

Court No. - 7

Case :- WRIT - A No. - 8442 of 2023

Petitioner :- Dr. Mohd. Yusuf

Respondent :- State Of U.P. Thru. Addl. Chief Secy. Deptt. Of Higher Education Lko. And 3 Others

Counsel for Petitioner :- Amrendra Nath Tripathi, Syed Ahmad Abbas Zaidi

Counsel for Respondent :- C.S.C., Anurag Kumar Singh

Hon'ble Abdul Moin, J.

1. Vakalatnama filed today by Shri Apoorva Tiwari, Advocate on behalf of respondent no. 4 is taken record.
2. Heard learned counsel for the petitioner, learned Standing Counsel appearing for the respondent no. 1, Shri Anurag Kumar Singh, learned counsel appearing for the respondents no. 2 & 3 and Shri Apoorva Tiwari, learned counsel appearing for the respondent no. 4.
3. With the consent of learned counsel appearing for the contesting parties, the writ petition is being finally decided.
4. The instant writ petition has been filed praying for a writ of mandamus commanding the respondents no. 2 to 4 to consider the degree of the petitioner in M.Sc. (Biotechnology) for appointment on the post of Assistant Professor (Zoology) as essential qualification for the said post against the advertisement dated 25.07.2023 as per University Grants Commission (UGC) regulations.
5. The case set forth by the petitioner is that the petitioner is having qualifications of M.Sc. (Biotechnology) and Ph.D. An advertisement dated 25.07.2023, a copy of which is annexure 5 of the writ petition, has been issued by the respondent no. 4 inviting applications for the post of Assistant Professor in Chemistry, English, Statistics and Zoology. The instant case is concerned with the post of Assistant Professor (Zoology).

6. The contention of learned counsel for the petitioner is that subsequent to the petitioner having applied for the said post he has come across a recommendation sent by the departmental committee of the Lucknow University dated 26.08.2020, a copy of which is part of annexure 7 to the petition, by which it has been indicated that the essential qualification for the post of Assistant Professor would be (a) Qualifications as per UGC norms, (b) M.Sc. in Zoology, (c) NET /JRF in life sciences and the desirable qualification has been indicated as Ph.D. preferably in Zoology.

7. Placing reliance on 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, 2018 (hereinafter referred to as the 2018 Regulations), the contention of learned counsel for the petitioner is that Regulation 4.1(I)(A) (i) so far as the eligibility for the post of Assistant Professor is concerned provides a masters degree with 55% marks (or an equivalent grade in a point scale wherever the grading system is followed) in a concerned / relevant / allied subject from an India University, or an equivalent degree from an accredited foreign university). The said Regulations 2018 had been adopted vide the order dated 15.10.2019, a copy of which is annexure 2 to the petition. The contention is that the minutes of the meeting of the dated 26.08.2020 as issued by the Lucknow University though are only in the nature of a recommendation yet would specifically run against the specifications provided in Regulations 2018 so far as it pertains to the essential qualifications for the post of Assistant Professor (Zoology) being specified as M.Sc. in Zoology.

8. Elaborating the same, the contention is that once the

Regulations 2018 themselves provides for a masters degree in concerned / relevant / allied subject and the petitioner is having the qualification of M.Sc. in Biotechnology the same has to be considered as a masters degree in relevant / allied subject to Zoology and thus there cannot be any insistence on the part of Lucknow University to have indicated that a masters in Zoology is to be essential qualification for the post of Assistant Professor (Zoology).

9. Learned counsel for the petitioner has also contended that the Uttar Pradesh Higher Education Services Commission had issued an advertisement, a copy of which is annexure 3 to the petition, whereby so far as the post of Assistant Professor (Zoology) was concerned one of the subjects indicated was Biotechnology. The said advertisement had also included the posts of Assistant Professor (Zoology) of associated and affiliated colleges of Lucknow University.

10. Responding to that Shri Anurag Kumar Singh, learned counsel appearing for the Lucknow University, states that the recommendation dated 26.08.2020 is only a recommendation and a final call is still to be taken by the Lucknow University in this regard. Although as per the order of the University Grants Commission dated September 2015, so far as the relevant subject as per the provision in paragraph 4.4.0 is concerned, the relevance of a subject or interdisciplinary nature of subject is required to be decided by the concerned university / appointing authority.

11. Having heard learned counsel for the parties and having perused the record what is apparent is that as per the Regulations 2018 which have been adopted vide order dated 15.10.2019 a masters degree in a concerned / relevant / allied subject from an Indian University is the norm. The petitioner

while applying for the post of Assistant Professor (Zoology) is having a M.Sc. in Biotechnology. As per the recommendations of the departmental committee of Lucknow University the essential qualification for Assistant Professor (Zoology) has been indicated as M.Sc. in Zoology. However the final call in this regard is still to be taken by the Lucknow University in as much as the recommendations dated 26.08.2020 are still to be acted upon.

12. Considering the aforesaid, the writ petition is **disposed of** with a direction to the Lucknow University to pass a final order on the basis of Regulations 2018 as adopted vide order dated 15.10.2019 vis a vis the recommendation dated 26.08.2020 as to whether an M.Sc. in Zoology, so far as it pertains to the post of Assistant Professor (Zoology), would be an essential qualification. Let an order be passed within a period of three weeks from the date of receipt of certified copy of this order and preferably prior to the finalisation of the selection by the respondents.

13. It is also provided that in case any decision has already been taken by the Lucknow University in this regard, the same would be communicated to the petitioner within the aforesaid period.

Order Date :- 31.10.2023
J.K. Dinkar