



2025:UHC:5998-DB

**IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL
THE HON'BLE CHIEF JUSTICE MR. G. NARENDAR**

AND

THE HON'BLE JUSTICE MR. ALOK MAHRA

Writ Petition (S/B) No.284 of 2025

9th July, 2025

Dr. Mukesh Lal Sah

--Petitioner

Versus

Kumaon University Nainital and others --Respondents

Presence:-

Mr. Anil Kumar Joshi, learned counsel for the petitioner.

Mr. S.S. Lingwal, learned counsel for respondent nos.1 to 3.

Mr. Harsh Vardhan Dhanik, learned counsel for respondent no.4.

JUDGMENT: (per Mr. Alok Mahra, J.)

Heard learned counsel for the petitioner and
learned counsel for the respondents.

2. According to the petitioner, he possesses
degree of B. Pharm and M. Pharm from the recognized
university, beside this, petitioner also holds a degree of
Ph.D., which was awarded to him in the year 2014.

3. The petitioner has filed the present writ
petition seeking the following reliefs:-

“i) Issue a writ of certiorari quashing the
impugned advertisement notice
No.KU/GEN/TCH.ESTB/2025/128 dated 6.5.2025



and advertisement notice No.KU/GEN/TCH.ESTB/2025/133 dated 6.5.2025 published by Kumaun University under the signature of Respondent No.2 (contained as Annexure No.3 to the writ petition) as it relates to advertisement of vacancy in Pharmacy Discipline.

ii) Issue a writ of certiorari quashing the impugned order dated 1.7.2025 passed by Registrar, Kumaun University (respondent no.3) (contained as Annexure No.2 to the writ petition).

iii) Issue a writ, order of direction in the nature of mandamus commanding and directing the Kumaun University, Nainital to re-advertise the post of Professor and Associate Professor in Pharmacy Discipline by following the minimum qualification prescribed by Pharmacy Council of India (PCI) by its Regulation Minimum Qualification for Teachers in Pharmacy Institutions Regulation 2014.”

4. Facts of the case, in a nutshell, are that an advertisement came to be issued by the respondent-University for filling up the post of Professor and Associate Professor in different departments of the University vide notification dated 06.05.2025. The qualifications prescribed for the post of Professor are as under:-

“A. An eminent scholar having a Ph.D. degree in the concerned/allied/relevant discipline, and published work of high quality, actively engaged in research with evidence of published work with, a minimum of 10 research publications in the peer-reviewed or UGC-care listed journals and a total research score of 120 as per the criteria given in Appendix II, Table 2.



ii) A minimum of 10 years of teaching experience in university/college as Assistant Professor/Associate Professor/Professor and/or research experience at equivalent level at the University/National Level Institutions with evidence of having successfully guided doctoral candidate.

OR

B. An outstanding professional having a Ph.D. degree in the relevant/ allied/ applied disciplines, from any academic institutions (not included in A above) / industry, who has made significant contribution to the knowledge in the concerned/ allied relevant discipline, supported by documentary evidence provided he/she has ten years' experience."

5. Whereas, the qualifications for the post of Associate Professor are as under:-

"i) A good academic record with Ph. D. degree in the concerned /allied / relevant disciplines.

ii) A Master's degree with at least 55% marks (for an equivalent grade in a point-scale wherever the grading system is followed)

iii) A minimum of eight years of 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 care listed journals and a total research score of seventy-five (75) as per the criteria given in appendix II, Table 2."

6. Learned counsel for the petitioner submits that qualifications mentioned for the post of Professor and



Associate Professor in Pharmacy Department are not as per minimum qualification, which are prescribed by Pharmacy Council of India (hereinafter referred to as the "PCI") vide regulation known as 'Minimum Qualification for Teachers in Pharmacy Institutions Regulation, 2014'.

7. Learned counsel for the petitioner would further submit that, as per the UGC Regulations 2018, no qualification is prescribed for the post of Professor and Associate Professor for Pharmacy Discipline, therefore, the minimum qualification prescribed by the Pharmacy Council Regulation, 2014, would be applicable. In order to buttress his contention, learned counsel for the petitioner placed reliance upon the judgment rendered by the Hon'ble Apex Court in the case of *'The Pharmacy Council of India Vs. Dr. S.K. Toshniwal Educational Trusts, Vidarbha Institute of Pharmacy and Ors. Etc,' in Transfer Petitions (Civil) Nos.87-101 of 2014.*

8. Having heard the learned counsel for the parties and after going through the judgment dated 06.06.2025 passed by this Court rendered in WPSB No.202 of 2025, this Court is of the view that the judgment rendered by the Hon'ble Apex Court, which is



being heavily relied by the learned counsel for the petitioner, is of no avail to the petitioner, as the issue involved in the case was regarding the applicability of the Pharmacy Act, 1948 *viz-a-viz* the All India Council of Technical Education Act, 1987 in relation to the subject of Pharmacy, including approval of courses of study, minimum standards of education required for qualification as a Pharmacist, registration as a Pharmacist, regulation of future professional conduct etc. Furthermore, the PCI have themselves vide circular dated 08.08.2022 and 29.05.2024, clearly mentioned that the Central Council of the PCI, in its meeting held on 29.07.2022, have decided the issue no. '(a)', which reads as under:-

“a) decided that UGC's following Regulation and subsequent amendments from time to time shall be followed by pharmacy institutions with regard to designation, appointment, promotion etc. of faculty-

UGC (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, 2010 and various amendments there to from time to time.”



12. Accordingly, the writ petition stands dismissed.
There shall be no order as to costs.

(G. NARENDAR, C. J.)

(ALOK MAHRA, J.)

BALWANT SINGH