



HIGH COURT OF UTTARAKHAND AT
NAINITAL

HON'BLE THE ACTING CHIEF JUSTICE SRI MANOJ KUMAR TIWARI

AND

HON'BLE SRI JUSTICE VIVEK BHARTI SHARMA

WRIT PETITION (S/ B) NO. 84 OF 2021
04TH NOVEMBER, 2024

Ravindra Jugran & another Petitioners.
Versus

Union of India & others ...Respondents.

Counsel for the Petitioners	:	Mr. M.C. Pant and Mr. Anurag Tiwary, learned counsels.
Counsel for the Union of India	:	Mr. V.K. Kaparuwan, learned Standing Counsel.
Counsel for the Respondent No.2	:	Ms. Anjali Bhargava, learned counsel.
Counsel for the Respondent Nos.3, 5 & 6	:	Dr. Kartikey Hari Gupta, learned counsel.
Counsel for the Respondent No.4	:	Ms. Irum Zeba, learned counsel through video conferencing.

The Court made the following:

JUDGMENT:(per Hon'ble The Acting Chief Justice Sri Manoj Kumar Tiwari)

In this writ petition, allegedly filed in public interest, petitioners have sought the following reliefs:-

“i. Issue writ rule or direction in the nature of declaration, or quo-warranto against respondent No.4 showing her authority to continue as Vice Chancellor of the HNB Central University, Srinagar and to remove her forthwith from the post of Vice Chancellor and declare her appointment as illegal, arbitrary, unconstitutional and against the statutory provisions as per Central University Act and based on fraud and every action or decision taken by her be declared as avoid, ab initio, illegal and nullity with all consequential effect keeping in view the facts highlighted in the body of petition after



calling the entire record from the respondents along with its effect and operation also.

ii. Issue writ rule or direction in the nature of Certiorarified Mandamus declaring the Screening Committee constituted for the appointment of the Vice Chancellor, HNB University so far as empowering the alleged committee mentioned in Central Universities Act to recommend the name of three persons for the appointment of Vice Chancellor section with along with all consequential acts or orders and proposed actions as ultra- vires, illegal, arbitrary, unreasonable, contrary to the provisions of the UGC and to quash the same, after calling the entire records from the respondents along with its effect and operation also, or to mould the relief appropriately, keeping in view the facts highlighted in the body of the writ petition.

iii. Issue writ rule or direction appropriate in nature against the Ministry of Education and University Grant Commission for its inaction in respect of violation of provisions of Central Universities Act and UGC regulations by the Central Government in the manner of appointment of Vice Chancellor and other authorities of the universities as well as faculty, so the UGC authorities and Ministry of Education authorities cannot escape from their legal obligations, keeping in view the provisions of Central Universities Act and regulations and further to direct the respondent no.3 to bring on record the entire service records of the respondent no.4 to find out the truth and further restrain the private respondent no.4 to exercise financial and administrative powers which is available to the Vice Chancellor.

iv. Issue any other writ rule or direction which this Hon'ble Court may deem fit and proper in circumstances of the case including for setting up enquiry against the erring officer and to take appropriate action against the same."

2. In sum and substance, petitioners have



questioned selection and appointment of respondent no.4 as Vice Chancellor of Hemwati Nandan Bahuguna Garhwal University, Srinagar (*for short "HNB GU"*) on the ground that she had not even applied pursuant to the advertisement dated 30.01.2018, issued by Department of Higher Education, Ministry of Human Resource Development, Government of India, yet she was appointed as Vice Chancellor for a term of five years w.e.f. 31.10.2019.

3. It is not in dispute that term of respondent no.4 as Vice Chancellor of HNB GU came to an end on 31.10.2024.

4. Respondent No.1- Union of India has placed reliance upon provision contained in Clause 7.3 (ii) of the UGC Regulations on 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, 2018, which reads as under:-

"7.3(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 the State, Private and Deemed to be Universities.”

5. On the last date of listing, Mr. V.K. Kaparuwan, learned Standing Counsel for Union of India (Respondent No.1), had produced in Court written instructions received by him from the Ministry of Education, Department of Higher Education, Government of India, which were taken on record.

6. Learned counsel appearing for respondent no.1 submits that more than 100 applications were received in response to the advertisement dated 30.01.2018, 15 candidates were short-listed and called for interaction, out of which, 14 appeared before the Search-cum-Selection Committee on 21.07.2018; the Search-cum-Selection Committee recommended a panel of following three names in alphabetical order, for consideration by the Visitor for appointment as Vice Chancellor of the University:-



*“(1) Prof. Avinash Khare
(2) Prof. Kshiti Bhusan Das
(3) Prof. Madhusudan Hiramam Fulekar”*

7. Mr. Kaparuwan, appearing for respondent no.1 further submits that since the candidate placed at Sl. No.1 in the panel, namely, Prof. Avinash Khare, was appointed as Vice Chancellor in another Central University, namely, Sikkim University in the meantime, therefore, *vide* letter dated 20.03.2019, office of the Visitor requested the Search-cum-Selection Committee to recommend fresh panel of names for appointment as Vice Chancellor. The Search-cum-Selection Committee again met on 25.03.2019, and a resolution was passed that the Committee may explore the option of selection through nomination with the caveat that guidance may be sought from the concerned Ministry.

8. Learned counsel appearing for respondent no.1- Union of India, has drawn our attention to letter dated 09.05.2019, issued by Ministry of Human Resource Development, Department of Higher Education, placed on record by him along with written instructions. The contents of said letter issued by Deputy Secretary (CU), is extracted below:-

“Please refer to the minutes of the meeting dated 04.05.2019 of the Committee constituted for recommending a panel of names for appointment of



Vice-Chancellor in HNB Garhwal University, Srinagar, Uttarakhand seeking guidance of the Ministry on the issue of exploring the option of nomination in connection with identification of a panel of names.

2. The Committee may be aware that the CU Act, 2009 does not give any description about the procedure to be adopted by the Committee. However, the Clause 7.3. ii of the UGC Regulations, 2018 (copy enclosed) provides that the selection for the post of Vice-Chancellor should be through proper identification of 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.

3. It is evident from the aforementioned UGC Regulations that nomination is one of the methods for identification of a panel of persons. The Committee is at liberty to adopt any method including nomination that is in conformity with the aforementioned provisions of the UGC Regulations, for proper identification of a panel of prospective candidates.”

9. In terms of letter dated 09.05.2019, issued by Ministry of Human Resource Development, Department of Higher Education, the Search-cum-Selection Committee met on 28.05.2019, and it decided that nomination method shall be adopted for selecting suitable candidates for appointment as Vice Chancellor, and in the same meeting, the Committee decided to interact with three fresh candidates, who had not applied in response to the advertisement dated 30.01.2018.

10. Ultimately, the Search- cum- Selection



Committee prepared a panel of four names, in alphabetical order. Out of those four names, respondent no.4- Prof. Annpurna Nautiyal, was placed at Sl. No.1 in the panel in alphabetical order. The Visitor appointed respondent no.4 as Vice Chancellor *vide* order dated 31.10.2019, which is under challenge in this writ petition.

11. The sole ground on which selection and appointment of respondent no.4 is challenged, is that she was appointed, even though, she did not respond to the advertisement. The stand taken by Union of India is that nomination method incorporated in Clause 7.3 (ii) of the 2018 Regulations permits interaction with candidates who have not responded to the advertisement.

12. It is contended on behalf of the Union of India that nomination method has been engrafted in the relevant provisions of UGC Regulations to ensure that candidate of stature or eminence, who is not interested in applying for the position of Vice Chancellor pursuant to advertisement, may be approached by Search-cum-Selection Committee, so that benefit of his/ her academic excellence/ stature enures to the University and its academic standard. We find



substance in the said submission. Many a times, persons who have attained great heights in academic sphere, may not be interested in applying for the position of Vice Chancellor for the fear of rejection or other reasons. To tap the potential of such distinguished academicians, UGC Regulations permits selection by nomination as well, besides through public notification or talent search process, or a combination thereof. The Search-cum-Selection Committee, in one of its meetings, decided to adopt nomination method, subject to approval by the Department of Higher Education, Ministry of Human Resource Development. Concerned Ministry granted approval *vide* order dated 09.05.2019, and after interacting with three fresh candidates, who had not applied pursuant to the advertisement, respondent no.4 was empanelled by the Search-cum-Selection Committee and the Visitor appointed respondent no.4 as Vice Chancellor.

13. The thrust of argument raised by learned counsel for the petitioners is that respondent no.4 could not have been appointed when she had not responded to the advertisement. However, in view of the expression used in the provision contained in Clause 7.3 (ii) of 2018 Regulations that *“the selection for the post of Vice- Chancellor should be through*

