discretion, to introduce scales of pay higher than those mentioned in this Scheme,

and may give effect to the revised bands/ scales of pay from a date on or after 1.01.2006; however, in such cases, the details of modifications proposed shall be furnished to the Central Government and Central assistance shall be restricted to the Pay Bands as approved by the Central Government and not to any higher scale of pay fixed by the State Government(s).

(g) Payment of Central assistance for implementing this Scheme is also subject to the condition that the entire Scheme of revision of pay scales, together with all the conditions to be laid down by the UGC by way of Regulations and other guidelines shall be implemented by State Governments and Universities and Colleges coming under their jurisdiction as a composite scheme without any modification except in regard to the date of implementation and scales of pay mentioned herein above.”

111. From the aforesaid provisions of the Scheme, it is apparent that an option was given to the State Governments to adopt the revision of pay scales and age of superannuation. In case of adoption, the Scheme was enforceable, but in absence of adoption, the Scheme was not enforceable. In the aforesaid Scheme, there was a clear-cut provision that this Scheme may be extended to Universities, Colleges, and other Higher Educational Institutions coming under the purview of the State Legislature, provided that the State Government wished to adopt and implement the Scheme.

112. Therefore, in view of the above discussion, it is apparent that **Jagdish Prasad Sharma's case** was entirely different, being based on a Scheme wherein an option was given to the State Governments to adopt or not, and in the absence of adoption, it was held accordingly. The following paragraphs of **Jagdish Prasad Sharma's case** clarify the verdict of the Court:-

“70. The authority of the Commission to frame regulations with regard to the service conditions of teachers in the Centrally-funded educational institutions is equally well-established. As has been very rightly done in the instant case, the acceptance of the Scheme in its composite form has been left to the discretion of the State Governments. The concern of the State Governments and their authorities that UGC has no authority to impose any conditions with regard to its educational institutions is clearly unfounded. There is no doubt that the Regulations framed by UGC relate to Schedule VII List I Entry 66 to the Constitution, but it does not empower the Commission to alter any of the terms and conditions of the enactments by the States under Article 309 of the Constitution. Under List III Entry 25, the State is entitled to enact its own laws with regard to the service conditions of the teachers and other staff of the universities and colleges within the State and the same will have effect unless they are repugnant to any Central legislation.

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72. As far as the States of Kerala and U.P. are concerned, they have their own problems which are localised and stand on a different footing from the other States, none of whom who appear to have the same problem. Education now being a List III subject, the State Government is at liberty to frame its own laws relating to education in the State and is not, therefore, bound to accept or

follow the Regulations framed by UGC. It is only natural that if they wish to adopt the Regulations framed by the Commission under Section 26 of the UGC Act, 1956, the States will have to abide by the conditions as laid down by the Commission.

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77. We are inclined to agree with such submission mainly because of the fact that in the amended provisions of Section 67(a) it has been categorically stated that the age of superannuation of non-teaching employees would be 62 years and, in no case, should the period of service of such non-teaching employees be extended beyond 62 years. A difference had been made in regard to the teaching faculty whose services could be extended up to 65 years in the manner laid down in the University Statutes. There is no ambiguity that the final decision to enhance the age of superannuation of teachers within a particular State would be that of the State itself. The right of the Commission to frame regulations having the force of law is admitted. However, the State Governments are also entitled to legislate with matters relating to education under List III Entry 25. So long as the State legislation did not encroach upon the jurisdiction of Parliament, the State legislation would obviously have primacy over any other law. If there was any legislation enacted by the Central Government under List III Entry 25, both would have to be treated on a par with each other [Ed.: But see Articles 254(1) and 246 of the Constitution.] . In the absence of any such legislation by the Central Government under List III Entry 25, the regulations framed by way of delegated legislation have to yield to the plenary jurisdiction of the State Government under List III Entry 25.

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79. However, within this class of institutions there is a separate group where the State Governments themselves have taken a

decision to adopt the Scheme. In such cases, the consequences envisaged in the Scheme itself would automatically follow.”

113. In **Gambhirdan’s case**, the issue involved was altogether different from **Jagdish Prasad Sharma’s case**. In **Gambhirdan’s case**, the State of Gujarat had adopted the Scheme dated 31.12.2008 and the notifications issued thereunder, subject to the conditions contained in the notification. The judgment dealt with the issue of the appointment of a Vice-Chancellor on the basis of the UGC Regulations, 2010, in the backdrop that the Scheme notified by the UGC was adopted by the State of Gujarat. The issue involved was distinct from **Jagdish Prasad Sharma’s case**.

114. In **Kalyani Mathivanan’s case** also, the facts are distinguishable, as at the time of deciding the said case, the UGC Regulations, 2018 had not been framed, and the matter was decided on the basis of the UGC Regulations, 2010, wherein an option was available with the State either to adopt or not to adopt the Regulations.

115. It is also apt to record that in case of **Dr. S. Mohan v. Secretary to the Chancellor, Puducherry Technological University & Ors.**, reported in **2026 SCC OnLine SC 128**, it has been reiterated by the Apex Court that the UGC Regulations, 2018,

especially Clause 7.3 thereof dealing with the appointment and selection of the Vice-Chancellor, are binding on all Higher Educational Institutions, irrespective of the option exercised with regard to acceptance or adoption of the Regulations.

116. In **Dr. S. Mohan's case (supra)**, referring Articles 246 and 254 of the Constitution and pronouncement of the Apex Court in **Hoechst Pharmaceuticals Ltd. v. State of Bihar**, reported in **(1983) 4 SCC 45**, it has also been concluded that the question of repugnancy between law made by the Parliament and the law made by the State Legislature arises, only in case both the legislations occupy the same field with respect to one of the matters enumerated in List-III (Concurrent List) and there is direct conflict between the two laws. Article 254(1) of the Constitution has no application to the cases of repugnancy due to overlapping found between List II on the one hand and Lists I and III on the other. In such overlapping State law will be *ultra vires* because of non-obstante clause of Article 246(1).

117. Provisions of Article 246(2) mandate that Parliament and State Legislatures have power to make laws with respect to any of the matters enumerated in List-III (Concurrent List) of the Seventh Schedule to the Constitution, notwithstanding anything in clause (3) of Article 246. Whereas, Parliament under clause (1) of Article 246 has

exclusive power to make laws with respect to any of the matters enumerated in List-I (Union List) of the Seventh Schedule to the Constitution.

118. On the other hand, the exclusive power conferred upon the State under Clause (3) of Article 246 of the Constitution to make laws for such State or any part thereof with respect to any of the matters enumerated in List II (State List) in the Seventh Schedule, is subject to clauses (1) and (2) of Article 246.

119. From the above specific provisions of Article 246, the power of the State to make laws is subject to power of Parliament to make laws with regard to subject matters contained in List I and List III of the Seventh Schedule. Therefore, in case there is a law enacted by Parliament with respect to any matter enumerated in Union List I, the State lacks legislative competence to enact any law with respect to that matter. With respect to the matters enumerated in List I, Parliament alone has exclusive power to make laws, notwithstanding the power of the State to make laws with respect to matters enumerated in List II or List III.

120. Any law made by the State in conflict with any law made by the Parliament with respect to matters enumerated in List I shall be *ultra vires*, because of non-obstante clause of Article 246(1). In such a

situation, there is no question of applicability of principle of repugnancy dealt with in Article 254 of the Constitution, the application of principle of repugnancy shall be applicable in the cases where Parliament and State both have competency to make law and both of them have made law, and there is direct conflict between two such laws. However, as the State has no competency to make law with respect to the matters contained in the List I (Union List), any law framed by the State with respect to such matter shall be *ultra vires* and beyond the competency of the State.

121. Where there is no application of the principle of repugnancy dealt under Article 254 of the Constitution, there shall be no application of provisions of Article 254(2) of the Constitution, which provides that any provision repugnant to the provision of an earlier law made by the Parliament or an existing law with respect to that matter enumerated in the List III (Concurrent List), shall prevail in the State if such law has been reserved for the consideration of the President and has received his assent. The precedence of the law made by the Parliament over the State law has also been reiterated in the proviso to Article 254(2) of the Constitution, which confers power on the Parliament to enact, at any time, any law with respect to the same matter, including a law adding to, amending, varying or repealing the law so made by the Legislature of the State, wherein law has been

reserved for the consideration of the President and has received the assent of the President.

122. It is apt to record that 'Education' is also included in the Entry 25 of List III (Concurrent List), which includes technical education, medical education, and universities, but this entry is subject to provisions of Entries 63 to 66 of List-I. Therefore, there is a clear-cut mandate of the Constitution that Entry 25 of the List III (Concurrent List) does not empower the State to make law with respect to the subject matter dealing with the determination of standards in institutions for higher education and research, and scientific and technical institutions, which includes all universities. Therefore, education in Entry 25 of List III (Concurrent List) is in exclusion of the subject matter contained in Entries 63 to 66 of List-I. The competency to make law with respect to education invoking Entry 25 of List-III, if in conflict with the law framed by the Parliament exercising power conferred by Entry 66 of List-I, shall be beyond the competency of the State. Therefore, any law, made in the field of education with reference to power exercised by the State conferred vide Entry 25 of List-III in conflict with the law of the Parliament made by exercising power under Entries 63 to 66 of List-I, shall be *ultra vires* of the Constitution and, therefore, shall not be a legislation to be considered for application of the principle of repugnancy contained in Article 254 of the Constitution. Such law shall

not be liable to be protected in the State, even if it is reserved for the consideration of the President and has received the assent.

123. Entry 14 of List-II, agriculture, including agricultural education, is general in nature. Similarly, incorporation, regulation and winding-up of universities referred in Entry 32 of List-II is also general in nature. Whereas Entry 66 of List I (Union List), empowering the Parliament to make law for determination of standards of institutions for higher education, being specific, is special in nature. Therefore, any law framed by the Parliament under Entry 66 with regard to determination of standards of institutions, i.e. the UGC Act, 1956, and regulations framed thereunder, shall have precedence over any other law made by the State by exercising power under Entry 14 or 32 of List-II.

124. UGC Regulations 2018 have been framed by the UGC exercising power conferred upon UGC under Section 26(1)(e) and 26(1)(g) read with Section 14 of the UGC Act, 1956. The UGC Act, 1956, has been enacted by the Parliament in exercise of its exclusive legislative competence under Entry 66 of Union List (List I) of the Seventh Schedule of the Constitution. The Regulations and Rules so framed by the UGC are placed before the Parliament. The UGC Regulations are extension of provisions of the UGC Act being framed to give effect to the provisions of the UGC Act, 1956. Therefore, undoubtedly, there is no provision either in the Constitution or in the

UGC Regulations 2018, giving discretion to the State to adopt or to avoid adoption thereof.

125. It is also apt to record that in the scheme framed and circulated in 1998 as well as in Regulations 2010, there was an option with the States to adopt the same or not. In clause 7, dealing with the appointment and selection of the Vice-Chancellor also, in Regulations 2010 there was a clause 7.4 providing discretion to the State to carry out suitable amendments in case of adoption of provisions of the scheme circulated by the said Regulations. On the contrary, UGC Regulations 2018 have been issued in supersession of the Regulation 2010 together with all amendments made therein from time to time and in UGC Regulation 2018, there is a specific provision in clause 1.2 of Chapter 1 (Short title, application, and commencement) of UGC Regulation 2018 that these Regulations shall be applicable to every University established or incorporated by or under a Central Act, Provincial Act, or a State Act, as well as to all Institutions, including a constituent or an affiliated College recognized by the Commission in consultation with the University concerned under clause (f) of Section 2 of the UGC Act, 1956, as well as to all Institutions deemed to be a University under Section 3 of the said Act. Therefore, it is also relevant to refer that clauses, including 7.4 of Regulation 2010, providing an option to adopt or not, as were existing in previous Schemes and

Regulations, including Regulation 2010, have also been omitted in Regulation 2018. In UGC Regulation 2010, there was no clause of mandatory applicability of the UGC Regulation 2010 to all Universities/Institutions referred in clause 1.2 of Chapter 1 (Short title, application, and commencement) of UGC Regulation 2018.

126. Apart from above referred clause 1.2, there is a clause 3 in the same Chapter providing that in case of contravention by any University of the provisions of these Regulations, after seeking show cause, the Commission for such failure or contravention, may withhold grants proposed to be made to such University out of the fund of the Commission. All these provisions indicate that these UGC Regulations 2018 are mandatory to be followed by all Universities and Institutions referred in clause 1.2.

127. In Regulation 1.1 of UGC Regulations, 2018, it has been categorically stated that the norms and standards contained in these Regulations, for the purpose of coordination and determination of standards in institutions for higher education or research and scientific and technical institutions, shall prevail in disciplines relating to the University and Collegiate Education, *inter alia*, in various fields, including the agriculture, with the exception that in case, there is any authority, established by relevant Act of Parliament under Article 246 of the Constitution, in existence for such purpose, the norms and

standards laid down by such authority shall prevail, with further proviso that where no such norms and standards have been laid down by any regulatory authority, the UGC Regulations 2018 shall be applicable till such norms and standards are prescribed by the appropriate regulatory authority.

128. In present case, plea taken by learned Advocate General that a regulatory authority, Indian Council for Research and Agriculture (ICAR), is in existence, and therefore, deviation by the State from the UGC Regulation 2018, is permissible by following the Model Act circulated by the regulatory authority, ICAR, is permissible in terms of Regulation 1.1 of UGC Regulation 2018, is misconceived.

129. Firstly, the ICAR is not an authority established by the relevant Act of the Parliament under Article 246 of the Constitution, whereas the UGC is a creation of the law enacted by the Parliament, specifying it as a regulatory authority.

130. Secondly, ICAR has not notified any norms and standards by issuing an appropriate notification, nor does it enjoy such power. The ICAR is a society registered under the Societies Registration Act, 1860, for the purpose of coordinating, guiding, and managing research, education, and frontline extension across agriculture, horticulture, fisheries, and animal sciences. Its mandate includes planning,

undertaking, coordinating, and promoting research and technology development for sustainable agriculture; aiding, imparting, and coordinating agricultural education to enable quality human resource development; leading frontline extension for technology application, adoption, knowledge management, and capacity development for agri-based rural development; and providing policy, cooperation, and consultancy in agricultural research, education, and extension.

131. There is an enactment, i.e the UGC Act, 1956, establishing a Regulatory Authority and Regulatory Authority has issued Regulations which are part of enactment as extended arm by virtue of Sections 26(1)(e) and (1)(g) read with Section 14 of the UGC Act, 1956, and this Regulatory Authority has framed Regulations 2018, which are binding in terms of the provisions of the Constitution, the UGC Act and Regulations framed thereafter, whereas no other authority, including ICAR, has issued such binding instructions which has sanctity and force to overlap the norms and standards set up by the UGC by framing Regulations 2018.

132. Thirdly, the Model Act may be a guiding document, but it can never have the force of Regulations framed by the UGC which have been considered part of the enactment of the Parliament. Thus, by referring ICAR or Model Act circulated by the ICAR or similar provisions

contained in various statutes, establishing agriculture universities, cannot be a shield available to the respondents to protect the impugned amendment, framing of rules as well as advertisements issued for filling up the post of Vice-Chancellor in Krishi Vishwavidyalaya, Palampur and Horticulture University, Solan.

133. Plea of learned Advocate General that the State has a right to make law for regulation of university by virtue of Entry 32 of List II (State List) of the Seventh Schedule of the Constitution, which empowers the State to make law regarding incorporation, regulation, and winding-up of the corporation, other than those specified in List I, and universities, is also not sustainable for the reason that the State can make law for incorporation, regulation, and winding-up of the universities, but it does not empower the State to make law in conflict with the exclusive power of the Parliament to make law under List I, because the power of the State in view of Article 246(3) is subject to power of the Parliament to make law under Article 246(1) with respect to entries in List I (Union List). Similarly, Entry 14 of List II conferring power on the State to make law with respect to agriculture, including agricultural education and research, protection against pests and prevention of plant diseases, can also not provide a shield to the State to make a law contrary to the law enacted by the Parliament exercising its power conferred under List I.

134. Even otherwise, in Entry 14 of List II, the subject is agriculture with qualification that it includes agricultural education and research. Therefore, the State can make law with respect to the subjects of courses, the medium of education as well as establishing universities etc. for agricultural education and research, protection against pests and prevention of plant diseases, but it cannot empower the State to transgress the power of the Parliament contained in Entry 66 of the List I (Union List) to enact laws for coordination and determination of standards in institutions for higher education and research, and scientific and technical institutions.

135. Any law in contravention of and in conflict with the law made by the State exercising its power conferred under List II shall be *ultra vires* and lacking the competence of the State in view of provisions of Article 246 of the Constitution. Therefore, in present case, amendment carried out by the State in the Universities Act, 1986, rules framed thereunder, and advertisements issued for the appointment of Vice Chancellor in furtherance thereto, is in direct confrontation with the UGC Act, 1956 and Regulations framed thereunder, determining the higher education standards in the universities or institutions referred in Entry 66 of List-I.

136. In the present case, neither the Act has been reserved for the consideration of the President nor has it received the assent of the

President. However, even if it had been reserved for the consideration of the President or had been assented to by the President, it would not have been a valid piece of legislation, being framed in conflict with the law enacted by the Parliament exercising power conferred under Article 246(1) read with Entry 66 of the List I (Union List) of the Constitution.

137. In view of the discussion, we are of the considered opinion that for the process of selection and appointment of Vice Chancellor, the State is bound to adhere to Clause 7.3 of the UGC Regulations, 2018, but with the power to add a member from the field of agricultural education in the select committee, but without any right to change the basic role and constitution of the committee in-principle.

138. Plea of learned Advocate General that Krishi Vishwavidyalaya, Palampur and Horticulture University, Solan, does not receive any funding from Central Government, but it manage their affair from State fund as well as from the ICAR, is also a half truth. Because the ICAR is a society registered under the Societies Registration Act, 1860, under the Agricultural Department of the Union of India, and it has no independent sources for funding, but it implements schemes funded by the Ministry of the Union of India, and thus, it receives financial assistance, apart from the State, from the Union of India. The ICAR is not an institution independent of the Agricultural Department of the Union of India. Though, the UGC

Regulations, 2018, are not subject to the receipt of funding from the Union of India or the UGC, but are applicable to all universities as provided under Clause 1.2 in Chapter 1 (Short title, application, and commencement) as well as Regulation 1.1 of UGC Regulation 2018, however, in the present case, the Krishi Vishwavidyalaya, Palampur and Horticulture University, Solan, are definitely in receipt of funds being managed by the ICAR through the resources of the Union of India.

139. On the website of UGC, in the list of States Universities included under Section 12(B) of UGC Act, 1956 and are eligible to receive Central assistance as on 04.08.2023, Universities of State of Himachal Pradesh, Horticulture University, Solan and Krishi Vishwavidyalaya, Palampur, are at Serial No.70 & 72.

140. Under the University Act, 1986, the Governor is the Chancellor of the University. In the role of Chancellor, the Governor does not act as the executive head of the State, but has to perform his role as a Chancellor as assigned under the UGC Act, 1956, for the appointment of Vice Chancellor. In the UGC Act, 1956, there is no role of the Council of Ministers to aid and advise the Governor regarding the appointment of Vice Chancellor. In contrast to Articles 154 and 163 of the Constitution, the Governor has to play an independent role as a

Chancellor, instead of as the executive head of the State acting on the aid and advice of the Council of Ministers. Therefore, any provision curtailing the power of the Governor as a Chancellor, in the performance of his role as a Chancellor, shall be against the Act of the Parliament, as the mandate of Articles 154 and 163 is not attracted in case of the performance of duty as a Chancellor by the Governor.

141. No doubt, Governor is the Chancellor of the University, being a Governor, but the moment he acts as a Chancellor, he has to act in consonance with the relevant laws, including the UGC Act, 1956, and the standards determined by the Parliament for higher education institutions. He has to perform statutory duties as prescribed under the UGC Act, 1956 and Regulations framed thereunder. Thus, for the appointment of Vice Chancellor, the aid and advice of the Council of Ministers shall be a direct interference in the power of the Chancellor in defiance of the Act of the Parliament and rules framed thereunder.

142. In the role of Chancellor, the Governor does not act as the executive head of the State, but has to perform his role as a Chancellor as assigned under the UGC Act for the appointment of Vice Chancellor. In the UGC Act, there is no role of the Council of Ministers to aid and advise the Governor regarding the appointment of Vice Chancellor. In contrast to Articles 154 and 163 of the Constitution, the Governor has to play an independent role as a Chancellor instead of as the executive

head of the State acting on the aid and advice of the Council of Ministers.

143. Section 23(4) of the unamended Universities Act, 1986, provided that the Chancellor shall exercise such other powers and perform such other duties as may be conferred or imposed upon him by the Act or the Statutes. However, by way of the impugned amendment, this sub-section has been modified by inserting the words '*on the aid and advice of the Government*'. This amendment is in conflict with law made by the Parliament.

144. In the present case, by way of the impugned amendment in Sections 23 and 24 of the Universities Act, 1986, the procedure for appointment of Vice Chancellor by the Chancellor on the recommendations of the Search-cum-Selection Committee has been replaced by introducing that the Vice Chancellor shall be appointed by the Chancellor on the aid and advice of the Government in the manner, as may be prescribed by the Rules. In furtherance thereto, Rules have been framed for appointment of Vice Chancellor, empowering the Government to constitute a Search-cum-Selection Committee, which shall forward a panel of three persons to the Government, and the Government shall select the candidates from the panel and forward the same to the Chancellor for appointment to the post of Vice Chancellor. The procedure of Search-cum-Selection Committee has also been

provided under impugned Rule 3 and 4. The aforesaid exercise is in conflict with mandate of the Constitution and the law made by the Parliament in consonance with the mandate of the Constitution, and therefore, are not sustainable.

145. As per the UGC Act, 1956, and Regulations framed thereunder, the Search-cum-Selection Committee has to be constituted by the Chancellor, whereas by carrying out the impugned amendment in the Act and framing impugned rules, the formation of the Search-cum-Selection Committee has been vested in the Government. As per the UGC Act, 1956 and Regulations, the Search-cum-Selection Committee shall submit its recommendations to the Chancellor, and thereafter the Chancellor shall appoint the Vice Chancellor out of the panel of names recommended by the Search-cum-Selection Committee. But by the impugned amendment and impugned rules, the Search-cum-Selection Committee shall submit recommendations to the Government, and instead of the Chancellor, the Government shall select the Vice Chancellor out of the recommended panel and the Governor shall make the appointment of such person on the aid and advice of the Government. This is in conflict with the UGC Act and regulations framed thereunder.

146. In Rule 3 of the impugned rules, the Committee has been notified by the Government, wherein the Chief Secretary to the Government of Himachal Pradesh is the Chairperson, and there is no nominee of the University Grants Commission. Whereas under Regulation 7.3(ii), one member of the Search-cum-Selection Committee shall be nominated by the Chairman, UGC, for the selection of Vice Chancellor of State, private and deemed to be Universities. Further, as per Regulations, the persons nominated as a member or Chairman of the Committee, shall not be connected in any manner with the university concerned or its colleges and there is no provision for appointing the Chairman of the Search-cum-Selection Committee in the UGC Act, 1956 and Regulations. However, Chief Secretary, who has been made Chairman of the Committee has direct interest in the University, because being Chief Secretary of the State as well as Chairman of the State Council for Education & Research constituted for the purpose of effective cooperation in the activities of Universities, set up under the Universities Act, 1986, he has direct interest in the Universities and is ineligible to be Member of the Search-cum-Selection Committee under Regulation 7.3 of the UGC Regulations, 2018. It is also apt to record that a nominee by the Chairman of UGC has also been excluded from the list of Members of Search-cum-Selection Committee framed by the State under Rule 3 of Universities Rules,

2026. Therefore, constitution of the Committee under Rule 3 of University Rules, 2026, is also in conflict with the UGC Regulations, 2018.

147. Similarly, procedure of the Search-cum-Selection Committee provided under Rule 4 of Universities Rules, 2026, is also in conflict with Regulations, 2018, which provides that Committee shall submit the panel of three persons to the State Government and State Government shall select one name from the panel and recommend to the Chancellor for appointment and Chancellor shall make appointment of the person recommended by the State Government within a period of one week, failing which Administrative Secretary of Agriculture/Horticulture Department shall issue the notification of the appointment. The Rules framed in pursuance to amendment in the Universities Act, 1986, are also in direct conflict with UGC Act, 1956 and Regulations framed thereunder.

148. In view of the aforesaid discussion and settled legal position, we allow both writ petitions and pass the following orders:

- (i) The Himachal Pradesh Universities of Agriculture, Horticulture and Forestry (Amendment) Act, 2023 (Act No.46 of 2025), to the extent it amends Section 23(4) by inserting the words *"on the aid and advice of the*

Government" and substitutes Section 24 of the Principal Act to subordinate the appointment of the Vice-Chancellor to the aid and advice of the State Government in violation of the UGC Regulations, 2018, is beyond legislative competence of the State Legislation and is declared *ultra vires* the Constitution of India and the University Grants Commission Act, 1956, and is accordingly struck down, quashed and set aside.

(ii) Rules 2, 3, and 4 of the Himachal Pradesh Universities of Agriculture, Horticulture and Forestry Rules, 2026, notified vide Notification No.AGR-A(3)-2/2025 dated 06.01.2026 (Annexure P-3), being repugnant to and in direct conflict with Regulation 7.3 of the UGC Regulations, 2018, are also beyond competence of State Legislature and are declared illegal, *ultra vires*, and void *ab initio*, and are also hereby struck down, quashed and set aside.

(iii) The consequential advertisements dated 26.02.2026 (Annexure P-4 in both petitions), issued by respondent No.2 inviting applications for the post of Vice-Chancellor in Chaudhary Sarwan Kumar Himachal Pradesh Krishi Vishvavidyalaya, Palampur, and Dr. Yashwant Singh

Parmar University of Horticulture and Forestry, Nauni (Solan), are hereby quashed and set aside.

- (iv) The respondent-State and the Chancellor are directed to initiate and complete a fresh process expeditiously in the interest of Universities for the selection and appointment of the Vice-Chancellor in both Universities strictly in accordance with the eligibility criteria, composition of the Search-cum-Selection Committee, including the nominee of the Chairman, UGC, and exclusion of persons connected with the University and procedures mandated under Clause 7.3 of the UGC Regulations, 2018, but with insertion of nominee of ICAR, in addition, if so desired/required.

149. Both writ petitions stand allowed and disposed of in the aforesaid terms. Pending miscellaneous application(s), if any, shall also stand disposed of.

(Vivek Singh Thakur)
Judge

(Ranjan Sharma)
Judge

27th August, 2026
(Pardeep)