

**HIGH COURT OF TRIPURA
AGARTALA**

W.A. No.44 of 2024

Dr. Pradip Dey, S/O. Late Dinesh Dey, R/O. Gandhigram, School Tilla, P.O.-
Gandhigram, P.S.-Airport, District-West Tripura, PIN-799012.

.....Appellant(s)

V E R S U S

1. The State of Tripura, Represented by its Principal Secretary to the Higher Education Department, Govt. of Tripura, P.O.-Secretariat, P.S.-New Capital Complex, District-West Tripura, PIN-799010.
2. The Director, Higher Education Department, Govt. of Tripura, P.O.-Agartala, P.S.-West Agartala, District-West Tripura, PIN-799001.
3. The Tripura Public Service Commission, Represented by its Secretary, Akhaura Road, P.O.-Agartala, P.S.-West Agartala, District-West Tripura, PIN-799001.
4. The Secretary, Tripura Public Service Commission, Akhaura Road, P.O.-Agartala, P.S.-West Agartala, District-West Tripura, PIN-799001.
5. Sri Debabrata Bhattacharjee, S/O. Shri Sambhunath Bhattacharjee, West Joynagar, Road No.6, Netaji Lane, P.O.-Agartala, P.S.-West Agartala, PIN-799001, District-West Tripura.
6. University Grants Commission, Represented by its Chairperson, having office at Bahadur Shah Zafar Marg, New Delhi, PIN-110002, India.

.....Respondent(s)

7. Smt. Mahua Choudhury, D/O. Sri Sunil Ranjan Chaudhury, Notice to be served through the Principal, Micheal Madhusudhan Datta College, Sabroom, P.O.-Sabroom, District-South Tripura, PIN-799145

.....Proforma Respondent(s)

alongwith

W.A. No.45 of 2024

Dr. Pradip Dey, S/O. Late Dinesh Dey, R/O. Gandhigram, School Tilla, P.O.-
Gandhigram, P.S.-Airport, District-West Tripura, PIN-799012.

.....Appellant(s)

V E R S U S

1. The State of Tripura, Represented by its Principal Secretary to the Higher Education Department, Govt. of Tripura, P.O.-Secretariat, P.S.-New Capital Complex, District-West Tripura, PIN-799010.
2. The Director, Higher Education Department, Govt. of Tripura, P.O.-Agartala, P.S.-West Agartala, District-West Tripura, PIN-799001.
3. The Tripura Public Service Commission, Represented by its Secretary, Akhaura Road, P.O.-Agartala, P.S.-West Agartala, District-West Tripura, PIN-799001.

4. The Secretary, Tripura Public Service Commission, Akhaura Road, P.O.-Agartala, P.S.-West Agartala, District-West Tripura, PIN-799001.

5. Sri Kamal Deb, S/O. Late Mano Ranjan Deb, resident of 79 Tilla, Ramkrishna Palli, P.O.-Kunjaban, P.S.-New Capital Complex, District-West Tripura, PIN-799006.

6. University Grants Commission, Represented by its Chairperson, having office at Bahadur Shah Zafar Marg, New Delhi, PIN-110002, India.

.....**Respondent(s)**

7. Smt. Mahua Choudhury, D/O. Sri Sunil Ranjan Chaudhury, Notice to be served through the Principal, Micheal Madhusudhan Datta College, Sabroom, P.O.-Sabroom, District-South Tripura, PIN-799145

.....**Proforma Respondent(s)**

For Appellant(s) :	Mr. Arijit Bhaumik, Advocate, Ms. Ishpa Chakma, Advocate.
For Respondent(s) :	Mr. Sankar Kr. Deb, Sr. Advocate, Mr. Mangal Debbarma, Addl. G.A., Mr. Suman Bhattacharjee, Advocate, Mr. Kundan Pandey, Advocate, Ms. Adwitiya Chakraborty, Advocate.

HON'BLE THE CHIEF JUSTICE MR. M.S. RAMACHANDRA RAO
HON'BLE MR. JUSTICE BISWAJIT PALIT

Date of hearing : **07.01.2026.**

Date of pronouncement : **29.01.2026.**

Whether fit for reporting : **YES.**

JUDGMENT & ORDER

(M.S. Ramachandra Rao, C.J.)

1) Since both these Writ Appeals arise out of the same judgment of the learned Single Judge, they are being disposed of by this common judgment.

2) The respondents No.5 in both the Writ Appeals had filed WP(C) No.885/2022 and WP(C) No.886/2022 respectively challenging the appointment of the appellant on 1.2.2022 to the post of Assistant Professor (Education Subject) by the Director, Higher Education Department, Govt. of Tripura (respondent no.2) pursuant to advertisement No.01/2021

dt.08.02.2021 and the addendum dt.30.04.2021 issued by the Tripura Public Service Commission (respondent No.3 in both the Writ Appeals) (for short 'TPSC').

3) The appellant was arrayed as respondent no.5 in the respective Writ Petitions.

The case of the respondent No.5 in the Writ Appeals:

4) In the advertisement dt.8.2.2021 issued by the TPSC, the essential qualifications prescribed for filling the post of Assistant Professor in various disciplines including the subject 'Education' mentioned therein was as under:

"EDUCATIONAL & OTHER QUALIFICATIONS:

(1) ESSENTIAL QUALIFICATIONS:

(i) *A Master's Degree with at least 55% of the marks (or equivalent grade in a point-scale wherever the grading system is followed) in a concerned / relevant/ allied subject from an Indian University, or an equivalent degree from an accredited foreign University.*

(ii) *Besides fulfilling the above qualifications, the candidates should have cleared the National Eligibility Test (NET) conducted by UGC or the CSIR-or a similar test accredited by the UGC like SLET/ SET or who are or have been awarded a Ph. D degree in accordance with the University Grants Commission (Minimum Standards and Procedure for Award of M. Phil/ Ph. D Degree) Regulations, 2009 or 2016 and their amendments from time to time as the case may be exempted from NET/SLET/SET.*

Provided the candidates registered for the Ph. D programme prior to July 11, 2009 shall be governed by the provisions of the then existing Ordinances/ By Laws/ Regulations of the Institution awarding the degree and such Ph. D candidates shall be exempted from the requirement of NET/SLET/SET for

recruitment and appointment of Assistant Professor or equivalent positions in Universities/Colleges/Institutions subject to the fulfillment of the following conditions:-

- a) The Ph. D degree of the candidate has been awarded in a regular mode;*
- b) Ph. D thesis has been evaluated by at least two external examiners;*
- c) An open Ph. D viva voce of the candidate has been conducted;*
- d) The candidate has published two research papers from his/her Ph. D work, out of which at least one in a referred journal;*
The candidate has presented at least two papers based on his/her Ph. D work in conferences, seminars sponsored/funded/ supported by the UGC/ICSSR/CSIR or any similar agency. The fulfillment of these conditions is to be certified by the Registrar or Dean (Academic Affairs) of the University concerned.

OR

The Ph. D degree obtained from a foreign university/ institution with a ranking among top in the World University Ranking (at any time) by any one of the following Quacquarelli Symonds (QS) (ii) The times Higher Education (THE) or (iii) the Academic Ranking of World Universities (ARWU) of the Shanghai Jiao Tong University (Shanghai)

Note:-NET/SLET/SET shall not be required for such Masters Degree Programmes in disciplines for which NET/SLET/SET is not conducted by the UGC, CSIR or similar test accredited by the UGC like NET/SET. (e.g. Kokborok and Engineering discipline).”

The above qualification was laid down in accordance with the UGC Regulations, 2018 for direct recruitment to the post of Assistant professor in Govt. Degree Colleges in education subject.

5) It is undisputed that the TPSC adopted Academic Performance Index (for short 'API') method to shortlist the candidates. Annexure-B to the advertisement indicated how the same was to be calculated/computed by awarding marks for various parameters specified therein. In that Annexure-B it was indicated that if a candidate has a Ph.D Qualification, 25 marks were to be awarded.

6) On 30.04.2021, there was an *addendum* issued by the TPSC which stated that for the post of Assistant Professor in Education in degree colleges, the candidates should possess NET/SLET/Ph.D in Education *besides* M.A. Education or M.Ed.

7) The appellant possesses educational qualification in MA in Political Science, *M.Ed*, M.Phil in Political Science, Ph.D in Political Science, SET in Political Science, SET in Education subject.

8) Thus vide the *addendum* dt.30.4.2021, the requirement of possessing Ph.D in Education subject for the purpose of appointment to the post of Assistant Professor in Education was introduced *in addition* to M.Ed qualification, which the appellant possessed.

9) So as per the addendum dt. 30.04.2021 the appellant is eligible for consideration for the post of Assistant Professor in Education though he did not have Ph.D in Education and possessed only Ph.D in Political Science. The counsel for the respondents No.5 also does not dispute this.

10) Admittedly, the TPSC, after constituting a scrutiny committee for API calculation, and on the basis of scrutiny committee's recommendation, published the API scores of candidates. In that list, the appellant as well as the respondents No.5 secured API score of 82/100.

11) Thereafter 7 days time was given to file representations to all shortlisted candidates including the respondents No.5.

12) Though 23 representations were received and were considered, the respective respondents No.5 gave no such representation challenging the API score given to appellant in those 7 days.

13) The final API Score was published on 23.9.2021 and the TPSC published the result on 1.12.2021. Thereafter an interview was held by TPSC on 08.11.2021 and the appellant was recommended for appointment for the said post on 3.12.2021. The State appointed appellant as Asst. Professor in Education subject on 1.2.2022.

14) The contention of the counsel for the respondents No.5 is that in Annexure-B to the advertisement issued on 08.02.2021, 25 marks in the API were earmarked for possessing Ph.D qualification and since the appellant did not possess Ph.D in Education subject, the appellant was wrongly awarded 25 marks by the TPSC in the API.

15) The TPSC refuted the said contention by saying that in clause 4.1. of UGC regulations, 2018 applicable, it is nowhere mentioned that for appointment to the post of Asst. Professor, Ph.D in concerned/relevant /allied subject is required, and that it only mentions Ph.D. But possession of Masters Degree in the concerned subject is essential and the appellant fulfils the same. It contends that the respondents No.5 did not raise during the entire selection process objection regarding the qualification of the appellant, that they participated consciously in the selection process, and when not selected after interview, they filed Writ petitions, which are therefore not maintainable. It is stated that in the interview the respective respondents No.5 got less marks

than appellant and so he was recommended for the post of Asst. Professor in Education department.

16) The State Government stated that they appointed the appellant as Asst. Professor (Education) on recommendation by the TPSC and the latter is an expert body and the State has no role in it.

The judgment of the learned Single Judge and our findings thereon:

17) In *Anand Yadav and others v. State of Uttar Pradesh and others*¹, the Supreme Court has held that M.Ed is equivalent to M.A. (Education) and that M.Ed is a Post graduate degree in Education subject and for the post of Asst. Professor (Education), persons holding both M.A. (Education) and M.Ed are eligible. It declared:

“30. The stand put forth before us by the UGC Respondent 4 is unequivocal in its terms that M.Ed degree is indeed a Master’s degree in Education in terms of the notification issued by it under the UGC Act in terms of Section 22. In that sense, the matter is put to rest in terms of recognition of M.Ed as a postgraduate degree by the competent authority.

31. The question of equivalence, as submitted by Respondent 4 UGC was to be left to NCTE. It is in view thereof that NCTE was added as a party (Respondent 5) and has, once again, put forth its position quite unequivocally. NCTE has drawn a distinction between the two degrees to the extent that while MA (Education) is a degree in the discipline of Education, the MEd degree is a practitioner’s degree. Reference has also been made to a committee constituted in pursuance of the impugned judgment², which is an expert committee. ... It is in these circumstances a conclusion was reached that, from the point of view of duration

¹ (2021) 12 SCC 390

and curricular inputs, M.Ed qualifies itself as a Master's programme in Education and is even recognised by the UGC and NCTE as such. There is also a categorical statement in the last paragraph of the counter-affidavit of NCTE to the effect that the M.Ed is a Master's degree recognised by apex bodies like the UGC and NCTE for appointment as Assistant Professor in Education and they are also eligible for the NET/SLET/JRF.

33. there is no doubt about the M.Ed degree being a postgraduate degree, in view of not only what the UGC stated before us, but having promulgated the relevant Regulations as far back as 2010 as amended from time to time. The issue of equivalence has been rightly considered by NCTE and while recognising some distinct aspects of the two degrees, **it has clearly stated that for the job of Assistant Professors (Education), both are eligible.**

34. We may notice that it is not as if a person with an M.Ed degree is eligible for all the posts which were advertised for Science, Arts and others. Their eligibility has been found only for the post of Assistant Professor (Education), which is directly relatable to the subject to be taught. ... and once the expert body being NCTE, inter alia, has taken that aspect into consideration apart from other factors to opine equivalence for the purpose of appointment to the post of Assistant Professor in Education, it would not be appropriate to take a contra view.

35. We say so in view of the fact that matters of education must be left to educationists, of course subject to being governed by the relevant statutes and regulations. It is not the function of this Court to sit as an expert body over the decision of the experts, especially when the experts are all eminent people as apparent from the names as set out. This aspect has received judicial imprimatur even earlier and it is not that we are saying something new. We may refer to the pronouncement in Zahoor Ahmad Rather in this behalf which has dealt with the dual aspects : (a) it

is for the employer to consider what functionality of qualification and content of course of studies would lead to the acquisition of an eligible qualification; and (b) such matters must be left to educationists.

37. There are even some other judgments of the High Courts, which in turn were then sought to be relied upon to canvas a proposition that there is a widespread acceptance of MEd not being equivalent to MA (Education). That they are two different degrees is obvious; this is even recognised by NCTE while emphasising the subtle distinction between the two degrees as one being a Master's degree but not a professional degree, while the other being a professional degree. If the two degrees are identical, there is no question of equivalence. The issue of equivalence only arises when there are two different degrees and what is to be decided whether for certain purposes they can be treated as equivalent. This is exactly what has happened as a result of the respective expert committees set up by Respondents 2 & 5. The employer i.e. Respondent 2, had accepted the recommendation of the expert committee. The UGC has also taken a stand that insofar as the two degrees are concerned, both are postgraduate degrees, and the equivalence authority being Respondent 5 has also opined on the basis of an expert committee, that the two can be treated as equivalent for the post of Assistant Professor in Education. Thus, it is neither for the contesting party i.e. Respondent 3, nor for this Court to sit as a court of appeal over the decision of the experts. We may also note that Respondent 3 has in fact been selected in the 2014 selection process as per the final list released on 22-5-2018."

(emphasis supplied)

18) In the impugned judgment, learned Single Judge held that M.Ed cannot be substituted for M.A. (Education) by the official respondents. This view is contrary to the above decision of the Supreme Court that for post of

Asst. Professor (Education) M.Ed qualified candidates are also eligible for consideration for the said post and that both UGC and NCTE are agreed on this. When the Supreme Court has already taken a view on this, the Single Judge has to follow the same in view of Art.141 of the Constitution of India and cannot decide contrary to the said decision of the Supreme Court.

19) In the judgment in *Bhanu Prasad Panda (dr.) v. Sambalpur University*² cited by counsel for respondents it was no doubt held that mere possession of Masters Degree in Public Administration with requisite percentage is not sufficient to appoint the candidate in post of lecturer in Political Science, though Political Science subject is also taught in a Masters program of Public Administration. Unlike in that case, in the instant case, M.Ed is specifically mentioned as a qualification for the post of Asst. Professor in Education in the addendum dt.30.4.2021 and appellant is eligible according to it. He is not pleading any equivalence between M.A. (Education) and M.Ed, which he possesses. The said judgment is thus distinguishable.

20) In *Ganapath Singh Gangaram Singh Rajput v. Gulbarga University*³, in the advertisement, applications were invited for filling up various posts in different subjects including the post of Lecturer in MCA. The advertisement requires postgraduate degree in the “relevant subject”. The relevant subject, in the context of appointment to the post of Lecturer in MCA was held by the Supreme court to mean Postgraduate degree in MCA and not Masters degree in Mathematics. Unlike in that case, in the instant case, M.Ed is specifically mentioned as a qualification for the post of Asst. Professor in

² (2001) 8 SCC 532

³ (2014) 3 SCC 767

Education in the addendum dt.30.4.2021. The said judgment is also thus distinguishable.

21) The judgment in *Chandra Shekhar Singh v. State of Jharkhand*⁴ cited by counsel for the respondents is also inapplicable inasmuch as that in that case, the question considered there was whether a candidate possessing a higher degree of qualification can be rejected because a lower degree of qualification is required for a particular post. The question in the instant appeals is entirely different.

22) More so, when there is no challenge in the Writ Petition filed by respective respondents No.5 to the prescription of M.Ed qualification for appointment to the post of Asst. Professor by way of *addendum dt.30.4.2021*.

23) It is also, in our view, not necessary for the appellant to possess Ph.D in Education subject for the reason that the appellant possesses the M.Ed degree, which is one of the *alternative* qualifications prescribed for appointment to the post of Assistant Professor in Education. In our opinion, it is not necessary that a person must possess both M.Ed and Ph.D in Education to become eligible for the post of Assistant Professor in Education and it was sufficient that he possessed either of the two qualifications.

24) So the learned Single Judge clearly erred in holding that the appellant was not possessing the requisite academic qualification because he possessed a Ph.D in the subject of Political Science and not in the subject of Education.

25) Next, the method of calculation of the API for shortlisting of the candidates is mentioned in Annexure-B to the advertisement dt.08.02.2021

⁴ 2025 Live Law SC 336

and it merely mentions “Ph.D”. It does not mention “Ph.D in Education subject”.

26) When the addendum was issued on 30.04.2021, there was no amendment made to Annexure-B and the word “Ph.D” in Annexure-B was **not** changed to “Ph.D in Education”.

27) If the respondents had intended that “Ph.D” also should be in the same subject of Education for the purpose of shortlisting of candidates for post of Asst. Professor (Education) on the basis of API, they would have undoubtedly amended the Annexure-B as well by proposing marks for Ph.D (Education) instead of retaining the qualification in the Annexure B as Ph.D., but they did not choose to do so.

28) Therefore, no fault can be attributed to the TPSC for awarding 25 marks for the Ph.D qualification possessed by the appellant in the API score to the appellant though his Ph.D is not in the subject of Education.

29) When admittedly the appellant as well as the respective respondents No.5 were found qualified for interview on the basis of their API score, and in the interview, the appellant was selected, and not the respective respondents No.5, it is not permissible for them to question the appointment of the appellant on untenable grounds, particularly, when they had not chosen to complain against the grant of the API Score to the appellant.

30) So we hold that the learned Single Judge erred in holding that the appellant was not validly selected for the post of Assistant Professor (Education) and in setting aside his selection to the said post.

31) Accordingly, the appeals are allowed; the common judgment dt.20.2.2024 of the learned Single Judge in WP(C) No.885/2022 and WP(C)

No.886/2022 is set aside; the appointment of the appellant dt.01.02.2022 to the post of Assistant Professor (Education) is held to be valid; and the appellant shall be restored to the post of Assistant Professor (Education) which he was holding pursuant to the appointment order issued on 01.02.2022 with continuity of service and all attendant benefits within 6 weeks from today. The other directions issued by the learned Single Judge are also set aside except the direction which sustained the appointment of the respondent No.6 in the Writ petitions.

32) The Writ Appeals are accordingly disposed of.

Pending application(s), if any, also stand disposed of.

(BISWAJIT PALIT), J

(M.S. RAMACHANDRA RAO), CJ