

GAHC010149862022



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/4907/2022

SAMIR SARKAR

S/O- SRI SUNIL SARKAR, R/O- SONAPUR, BARUABARI, P.O. SONAPUR,
DIST. KAMRUP(M), ASSAM-781402.

VERSUS

THE GAUHATI UNIVERSITY AND 3 ORS.
REPRESENTED BY THE REGISTRAR, GAUHATI UNIVERSITY, GOPINATH
BORDOLOI NAGAR, GUWAHATI-781014.

2:THE VICE CHANCELLOR
GAUHATI UNIVERSITY
GOPINATH BORDOLOI NAGAR
GUWAHATI-781014.

3:THE REGISTRAR
GAUHATI UNIVERSITY
GOPINATH BORDOLOI NAGAR
GUWAHATI-781014.

4:BANAJIT CHANGKAKATI
S/O LT. HEMENDRA CH. CHANGKAKATI
R/O ARANYAK
HOUSE NO-5
4TH LANE (RIGHT)
TILA PATH
AMBIKAGIRI NAGAR
R. G BARUAH ROAD
GHY-781402

Advocate for the Petitioner : MR. K SINGHA
Advocate for the Respondent : SC, G U

BEFORE
HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

Date of Hearing : 10.11.2022, 29-11-2022
Date of Judgment & Order : 12-05-2023

JUDGMENT AND ORDER (CAV)

Heard Mr. K Singha, learned counsel for the petitioner and Mr. P J Phukan, learned Standing counsel, Gauhati University for the respondent Nos. 1, 2 & 3. Also heard Mr. H K Das, learned counsel appearing for the respondent No. 4.

2. By Advertisement T/2020/3 dated 02.06.2020 the Registrar of Gauhati University invited application from Indian Citizens for various teaching posts of Professor, Associate Professors and Assistant Professor (permanent) including an Open post of Associate Professor of Business Administration, under Unreserved Category, in the UGC revised pay scale of Rs. 1,31,400/- to Rs. 2,17,100/- specifying that the minimum essential qualification shall be as per the existing UGC norms and that the last date of receipt of filled-in application as 27.06.2020.

3. The petitioner, an Assistant Professor in the Department of Business Administration, Gauhati University, being eligible, filed his application for the post of Associate Professor of Business Administration in Gauhati University, as advertised on 02.06.2020 within the last date of filled-in application, i.e., 27.06.2020, but with six of his published research papers, though the relevant UGC Regulations, "*University Grants Commission (Minimum Qualifications for Appointment of Teachers and other Academic Staff in Universities and Colleges and Measures for the Maintenance of Standards in Higher Education) Regulations, 2018*" as applicable in the case, requires a minimum of seven such research publications in the peer-reviewed or UGC-listed journals and a total research score of Seventy Five (75) as per the criteria given in Appendix-II, Table-2 of the said 2018 UGC Regulations.

4. The respondent Gauhati University fixed 29.07.2022 for interview to the post of Associate Professor of Business Administration that was advertised on 02.06.2020.

5. The petitioner on 20.07.2022 physically and through e-mail submitted an application

before the Registrar of Gauhati University stating that he inadvertently could not enclose all the publications along with his application form for the post of Associate Professor of Business Administration that were published before the advertisement and the date of application and prayed to allow him to add all those publications with his application that he submitted for the post of Associate Professor of Business Administration and also to allow him to sit in the interview.

6. The petitioner on 29.07.2020 filed the present writ petition, informing the Court that the respondent Gauhati University did not allow him to participate in the viva voce/interview for the said post of Associate Professor of Business Administration advertised on 02.06.2020, stating that his said application dated 20.07.2022 has not yet been considered by the said University. As such the petitioner, amongst others, prayed for a direction to the respondent Gauhati University to allow him to participate in the selection for the post of Associate Professor in the Department of Business Administration in pursuance to the Advertisement T/2020/3 dated 02.06.2020 issued by the respondent No. 3, Registrar of Gauhati University and to quash the impugned selection for the said post of Associate Professor in the Department of Business Administration as advertised on 02.06.2020, with an interim prayer that the selection for the post of Associate Professor in the Department of Business Administration, Gauhati University as advertised on 02.06.2020 should be stayed.

7. By order dated 29.07.2022, the Court directed the respondent Gauhati University to allow the petitioner to appear in the interview for the said post of Associate Professor of Business Administration that was scheduled on 29.07.2022 with the observation that if the interview is over by the time the concerned authorities of the respondent University receives the order, then the said University shall make necessary arrangement for interview of the petitioner on a later date.

8. The Court by the said order dated 29.07.2022 also directed the respondent Gauhati University not to declare the result of the interview for the post of Associate Professor of Business Administration in terms of the said advertisement dated 02.06.2020. The said interim order dated 29.07.2022 is still in force.

9. By order dated 04.08.2022, the Court permitted the respondent Gauhati University authority to evaluate the Research Score of 75 as per the criteria given in Appendix-II, Table-2 of said 2018 UGC Regulations and to file a report before the Court. Further by the said order dated 04.08.2022 the Court permitted the petitioner to submit the remaining journals, which he could

not while making his application against the advertisement dated 02.06.2020.

10. Pursuant to the said order dated 04.08.2022, the petitioner submitted another nine (9) publications and all those fifteen (15) numbers of publications, including six publications that the petitioner submitted along with his application pursuant to the advertisement dated 02.06.2020 have been evaluated by the respondent Gauhati University as per Appendix-II, Table-2 of said 2018 UGC Regulations.

11. The respondent Gauhati University filed its affidavit in the matter on 29.10.2022, wherein it stated that as per the report received from its IQAC (Internal Quality Assurance Cell), after considering all fifteen publications submitted by the petitioner, including those nine publications submitted belatedly, i.e. after 27.06.2020, the last date of submission of filled-up application in terms of the Advertisement T/2020/3 dated 02.06.2020, it was found that the petitioner failed to satisfy one of the basic conditions to be eligible to be an Associate Professor as his papers are not peer-reviewed and non-existent and therefore, he cannot be called for the interview.

12. The respondent University in its affidavit also clarified that the petitioner in terms of the advertisement dated 02.06.2020 submitted only six Research Papers, though as per 2018 UGC Regulations, relevant at the time, a candidate for Associate Professor was required to submit minimum of seven such Research Papers with the application. It is stated that after the order of the Court dated 04.08.2022 the petitioner submitted another nine Research Papers. The respondent university through its IQAC evaluated all those fifteen Research Papers that the petitioner submitted, as noted above, in pursuance of the order of the Court dated 04.08.2022 to find out his Research Score of 75 as per the criteria given in Appendix-II, Table-2 of said 2018 UGC Regulations and on evaluation of those fifteen Research Papers of the petitioners, the IQAC of the Gauhati University found that – nine of his such Research Papers are not peer-reviewed, one Research Paper is non-existent and the other five Research Paper have earned the API scores.

13. In terms of earlier order dated 04.08.2022, the Court by order dated 07.11.2022 directed the respondent Gauhati University to place the marks obtained by the petitioner with regard to his publications submitted by him in terms of the said advertisement dated 02.06.2020 for the post of Associate Professor in the Department of Business Administration, in a sealed cover and also to state the eligibility criteria for direct recruitment to the post of Associate

Professor as prescribed in the said 2018 UGC Regulations, fixing the matter on 10.11.2022.

14. As directed on 07.11.2022, the Director of IQAC of respondent Gauhati University submitted the evaluation report and the final score obtained by the petitioner relating to his fifteen Research Papers including six of those papers which he had submitted by 27.06.2020 along with his application in terms of the said advertisement dated 02.06.2020 and nine that he submitted after the order of the Court dated 04.08.2022, which were evaluated as per Appendix-II, Table-2 of said 2018 UGC Regulations as directed by the Court on 04.08.2022.

15. Pursuant to the order of the Court, Mr. Phukan, learned Standing Counsel, Gauhati University served copy of said IQAC report of the respondent Gauhati University relating to the evaluation and Scores of those fifteen Research Papers submitted by the petitioner, evaluated as per Appendix-II, Table-2 of said 2018 UGC Regulations in terms of the order of the Court dated 04.08.2022, which was placed before the Court on 10.11.2022 in sealed cover, to the petitioner as well as the respondent No.4 through their respective counsels.

16. The respondent University stated that on evaluation of all those fifteen Research Papers submitted by the petitioner, including those nine papers submitted belatedly, the IQAC of the Gauhati University found that the petitioner failed to satisfy the basic conditions to be eligible to be an Associate Professor as his nine papers are not peer-reviewed, one non-existent and scored only 61.5 in his five Research Papers, whereas a candidate to be eligible for Associate Professor must submit minimum of seven publications in the Peer-reviewed or UGC-listed journals and a total research score of Seventy Five (75) as per the criteria given in Appendix-II, Table-2. According to the respondent University petitioner has only five publications in the Peer-reviewed or UGC-listed journals and also scored less than 75 as per the criteria given in Appendix-II, Table-2 of said 2018 UGC Regulations. Since the petitioner does not meet the required UGC criteria of required minimum standard as laid down in the UGC 2018 Regulations, the respondent university therefore stated that the petitioner cannot be called for the interview.

17. During the deliberation of the matter, Mr. Phukan, learned Standing Counsel, Gauhati University placed a copy of the communication No. F.1-1/2018 (Journals/CARE) dated 14.06.2019 issued by the Secretary of the UGC that relates to "Public Notice on Academic Integrity" whereby the Indian Academic Community have been informed regarding setting up of a Consortium for Academic and Research Ethics (CARE) by the UGC to identify, continuously monitor and maintain 'UGC-CARE' Reference list of Quality Journals across disciplines that is available with useful

resources as relevant publications, audio-visual materials, videos, web links etc. including the Frequently Asked Questions (FAQs), Feedback and also the grievance redressal mechanism at the UGC-CARE website. Mr. Phukan also pointed out that respondent University issued the relevant advertisement on 02.06.2020 pertaining to the post involved in this case after said communication dated 14.06.2019 of the Secretary of the UGC.

18. The respondent university also stated that the papers submitted by the petitioner after 27.06.2020 in terms of said advertisement dated 02.06.2020 cannot be accepted as the last date of filing of submission of application forms in proper format, where the minimum essential qualification was specified as per existing UGC norms, was already over by 27.06.2020 and that the respondent university did not extend the last date of submission of application relating to said advertisement dated 02.06.2020 after the said last date, i.e., 27.06.2020.

19. Mr. P J Phukan, learned Standing Counsel, Gauhati University in support of his argument placed reliance on the judgment of the Hon'ble Supreme Court in the cases of *Kalyani Mathivanan -Vs- K.V. Jeyaraj and Ors.* reported in (2015) 6 SCC 363 and *Archana Sharma -Vs- University Grants Commission & Others* reported in 2019 (3) GLT 392 and also the provisions of the University Grants Commission (Minimum Qualifications for Appointment of Teachers and other Academic Staff in Universities and Colleges and Measures for the Maintenance of Standards in Higher Education) Regulations, 2018.

20. The impleaded respondent No. 4, a permanent employee of the Gauhati University since 02.02.2011, holding the post of Assistant Professor in the Department of Business Administration, who being eligible, applied for the post of Associate Professor in the Department of Business Administration as advertised on 02.06.2020 and also appeared in the interview for the said post on 29.07.2022, has filed his affidavit in the matter and also the connected Interlocutory Application being I.A.(Civil) No. 2773/2022 for modification/ alteration/vacation of the order dated 29.07.2022 passed in the present proceeding. Respondent No.4 prayed to direct the respondent Gauhati University to declare the results of the interview that was held on 29.07.2022 for the post of Associate Professor in the Department of Business Administration in Gauhati University in terms of its Advertisement dated 02.06.2020. The respondent No. 4 urged before the Court that the petitioner after 27.06.2020 is not entitled to submit any Research Paper before the respondent Gauhati University since the last date of submission of application form after 27.06.2020 in terms of the advertisement dated 02.06.2020 was never extended by the said university. Since the

petitioner is not eligible from the very beginning in not submitting the requisite seven numbers of research papers as required under UGC Regulations, 2018 his case cannot be considered for interview for the said post of Associate Professor in the Department of Business Administration under Un-reserved category. It is also pointed out by the respondent No. 4 that the petitioner not even immediately after 27.07.2020, but only on 20.07.2022, after more than two years one month submitted application before the respondent Gauhati University admitting that he submitted six research papers along with his application pursuant to the said advertisement dated 02.06.2020. Regarding submission of requisite papers, extension of time for submitting application, necessary documents etc. to a post advertised, it is stated that the power is vested only with the employer and in the case in hand such employer did not extend the time limit. Moreover, such relaxation, on his prayer, that too made belatedly after more than two years cannot be given to the petitioner alone, as by that time many might have become eligible for the post concerned that was advertised on 02.06.2020. As such any such relaxation given to the petitioner, according to the respondent No.4, will not be in accordance with law and that the petitioner cannot be considered for the interview for the said post of Associate Professor in the Department of Business Administration as advertised on 02.06.2020, in violation of the relevant laws and rules of recruitment.

21. It is to be noted herein that though the petitioner in his writ petition stated and also submitted that he had filed an application/representation on 20.07.2022 before the Registrar of Gauhati University requesting the said authority to allow him to add all his publications, but in the order dated 29.07.2020 passed in the present proceeding at Para 3 it was inadvertently typed as 20.07.2020. As such the petitioner filed an Interlocutory Application being I.A. (Civil) No. 2209/2022 for correction of said inadvertent typing mistake of the date concerned. Accordingly, the Court by order dated 25.08.2022 passed in said I.A. (Civil) No. 2209/2022, corrected the date of said application/representation of the petitioner as 20.07.2022 in the order dated 29.07.2020 passed in this petition.

22. The petitioner has filed his replies to the affidavits of the respondent Gauhati University as well as the respondent No. 4 reiterating his submissions made in the writ petition and raising dispute regarding appointment of the respondent No. 4 as Assistant Professor on 02.02.2011 in the Department of Business Administration, Gauhati University.

23. The petitioner has also filed an Interlocutory Application being I.A.(Civil) No. 3209/2022

praying for impleadment of Dr. Shazeed Ahmed, Dr. Bijoyalaxmi Sarmah and Dr. Sinmoy Goswami who participated in the interview on 29.07.2022 for the said post of Associate Professor in the Department of Business Administration in Gauhati University as respondent Nos. 5, 6 & 7 in the present proceeding, that has been heard together with this petition.

24. The parties to this proceeding are heard at length; their submissions and citations given by them have been duly considered.

25. It is seen from the order dated 04.08.2022 passed earlier in this proceeding that the Court was informed by the learned counsel for the respondent Gauhati University that in terms of said order of the Court dated 29.07.2022, the interview of the petitioner could not be conducted as he came late for the said interview on that date.

26. It is also seen from the said order dated 04.08.2022 that the respondent Gauhati University submitted before the Court that before taking interview of the petitioner in terms of the order dated 29.07.2022, permission to the said university may be granted to evaluate the Research Score of 75 as per the criteria given in Appendix-II, Table-2 of UGC Regulations 2018 submitting that the Gauhati University have no objection regarding petitioner's submission of the remaining Research Papers/Journal in terms of the advertisement (i.e., dated 02.06.2020).

27. Considering such submission of the respondent Gauhati University, the Court by order dated 04.08.2022 permitted the respondent university to evaluate the Research Score of 75 as per the criteria given in Appendix-II, Table-2 of the UGC Regulations and to file a report before the Court. At the same time the Court by the said order dated 04.08.2022 also allowed the petitioner to submit the remaining journals which he could not while making his application against the said advertisement dated 02.06.2020.

28. It is seen that the said order and direction of the Court dated 04.08.2022 passed in the present proceeding has neither been challenged by the petitioner nor by the respondent Gauhati University.

29. On perusal of the Advertisement T/2020/3 dated 02.06.2020 issued by the respondent Gauhati University for the Open post of Associate Professor of Business Administration under Unreserved Category, involved in this case, it is seen that the respondent university in the said advertisement clearly indicated that the minimum essential qualification shall be as per existing UGC norms and that for candidate who will be applying for the post of Professor/ Associate

Professor filling up of IQAC format is mandatory for such candidate along with the applications, clarifying further that failing the same, application of the candidate shall be rejected. The said advertisement also clarified that mere fulfillment of qualification will not entitle an applicant for inviting to the interview and that in case of large number of applicants against one post, the University reserved the right for short listing of applications to be called for interview.

30. On the date of the said advertisement dated 02.06.2020, the "University Grants Commission (Minimum Qualifications for Appointment of Teachers and other Academic Staff in Universities and Colleges and Measures for the Maintenance of Standards in Higher Education) Regulations, 2018" of the UGC was in force.

31. From the orders of the Court dated 29.07.2022 and 04.08.2022, noted above, it is clear that the Court indicated the said 2018 UGC Regulations.

32. Moreover, from the writ petition of the petitioner as well as the order of the Court dated 29.07.2022 passed in the present proceeding, it can be seen that the petitioner himself relied upon the 'Eligibility' criteria for the post of Associate Professor as provided in said 2018 UGC Regulations, requiring a minimum of seven publications in the Peer-reviewed or UGC-listed journals and a total research score of Seventy Five (75) as per the criteria given in the Appendix-II, Table-2 of the said UGC Regulations.

33. Clause 4.0 of said 2018 UGC Regulations relates to Direct Recruitment and Clause 4.1 (II) relates to Associate Professor, wherein the 'Eligibility' for Associate Professor is prescribed. The Court in its order dated 29.07.2022 have also quoted said 'Eligibility' of Associate Professor, as provided in said 2018 UGC Regulations, which is as follows:

- “i) A good academic record, with a Ph.D. degree in the concerned/allied/relevant disciplines.
- ii) A Master's Degree with atleast 55% marks (or an equivalent grade in a point-scale wherever the grading system is followed).
- iii) A minimum of eight years experience of teaching and/or research in an academic/research position equivalent to that of Assistant Professor in a University, College or Accredited Research Institution/Industry with a minimum of seven publications in the Peer-reviewed or UGC-listed journals and a total research score of Seventy Five (75) as per the criteria given in Appendix-II, Table-2.”

34. Appendix-II, Table-2 of said 2018 UGC Regulations relates to Methodology for University

and College Teachers for Calculating Academic Research Score, wherein under the category of Research Papers in Peer-reviewed or UGC listed Journals maximum points is 10 per publication relating to Faculties of Languages/Humanities/Arts/Social-Sciences/Library/Physical Education/Commerce/Management and other related disciplines.

35. In the said Table-2 of Appendix-II of 2018 UGC Regulations, it is provided that the Research Score of Research Papers would be augmented as indicated therein, which are – "(i) Peer-reviewed or UGC-Listed Journals (impact factor to be determined as per Thomson Reuters List); (ii) Paper in referred Journals without impact factor - 5 points; (iii) Paper with impact factor less than 1 – 10 points; (iv) Paper with impact factor between 1 and 2 – 15 points; (v) Paper with impact factor between 2 and 5 – 20 points; (vi) Paper with impact factor between 5 and 10 – 25 points and (vii) Paper with impact factor > 10 – 30 points.

36. It is also seen that under the same heading of said Table-2 of Appendix-II of 2018 UGC Regulations, it is provided that – (a) Two Authors: 70% of total value of publication for each author, (b) More than Two Authors: 70% of total value of publication for the First/Principal/Corresponding Author and 30% of total value of publication for each of the joint Authors.

37. In the case in hand, the API (Academic Performance Indicators) Research Score of the Research Papers/Journals, submitted by the petitioner in terms of the order of the Court dated 04.08.2022 in the present proceeding have been evaluated by the academicians of the Gauhati University through its IQAC.

38. The assessment of API Research Score of Teacher/Assistant Professor/Associate Professor/Professor etc. can be evaluated only by academicians. Generally API Score of a candidate to a post of Teacher/ Assistant Professor/Associate Professor/Professor etc. to an Educational Institution/University is evaluated by the IQAC of such Educational Institution/University.

39. In so far as the evaluation/assessment of a candidate upon his/her academic performance, including Research Score is concerned, it is within the exclusive domain of the academicians. The Court does not have any such expertise in the matter in assessing Research Score of a candidate/Teacher/ Assistant Professor/Associate Professor/Professor etc. It is well settled that when the issue relates to examination matter where academics are involved it is best for the Court to leave it to the academics.

40. In the case in hand, the marks allotted by the IQAC of the Gauhati University with regard to the fifteen research papers (6+9) submitted by the petitioner, as noted above, cannot be evaluated by the Court to the extent of marks that the petitioner should have scored and/or as claimed by him relating to his fifteen Research Papers that he submitted before the Gauhati University.

41. It is already noted above that by order dated 04.08.2022, the Court permitted the respondent Gauhati University to evaluate the Research Score of 75 as per the criteria given in Appendix-II, Table-2 of UGC Regulations (2018 UGC Regulations) and at the same time, also allowed the petitioner to submit the remaining journals which he could not submit while making his application against the said advertisement dated 02.06.2020. Accordingly, the respondent University as required evaluated those fifteen research papers of the petitioner for the Research Score of 75 as per the criteria given in Appendix-II, Table-2 of said UGC 2018 Regulations and after such evaluation by the IQAC of Gauhati University it submitted the said evaluation report relating to those fifteen research papers of the petitioner that he submitted along with the relevant scores against each of his such research papers obtained by him, which has already been made known to the petitioner.

42. From the said IQAC report of the respondent Gauhati University relating to the fifteen research papers of the petitioner that he submitted in terms of the advertisement dated 02.06.2020 and pursuant to the order of the Court dated 04.08.2022, as placed before the Court reveals that out of those fifteen (15) research papers, the petitioner has only five such research publications that are Peer-reviewed or UGC-listed journals and in those five research publications the petitioner obtained Research Score of 61.5.

43. As per the 'Eligibility' criteria for the Associate Professor as provided in the 2018 UGC Regulations, amongst others, there is a requirement of minimum of seven publications in the Peer-reviewed or UGC-listed journals and a total research score of Seventy Five (75) as per the criteria given in Appendix-II, Table-2; but it is seen that the petitioner has only five Peer-reviewed or UGC-listed research publications/journals and further, the petitioner obtained only 61.5 scores relating to his five Peer-reviewed or UGC-listed research publications/journals.

44. It is also to be noted herein that the petitioner did not raise any issue that the said IQAC report of the respondent Gauhati University relating to his fifteen research papers that he submitted before the Gauhati University pertaining to the Open post of Associate Professor of

Business Administration under Unreserved Category as advertised by the Gauhati University on 02.06.2020 is bias and/or malafide and/or illegal and/or suffers from any vices. It is already noted above that the said IQAC report of the Gauhati University was already provided to the petitioner. As such, the said IQAC report of the Gauhati University relating to those fifteen research papers of the petitioner that he submitted before the said University, placed before the Court in terms of the Orders dated 04.08.2022 and 07.11.2022, is considered to be final and conclusive.

45. The order dated 4th August, 2022 passed earlier in this proceeding is quoted below:

ORDER

4th August, 2022

Heard Mr. K. singha, learned counsel for the petitioner.

Mr. P.J. Phukan, learned standing counsel for the Gauhati University submits that no interview of petitioner could be conducted as he came late on the date of interview. However, he submits that before the interview is held with regard to the petitioner, the Gauhati University may be permitted to evaluate the research score of 75 as per the criteria given in Appendix-II, Table-2 of UGC Regulation. He also submits that the Gauhati University has no objection with regard to the petitioner submitting the remaining journal papers in terms of the advertisement.

After hearing the parties, the Gauhati University authority is permitted to evaluate the research score of 75 as per the criteria given in Appendix-II, Table-2 of UGC Regulation and file a report before this Court.

In the meantime, the petitioner is also permitted to submit the remaining journals, which he could not while making his application against the advertisement dated 02-06-2020.

List the matter on 17-08-2022.

The interim order to continue till the next returnable date.

Judge

46. Since, the said order dated 04.08.2022 of the Court passed earlier in this proceeding was neither challenged by the petitioner nor by the respondents, including Gauhati University, therefore, regarding making of an alternative arrangement of interview of the petitioner in terms of the order dated 29.07.2022 is definitely subject to the scoring of 75 Research Score as per criteria given in Appendix-II, Table-2 of said 2018 UGC Regulations with regard to the Peer-reviewed publications or UGC-listed Journals that the petitioner submitted along with his application for the open post of Associate Professor of Business Administration under unreserved category in terms of the Advertisement T/2020/3 dated 02.06.2020 issued by the respondent

Gauhati University on or before 27.06.2020 and in pursuance of the order of the Court passed in the present proceeding on 04.08.2022.

47. Therefore, the Court is of the view that since the petitioner has only five Peer-reviewed or UGC-listed publications/journals and had obtained a total research score of 61.5 as per the criteria given in Appendix-II, Table-2 of said 2018 UGC Regulations, he does not fulfill the requisite 'Eligibility' criteria for the post of Associate Professor as per said 2018 UGC Regulations. Therefore, he is not entitled to be called for the interview to the open post of Associate Professor of Business Administration under unreserved category in terms of the Advertisement T/2020/3 dated 02.06.2020 issued by the respondent Gauhati University, being ineligible and unqualified for the said advertised post.

48. Since he is not eligible to the open post of Associate Professor of Business Administration under unreserved category in terms of the Advertisement T/2020/3 dated 02.06.2020 of the Gauhati University, therefore, the prayers made by the petitioner in this writ petition is not sustainable in law.

49. Accordingly, this writ petition being devoid of merit, stands dismissed.

50. Interim order passed earlier on 29.07.2022 stands vacated.

51. The IQAC report relating to the fifteen research papers of the petitioner, submitted by the respondent Gauhati University in original, in terms of the Orders of the Court dated 04.08.2022 and 07.11.2022 be returned to Mr. P J Phukan, learned Standing counsel, Gauhati University, obtaining necessary acknowledgment from him in that regard.

JUDGE

Comparing Assistant