



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

WP(C) No.3225 of 2022

Atikur Hussain,
Son of Amir Hossain Ahmed,
Resident of Shaktinagar, Ward No.9, (Barpeta
Road), PO & PS: Barpeta Road, District:
Barpeta, Assam, PIN – 781315.

.....Petitioner

-Versus-

1. The State of Assam, represented by the
Commissioner & Secretary to the Government
of Assam, Education (Higher) Department,
Dispur, Guwahati - 781006.

2. The Director of Higher Education, Assam-
cum-Chairman of the State Scrutiny
Committee, Kahilipara, Guwahati - 781019.

3. The Inspector of Schools, Barpeta District
Circle, Barpeta, PO & District: Barpeta, Assam.

*(The name of the respondent No.3 was
deleted as per the order dated 20.05.2022
passed by this Court.)*

4. The District Scrutiny Committee,
represented by the Deputy Commissioner,
Barpeta-cum- Chairman, District Scrutiny
Committee, Barpeta.

5. The Principal, Harendra Chitra College,
Bhaktardoba, Barpeta PO: Naligaon, PS:
Sarthebari, District: Barpeta, Assam, PIN –
781352.

.....Respondents

- B E F O R E -
HON'BLE MR. JUSTICE N. UNNI KRISHNAN NAIR

For the Petitioner : Mr. R. Ali, Advocate.

For the Respondents : Mr. S. Das, Standing Counsel, Education
(Higher) Department, for respondent Nos.1 & 2.

: Mr. B. Deori, Junior Government Advocate,
Assam for respondent No.4.

Date of Judgment : 24.04.2024.

JUDGMENT & ORDER (ORAL)

Heard Mr. R. Ali, learned counsel for the petitioner. Also
heard Mr. S. Das, learned Standing Counsel, Education (Higher)
Department, appearing for the respondent Nos.1 & 2 and Mr. B.
Deori, learned Junior Government Advocate, Assam, appearing for
the respondent No.4.

2. As agreed to by the learned counsel appearing for the
parties, the writ petition is taken up for final consideration and
disposal at the admission stage itself.

3. The petitioner herein has raised a grievance with regard
to the action/inaction on the part of the respondent authorities in
provincialising his services as a Tutor in Harendra Chitra College,
Bhaktardoba, Barpeta in place of his entitled provincialisation as
an Assistant Professor in the said College. The petitioner has also
prayed for a direction upon the respondent authorities for

releasing to him his due benefits on provincialisation of his services as an Assistant Professor w.e.f. 01.01.2021.

4. The petitioner in the writ petition has projected that on being found to be eligible, the Governing Body of Harendra Chitra College proceeded to appoint him as a Lecturer in the Department of Economics vide issuance of an order dated 28.12.2010. The petitioner, on accepting the said order of appointment, joined his services as a Lecturer in the Department of Economics on 29.12.2010 and is working therein as such. It is the case of the petitioner that although his case was considered for provincialisation of his services under the provisions of the Assam Venture Educational Institutions (Provincialisation of Services) Act, 2011 (hereinafter referred to as "Act of 2011") and his name was included in the qualified list of teachers for such provincialisation but on account of the fact that the said College was left out from the purview of provincialisation as contemplated under the provisions of the said Act of 2011, the services of the petitioner could not be provincialised under the Act of 2011. Thereafter, on enactment of the provisions of the Assam Education (Provincialisation of Services of Teachers and Re-organisation of Educational Institutions) Act, 2017 (hereinafter referred to as "Act of 2017") and the petitioner having satisfied the eligibility criteria as mandated under the provisions of the said Act of 2017, his case was taken up for provincialisation of his services along with other serving eligible teachers in the said College.

5. On completion of the process as envisaged under the provisions of the Act of 2017, the services of the petitioner herein came to be provincialised vide issuance of an order dated

05.02.2021 w.e.f. 01.01.2021 in the Department of Economics as a Tutor Assistant Professor with fixed salary of ₹ 27,000/- per month. The petitioner although accepted the said provincialisation of his services as effected vide the order dated 05.02.2021, it is the contention of the petitioner that he being eligible for being so provincialised as an Assistant Professor with the UGC scale of pay as attached to the said post, the present proceedings have been so instituted.

6. The petitioner's contention is that he having acquired his M.Phil Degree in the month of July, 2008, he was eligible in terms of the relaxation as provided to persons obtaining M.Phil/Ph.D Degree on or before 10.07.2009 from possessing the NET/SLET qualification as mandated under the UGC norms. In this connection, the petitioner has referred to the decision of the UGC vide resolution No.472 adopted in the meeting held on 27.09.2010, by which it was provided that all candidates having M.Phil Degree on or before 10.07.2009 shall remain exempted from the requirement of NET for the purpose of appointment as Lecturer/Assistant Professor. It is the further contention of the petitioner that the said resolution of the UGC as adopted in its meeting held on 27.09.2010 was also adopted by the Government of Assam, Education (Higher) Department vide Notification dated 01.01.2011.

7. In view of the said position, it is contended that the petitioner having entered into the University System prior to 01.01.2011 and he having acquired his M.Phil qualification prior to 10.07.2009 in terms of the decision of the UGC and also the decision as contained in the Notification dated 01.01.2011 of the

Government of Assam, Education (Higher) Department, he is not required to possess the NET/SLET qualification and by virtue of the M.Phil qualification as possessed by him, he is now required to be provincialised in his services as an Assistant Professor with the UGC scale of pay as mandated w.e.f. 01.01.2011.

8. In view of the said contention as made by the petitioner, an issue arises in the present proceedings as to whether the petitioner, in view of the M.Phil qualification as acquired by him prior to 10.07.2009, would be held to be exempted from possessing the NET/SLET qualification for appointment as a Lecturer/Assistant Professor with the UGC scale of pay. The said issue is to be considered in the light of the decision of the UGC as adopted in its meeting dated 27.09.2010 and adopted by the Government of Assam, Education (Higher) Department vide the Notification dated 01.01.2011.

9. The above issue need not detain the Court further inasmuch the Hon'ble Supreme Court in the case of ***P. Suseela & Ors. -Vs- University Grants Commission***, reported in ***(2015) 8 SCC 129*** had already considered the said issue. The Hon'ble Supreme Court, thereafter, noticed the decision arrived at by the UGC to grant exemptions from applicability of NET qualification to candidates having M. Phil qualification and also the directives dated 03.11.2010 issued by the Ministry of Human Resources Development under Section 20 of the University Grants Commission Act, 1956 directing the UGC not to implement the decision taken in this connection and proceeded to draw the following conclusions:-

"7. Pursuant to this directive, on 30th June, 2010, the UGC framed Regulations of 2010, para 3.3.1 of which states:

'3.3.1. NET/SLET/SET shall remain the minimum eligibility condition for recruitment and appointment of Assistant Professors in Universities/Colleges/ Institutions.

Provided however, that candidates, who are or have been awarded a Ph.D. Degree in accordance with the University Grants Commission (Minimum Standards and Procedure for Award of Ph.D. Degree) Regulations, 2009, shall be exempted from the requirement of the minimum eligibility condition of NET/SLET/SET for recruitment and appointment of Assistant Professor equivalent positions in Universities/ Colleges/ Institutions."

8. By two resolutions dated 12th August, 2010 and 27th September, 2010, the UGC opined that since the regulations are prospective in nature, all candidates having M. Phil. degree on or before 10th July, 2009 and all persons who obtained the Ph.D. degree on or before 31st December, 2009 and had registered themselves for the Ph.D. before this date, but are awarded such degree subsequently shall remain exempted from the requirement of NET for the purpose of appointment as Lecturer/ Assistant Professor.

9. The Central Government, however, by letter dated 3rd November, 2010 informed the UGC that they were unable to agree with the decision of the Commission and stated that consequently a candidate seeking appointment to the post of Lecturer/Assistant Professor must fulfill the minimum qualifications prescribed by the UGC including the minimum eligibility condition of having passed the NET test.

10. The Learned counsel assailing the Delhi, Madras and Rajasthan High Court judgments argued that Section 26(3) expressly entitles a regulation to be prospective but so as not to prejudicially affect the interests of any person to whom such regulation may be applicable. They, therefore, argued that both under Article 14 as well as this subsection, since all M.Phil. and Ph.D. holders had been repeatedly assured that they would be exempt from passing the NET exam if they were such holders prior to 2009, the regulations should not be so construed as to impose the burden of this examination upon them. They further argued that under Section 26(2), regulations made in pursuance of Section 26(1)(e) and (g) do not require the previous approval of the Central Government. Consequently, the impugned regulations are bad since they follow the dictate of the Central Government which is not required. Also, this would show that when it comes to qualifications of persons to be appointed to the teaching staff, the UGC is an expert body to whom alone such qualifications and consequently exemptions from such qualifications should be left to decide.

They also argued that there is a violation of Article 14 in that unequals have been treated equally as those who passed their M. Phil. and Ph.D. degrees prior to 2009 fell in a separate class which had an intelligible differentia from those who did not so fall as has been maintained by the UGC from time to time. They strongly relied upon the judgment of this Court in University Grants Commission v. Sadhana Chaudhary (1996) 10 SCC 536 for this proposition as well as the proposition that their legitimate expectation in the matter of appointment on the post of Lecturer had been done away with.

11. On the other hand, learned counsel for the Union of India and the UGC stressed the fact that under Section 26 regulations have to be made consistently with the Act and Section 20 is very much part of the Act. Therefore, if directions on questions of policy are made by the Central Government, regulations must necessarily be subordinate to such directions. It was also pointed out that if a question arises as to whether a subject matter is a question of policy relating to national purposes, the decision of the Central Government shall be final. They then relied upon Udai Singh Dagar v. Union of India (2007) 10 SCC 306, for the proposition that a person will have the right to enter a profession only if he holds the requisite qualification and the holding of such qualification would be prospective if it is a qualification which is laid down any time before his entry into a profession.

12. It is clear that Section 26 enables the Commission to make regulations only if they are consistent with the UGC Act. This necessarily means that such regulations must conform to Section 20 of the Act and under Section 20 of the Act the Central Government is given the power to give directions on questions of policy relating to national purposes which shall guide the Commission in the discharge of its functions under the Act. It is clear, therefore, that both the directions of 12th November, 2008 and 30th March, 2010 are directions made pertaining to questions of policy relating to national purposes inasmuch as, being based on the Mungekar Committee Report, the Central Government felt that a common uniform nationwide test should be a minimum eligibility condition for recruitment for the appointment of Lecturer/Assistant Professors in Universities/Colleges/Institutions. This is for the obvious reason that M. Phil. Degrees or Ph.D. degrees are granted by different Universities/Institutions having differing standards of excellence. It is quite possible to conceive of M.Phil/ Ph.D. degrees being granted by several Universities which did not have stringent standards of excellence. Considering as a matter of policy that the appointment of Lecturers/ Assistant Professors in all institutions governed by the UGC Act (which are institutions all over the country), the need was felt to have in addition a national entrance test as a minimum eligibility condition being an additional qualification which has become

necessary in view of wide disparities in the granting of M. Phil./Ph.D. degrees by various Universities/ Institutions. The object sought to be achieved by these directions is clear: that all Lecturers in Universities/ Colleges/Institutions governed by the UGC Act should have a certain minimum standard of excellence before they are appointed as such. These directions are not only made in exercise of powers under Section 20 of the Act but are made to provide for coordination and determination of standards which lies at the very core of the UGC Act. It is clear, therefore, that any regulation made under Section 26 must conform to directions issued by the Central Government under Section 20 of the Act.

13. It was argued that since the previous approval of the Central Government was not necessary for regulations which define the qualifications required of persons to be appointed to the teaching staff of a University, the Government has no role to play in such matters and cannot dictate to the Commission. This argument does not hold water for the simple reason that it ignores the opening lines of Section 26(1) which states that the Commission can only make regulations consistent with the Act, which brings in the Central Government's power under Section 20 of the Act, a power that is independent of sub-section (2) of Section 26. A regulation may not require the previous approval of the Central Government and may yet have to be in conformity with a direction issued under Section 20 of the Act. In fact, even where a regulation can only be made with the previous approval of the Central Government, the Central Government would have a role to play both before and after the regulation is made. In the first case, it would accord its previous approval to the regulation. Once the regulation becomes law, it may issue directions under Section 20 pursuant to which the very same regulation may have to be modified or done away with to conform to such direction. It is clear, therefore, that Section 26(2) would not stand in the way of the directions issued in the present case by the Central Government to the Commission.

*14. The other interesting argument made is that such regulations should not be given retrospective effect so as to prejudicially affect the interests of any person to whom such regulation may be applicable. In order to appreciate this contention, it is necessary to distinguish between an existing right and a vested right. This distinction was made with great felicity in *Trimbak Damodhar Rajpurkar v. Assaram Hiranman Patil*, 1962 Suppl. 1 SCR 700. In that case a question arose as to whether an amendment made to Section 5 of the Bombay Tenancy and Agricultural Lands Amendment Act could be said to be retrospective because its operation took within its sweep existing rights. A bench of five Hon'ble Judges of this Court held that Section 5 had no retrospective operation.*

15. This Court held: (Trimbak case, AIR pp.1760-61, Paras 8-10: SCR pp. 707-09)

'Besides, it is necessary to bear in mind that the right of the appellant to eject the respondents would arise only on the termination of the tenancy, and in the present case it would have been available to him on March 31, 1953 if the statutory provision had not in the meanwhile extended the life of the tenancy. It is true that the appellant gave notice to the respondents on March 11, 1952 as he was then no doubt entitled to do; but his right as a landlord to obtain possession did not accrue merely on the giving of the notice, it accrued in his favour on the date when the lease expired. It is only after the period specified in the notice is over and the tenancy has in fact expired that the landlord gets a right to eject the tenant and obtain possession of the land. Considered from this point of view, before the right accrued to the appellant to eject the respondents amending Act 33 of 1952 stepped in and deprived him of that right by requiring him to comply with the statutory requirement as to a valid notice which has to be given for ejecting tenants.

In this connection it is relevant to distinguish between an existing right and a vested right. Where a statute operates in future it cannot be said to be retrospective merely because within the sweep of its operation all existing rights are included. As observed by Buckley, L.J. in West v. Gwynne [(1911) 2 Ch 1 at pp 11, 12] retrospective operation is one matter and interference with existing rights is another. "If an Act provides that as at a past date the law shall be taken to have been that which it was not, that Act I understand to be retrospective. That is not this case. The question here is whether a certain provision as to the contents of leases is addressed to the case of all leases or only of some, namely, leases executed after the passing of the Act. The question is as to the ambit and scope of the Act, and not as to the date as from which the new law, as enacted by the Act, is to be taken to have been the law.' These observations were made in dealing with the question as to the retrospective construction of Section 3 of the Conveyancing and Law of Property Act, 1892 (55 & 56 Vict.

c. 13). In substance Section 3 provided that in all leases containing a covenant, condition or agreement against assigning, underletting, or parting with the possession, or disposing of the land or property leased without licence or consent, such covenant, condition or agreement shall, unless the lease contains an expressed provision to the contrary, be deemed to be subject to a proviso to the effect that no fine or sum of money in the nature of a fine shall be payable for or in respect of such licence or consent. It was held that the

provisions of the said section applied to all leases whether executed before or after the commencement of the Act; and, according to Buckley, L.J., this construction did not make the Act retrospective in operation; it merely affected in future existing rights under all leases whether executed before or after the date of the Act. The position in regard to the operation of Section 5(1) of the amending Act with which we are concerned appears to us to be substantially similar.

A similar question had been raised for the decision of this Court in Jivabhai Purshottam v. Chhagan Karson [Civil Appeal No 153 of 1958 decided on 27-3-1961] in regard to the retrospective operation of Section 34(2)(a) of the said amending Act 33 of 1952 and this Court has approved of the decision of the Full Bench of the Bombay High Court on that point in Durlabbha Fakirbhai v. Jhaverbhai Bhikabhai [(1956) 58 BLR 85]. It was held in Durlabbhai case [(1956) 58 BLR 85] that the relevant provision of the amending Act would apply to all proceedings where the period of notice had expired after the amending Act had come into force and that the effect of the amending Act was no more than this that it imposed a new and additional limitation on the right of the landlord to obtain possession from his tenant. It was observed in that judgment that "a notice under Section 34(1) is merely a declaration to the tenant of the intention of the landlord to terminate the tenancy; but it is always open to the landlord not to carry out his intention. Therefore, for the application of the restriction under sub-section 2(a) on the right of the landlord to terminate the tenancy, the crucial date is not the date of notice but the date on which the right to terminate matures; that is the date on which the tenancy stands terminated'.

16. Similar is the case on facts here. A vested right would arise only if any of the appellants before us had actually been appointed to the post of Lecturer/ Assistant Professors. Till that date, there is no vested right in any of the appellants. At the highest, the appellants could only contend that they have a right to be considered for the post of Lecturer/Assistant Professor. This right is always subject to minimum eligibility conditions, and till such time as the appellants are appointed, different conditions may be laid down at different times. Merely because an additional eligibility condition in the form of a NET test is laid down, it does not mean that any vested right of the appellants is affected, nor does it mean that the regulation laying down such minimum eligibility condition would be retrospective in operation. Such condition would only be prospective as it would apply only at the stage of appointment. It is clear, therefore, that the contentions of the private appellants before us must fail.

17. One of the learned counsel for the petitioners argued, based on the language of the direction of the Central

Government dated 12th November, 2008 that all that the Government wanted the UGC to do was to "generally" prescribe NET as a qualification. But this did not mean that UGC had to prescribe this qualification without providing for any exemption. We are unable to accede to this argument for the simple reason that the word 'generally' precedes the word 'compulsory' and it is clear that the language of the direction has been followed both in letter and in spirit by the UGC regulations of 2009 and 2010.

18. The arguments based on Article 14 equally have to be rejected. It is clear that the object of the directions of the Central Government read with the UGC regulations of 2009/2010 are to maintain excellence in standards of higher education. Keeping this object in mind, a minimum eligibility condition of passing the national eligibility test is laid down. True, there may have been exemptions laid down by the UGC in the past, but the Central Government now as a matter of policy feels that any exemption would compromise the excellence of teaching standards in Universities/Colleges/Institutions governed by the UGC. Obviously, there is nothing arbitrary or discriminatory in this – in fact it is a core function of the UGC to see that such standards do not get diluted."

10. The Notification dated 01.01.2011 as relied upon by the petitioner in support of his case for being provincialised as an Assistant Professor along with the UGC scale was considered by this Court in the case of ***Biswajit Deka -Vs- State of Assam & Ors.*** [WP(C) No.4348/2011] vide order dated 02.08.2013, wherein under similar circumstances, this Court by holding that the UGC Regulations being statutory in nature, the eligibility criteria as mandated therein could be replaced and or substituted only by another such provision having statutory backing. The Government notification dated 01.01.2011, not being backed by a statutory enactment; it would be the Regulations of the UGC that would hold the field. The relevant conclusions as reached by this Court in the above case are extracted herein below: -

"14. As already noted above, advertisement was issued on 04-06-2011, interview was held on 29-06-2011, resolution of the Governing Body is dated 11-07-2011, provisional approval

of the Director of Higher Education dated 02-08-2011 and appointment order issued by the college authority is dated 03-08-2011. This was followed by the regular approval of the Director of Higher Education dated 25-08-2011.

15. *As per UGC (Minimum Qualifications Required For The Appointment And Career Advancement Of Teachers In Universities And Institutions Affiliated to It) (Third Amendment) Regulations, 2009, NET/SLET shall remain the minimum eligibility condition for recruitment and appointment of Lecturers in Universities/Colleges/ Institutions, provided that candidates who have been awarded Ph.D degree in compliance of the UGC (Minimum Standard and Procedure for Award of Ph.D Degree) Regulations, 2009 shall be exempted from the requirement of the minimum eligibility condition of NET/SLET for recruitment and appointment of Assistant Professor or equivalent positions in Universities/Colleges/ Institutions.*

16. *The college authority (respondent Nos.3, 4 and 5) in their affidavit have taken the stand that Government of Assam had issued a notification dated 01-01-2011 based on resolution No. 472 of UGC in its meeting held on 27-09-2010 that all candidates having M.Phil degree on or before 10-07-2009 shall remain exempted from the requirement of NET for the purpose of appointment as Lecturer Assistant Professor. Therefore, they have contended that petitioner was eligible for appointment to the post of Assistant Professor though he has not cleared NET/ SLET as he had completed M.Phil degree in the year 2008.*

17. *The UGC (Minimum Qualifications Required For The Appointment And Career Advancement Of Teachers In Universities And Institutions Affiliated to it) (Third Amendment) Regulations, 2009, is a statutory piece of regulation framed in exercise of power under Clauses (e) and (g) of Sub-section (1) of Section 26 read with Section 14 of the UGC Act, 1956. When a statutory requirement of eligibility is in place, the same can be replaced or substituted only by one having statutory backing. The Government notification dated 01-01-2011, on which much reliance has been placed by the college authorities, is based on a resolution of the UGC. Respondents have not been able to show any statutory enactment incorporating such exemption as per UGC resolution. Therefore, such resolution of UGC has not taken any statutory shape. In the absence of any statutory enactment, Court is of the view that the eligibility condition as per the UGC (Minimum Qualifications Required For The Appointment And Career Advancement of Teachers In Universities And Institutions Affiliated To It) (Third Amendment) Regulations, 2009, would be applicable in the selection in question.*

18. Court is also of the view that the Regulations and eligibility requirement which were prevalent when the consideration took place shall be applicable. On the date of consideration i.e. on the date of interview on 29-06-2011, respondent No.9 did not have NET/SLET, which is the mandatory requirement under the aforesaid Regulations. That being the position, respondent No.9 did not have the eligibility to be appointed to the post of Assistant Professor. Thus, his selection and appointment cannot be sustained. Accordingly, selection and appointment of respondent No.9 as Assistant Professor of English in the ADP College, Nagaon is hereby set aside and quashed.”

11. Applying the decisions of the Hon’ble Supreme Court in the case of **P. Suseela** (supra) and of this Court in the case of **Biswajit Deka** (supra) to the facts involved in the present case, it is seen that the petitioner not having the requisite mandated qualification as prescribed under the Regulations of UGC holding the field at the time of provincialisation of the services, the petitioner cannot be held to have possessed the eligibility for being appointed as an Assistant Professor along with the UGC scale of pay. At this stage, it is also to be noted that the decision of the UGC as adopted in its meeting held on 27.09.2010 and quoted in the Notification dated 01.01.2011 of the Government of Assam, Education (Higher) Department towards granting specific exemption from possessing NET/SLET qualification to candidates having M. Phil qualification was already rejected by the Ministry of Human Resources Development vide its communication dated 03.11.2010 and thereafter the UGC authorities had framed the Regulations of 2010 and therein had mandated that NET/SLET/SET qualification shall remain the minimum eligibility conditions for recruitment and appointment of Assistant Professors in Universities/Colleges/Institutions and exemption was only granted to candidates who are, or, have been awarded Ph.D

Degree in accordance with the UGC (Minimum Standards and Procedure For Award of Ph.D Degree) Regulations, 2009, of the eligibility conditions of NET/SLET/SET for recruitment and appointment of Assistant Professors or equivalent position in Universities/ Colleges/Institutions.

12. Accordingly, the petitioner having been appointed as an Assistant Professor in the Department of Economics by an order dated 28.12.2010 and he having joined therein on 29.12.2010, it has to be held that in view of the fact that the decision to grant exemption to M. Phil Degree holders from exemption of the NET/SLET qualification was rejected by the Ministry of Human Resources vide communication dated 03.11.2010, the petitioner at the time of his initial appointment, did not possess the requisite UGC norms for being appointed as an Assistant Professor in the subject of Economics in the said College. Accordingly, the contention of the petitioner that he was in the University System and was entitled to the relaxation as mandated in the said Notification dated 01.01.2011 does not merit acceptance of this Court. It is also to be noted and as held by this Court in the case of ***Biswajit Deka*** (supra) that the Notification dated 01.01.2011 not being backed by any statutory enactment, it would be the Regulations of the UGC that would hold the field and accordingly, the provisions of the UGC Regulations, 2010 being in force during the period when the petitioner was so appointed in the said College, the petitioner cannot be held to have entered the University System by possessing the requisite qualification as mandated for the post of Assistant Professor.

13. In view of the conclusions as reached hereinabove, the prayer of the petitioner for being provincialised in his services as an Assistant Professor along with the UGC scale of pay does not merit acceptance. The petitioner, in view of the lack of qualification as possessed by him for the post of Assistant Professor having been accommodated as an Tutor Assistant Professor, his case would be covered by the provisions of Section 2(u) of the Act of 2017 read with the provisions of Section 6 thereof. The petitioner would now be eligible for being considered for upgradation to the post of Assistant Professor only in the event he acquires the requisite qualifications for the same in terms of the provisions of Section 7(2) of the Act of 2017.

14. It is provided that the petitioner in the event of acquiring the qualification as mandated under the UGC norms for the post of Assistant Professor in terms of the provisions of Section 7(2) of the Act of 2017, the respondent authorities shall consider his case for such upgradation upon the petitioner acquiring the said qualification and communicating the said fact to the respondent authorities within the time frame as mandated under the provisions of Section 7(2) of the said Act of 2017.

15. With the above observations, the writ petition stands disposed of.

J U D G E

Comparing Assistant