



HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition Service Bench No. 163 of 2021

13 August, 2026

Archana Tripathi

--Petitioner

Versus

Gurukul Kangri Vishva Vidhyalay Haridwar & others

--Respondents

Presence:-

Mr. Shiv Pandey, learned counsel for the petitioner.

Mr. Ajay Veer Pundir, learned counsel for respondent nos.1 & 2.

Ms. Anjali Bhargava, learned counsel for respondent no.3-UGC.

Mr. Vinay Kumar, learned counsel for respondent no.4.

Coram :Hon'ble Manoj Kumar Tiwari, J.

Hon'ble Pankaj Purohit, J.

Hon'ble Manoj Kumar Tiwari, J. (Oral)

Petitioner has moved an application seeking amendment (IA No.8/2026) in the writ petition.

2. Learned counsel for respondents, however, opposed the prayer for amendment by contending that the writ petition has been pending for last more than five years and petitioner is seeking adjournments, and when the matter was being heard, amendment is sought to avoid final hearing of the case. Learned counsel for respondents, points out that, through amendment, unfounded allegation is sought to be added in the writ petition that respondent no.4 is related to one member of the Selection Committee, however, the kind of relation respondent no.4 was having with that member is not indicated, and what is alleged is that he is a 'Direct' Uncle of respondent no.4.

3. Allegation sought to be added by amending the writ petition is absolutely vague. Petitioner herself is not clear



about the relation, if any, between respondent no.4 and one member of Selection Committee, even though selection was made more than 6 years ago. We find substance in the contention raised by respondents that petitioner is avoiding final hearing in the matter. We accordingly reject the application seeking leave to amend the writ petition.

4. By means of this writ petition, petitioner has sought the following reliefs:

“(i) Issue a writ, order in the name of certiorari quashing the appointment of Respondent No.4 made vide letter/order dated 20.03.2021 (marked as annexure no.9) issued by Respondent No.1 University whereby Respondent No.4 has illegally been appointed to the post of Assistant Professor, Sanskrit in Respondent No.1 University and may further be pleased to direct the Respondent No.1 University not to permit Respondent no.4 to discharge her duties on the post of Assistant Professor, Sanskrit since, Respondent No.4 does not fulfill the minimum basic qualification and also does not fulfill the other eligibility criteria required for the said post.

(ii) Issue a writ, order in the nature of certiorari quashing the impugned notification dated 11.11.2020 (market as annexure no.4 to the writ petition) issued by Respondent No.1 University, insofar as the respondent no.4 is concerned, whereby Respondent No.4 has illegally been approved for the post of Assistant Professor, Sanskrit, after summoning the records of the entire selection process including videography of the interview process from Respondent No.1 University along-with the academic scores of Respondent No.4 and the petitioner.

(iii) Issue a writ, order in the nature of certiorari declaring the N.E.T. cleared by Respondent No.4 as void ab-initio after summoning the same from Respondent No.3 (as same has not been provided to the petitioner by respondent no.1 University under R.T.I.) in light of clause 4 of the conditions of eligibility as prescribed by U.G.C. with respect to N.E.T. Examination conducted by it, as Respondent No.4 appeared in subject code 25 (Sanskrit) even though all her degrees were in subject code 73 (Sanskrit Traditional subjects) and hence, her N.E.T. qualification is illegal.

(iv) Issue a writ, order or direction in the nature of mandamus directing the Respondent University to forthwith issue an appointment letter in favour of the petitioner with regard to the post in question i.e. the Assistant Professor, Sanskrit in



respondent no.1 University in view of the fact that the petitioner is the highest in merit pursuant to the advertisement and strictly as per UGC Regulations, 2018 in this regard.”

5. Petitioner applied for the post of Assistant Professor (Sanskrit) pursuant to Advertisement No. GKV/Estt./02/2019 issued by Gurukul Kangri Vishva Vidhyalaya, Haridwar. Since petitioner was unsuccessful and respondent no.4 was selected and recommended for appointment against that post, therefore, petitioner has approached this Court challenging the selection and appointment of respondent no. 4.

6. According to petitioner, she possesses all requisite qualifications needed for appointment as Assistant Professor (Sanskrit) and she is more meritorious compared to respondent no. 4, therefore, respondent no. 4 could not have been selected and appointed for the said post. Petitioner has challenged selection of respondent No. 4 only on the ground that she obtained Master's degree in Sanskrit Vyakran Subject, therefore she could not have participated National Eligibility Test (NET) in Sanskrit (Subject Code 25) and she was eligible to participate in NET only in subject code 73 (Sanskrit Traditional Subject). Pleadings to this effect are made in para 15, 16 and 17.

7. Stand taken by respondent No. 4 is that there is nothing in UGC Regulations providing that candidates, who possess Master's degree in 'Sanskrit Traditional Subject', are not eligible to appear in NET in Sanskrit subject (Subject Code-25). It is contended on behalf of respondent No. 4 that she qualified NET, with subject Code-25 in the examination held by UGC on 30.06.2013



and she is eligible to appear in NET in subject code 25, as well as subject code 73; UGC Regulations 2018 dealing with minimum qualification for teachers do not provide that NET should be in the same subject, in which appointment is sought, and it only provides that one should have cleared NET.

8. Registrar, Gurukula Kangri Vishwavidyalaya has filed counter affidavit stating that selection was held strictly as per the norms laid down by UGC, in a fair and transparent manner; selection committee found respondent No. 4 more suitable for appointment and made recommendation in her favour on 04.02.2020. It is further stated that respondent No. 4 cleared NET in subject code 25, therefore, she cannot be treated as ineligible for appointment.

9. Learned counsel appearing for respondent No. 4 submits that as per UGC Regulations, 2018, candidate having valid Ph.D. degree, is exempted from requirement of clearing NET. He submits that as per the certificate issued by Rashtriya Sanskrit Sansthan, Ph.D. degree awarded to respondent No. 4 is as per UGC Regulations, 2009 and 2016. He submits that respondent No. 4 possesses Acharya (Sanskrit Vyakaran) degree awarded by Sampurnanand Sanskrit Vishwavidyalaya, Varanasi which is equivalent to M.A., besides M.A. (Sanskrit) degree awarded by Maharshi Dayanand University, Rohtak.

10. Academic qualification and other eligibility conditions for appointment to the position of Assistant Professor are provided by UGC (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) Regulations, 2018. Regulation 4 of the said regulations, which is relevant, is extracted below for ready reference:-

“4.0 Direct Recruitment

4.1 For the Disciplines of Arts, Commerce, Humanities, Education, Law, Social Sciences, Sciences, Languages, Library Science, Physical Education, and Journalism & Mass Communication.

I. Assistant Professor:

Eligibility (A or B) :

A.

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

ii) Besides fulfilling the above qualifications, the candidate must have cleared the National Eligibility Test (NET) conducted by the 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/Bye-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) The 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 is in a refereed journal;*
- e) 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.”*



11. Perusal of clause (ii) of Regulation 4.1(I)(A) of UGC Regulations, 2018 reveals that anyone with Master's degree with 55% marks in concerned/relevant/allied subject is eligible for appointment as Assistant Professor, provided he has cleared NET conducted by UGC/CSIR. However, candidates who were awarded Ph.D. degree as per UGC Regulations, 2009 or 2016 are exempted by clause (ii) of Regulation 4.1 (I)(A) UGC Regulations, 2018 from the requirement of clearing NET.

12. Learned counsel for the petitioner contended that respondent No. 4 was awarded M.A. (Sanskrit) degree only in 2017, while she cleared NET examination in Sanskrit subject (Subject Code-25) in the examination held in 2013, therefore result of NET cleared by respondent No. 4, deserves to be declared void ab initio, as a candidate with Master's degree in Sanskrit alone can appear for NET in Sanskrit subject.

13. Learned counsel for the petitioner, was repeatedly asked to show any statutory provision or instruction issued by UGC which is violated by respondent no. 4 by participating in NET examination with Subject Code-25, but he was not able to show any provision which may support his contention that respondent No. 4 cannot be treated as NET qualified candidate.

14. UGC Regulations 2018 ordain that for appointment as Assistant Professor, one should possess a valid Ph.D degree or should have cleared NET, besides possessing Master's degree with 55% marks in concerned/relevant/allied subject. Respondent No. 4 was possessing Acharya (Sanskrit Vyakaran) degree awarded by Sampurnanand



Sanskrit Vishwavidyalaya, Varanasi, which is equivalent to M.A. and she was also having M.A. (Sanskrit) degree awarded by Maharshi Dayanand University, Rohtak before commencement of selection process. Learned counsel for petitioner contended that Acharya degree possessed by respondent No. 4 was in Sanskrit Vyakaran Subject; therefore, she was not eligible for appointment as Assistant Professor (Sanskrit).

15. The contention raised by learned counsel for petitioner cannot be accepted. As per UGC Regulations, anyone with Master's degree in relevant/allied subject is eligible for appointment provided he has scored required percentage of marks. Respondent No. 4 possesses Master's degree in Sanskrit also, therefore, her eligibility cannot be doubted. Moreover, the Selection Committee, which consists of experts, has to decide whether Acharya degree in Sanskrit Vyakaran, which is equivalent to M.A. qualification, is in concerned/relevant/allied subject. The subject experts, if are satisfied that Acharya degree possessed by respondent No. 4 is in relevant/allied subject, then this Court will not sit in judgment over the decision taken by subject experts.

16. Petitioner has questioned the eligibility of respondent No. 4 for participating in NET in Sanskrit subject (Subject Code-25).

17. As per UGC Regulations, 2018, a candidate, who do not possess Ph.D. degree awarded as per UGC Regulations, 2009 or 2016 is required to clear NET. The subject in which a candidate participates and clears NET is not relevant as the only requirement of clause (ii) of



Regulation 4.1(I)(A) of UGC Regulations, 2018 is that a candidate for appointment as Assistant Professor, should have cleared NET or should be awarded Ph.D degree as per UGC regulations. There is no mention of subject of NET or Ph.D. Degree in the UGC regulations.

18. It is not in dispute that respondent no.4 possess Master's degree in Sanskrit with required percentage of marks and she possess Ph.D. Degree and also qualified NET conducted by UGC. Thus, respondent no.4 was eligible for appointment, even if her NET qualification is ignored.

19. This Court in Writ Petition (S/B) No. 292 of 2024, while dealing with question whether Ph.D. degree has to be in the same subject as per UGC Regulation 2018, held that there is no requirement of having Ph.D. degree in the same subject in the regulations and the only requirement is that such degree should be awarded as per UGC Regulations, 2009 or 2016. Para 12 & 13 of that judgment are extracted below:-

"12. We do not approve of the manner in which petitioner's claim for employment under the State was dealt with by the Commission. A plain reading of relevant clause of the advertisement dealing with academic qualifications indicates that it is necessary for a candidate to possess Master's degree in concerned/relevant/allied subject; however, for Ph.D degree there is no such requirement and the only requirement is that it should be awarded as per UGC Regulations, 2009 or 2016.

13. State Government has adopted UGC Regulations for appointment of teachers in Government Colleges. As per UGC Regulation 2018, anyone with Ph.D degree awarded as per UGC Regulations is eligible if he/she meets the condition of having Master's degree in concerned/relevant/allied subject with 55% marks. The advertisement issued by respondent No.1 and also the UGC Regulation, 2018 are absolutely silent regarding subject of Ph.D degree. When UGC Regulation, 2018 is silent regarding subject of Ph.D degree and so is the advertisement issued by respondent No. 1, then Commission cannot read some additional condition of eligibility in sub-



clause (ii) of Clause 4(1)IA of the advertisement for holding petitioner as ineligible.”

20. In relief clause (iii), petitioner has sought writ of certiorari declaring NET cleared by respondent No. 4 as void ab initio. Respondent No. 4 appeared in NET in June 2013. In the absence of any express bar against respondent No. 4 participating in the NET in Sanskrit (Subject Code-25), the relief as claimed cannot be granted. Nothing was shown to the Court in support of relief claimed in clause (iii) of the petition.

21. Even otherwise also, such challenge cannot be entertained at this belated stage. UGC has filed counter affidavit giving no credence to the allegations made in the writ petition regarding eligibility of respondent 4 to participate in NET with Subject Code-25.

22. As stated earlier, respondent No. 4 possesses all requisite qualifications including Ph.D degree awarded as per UGC Regulations. She was adjudged more deserving for appointment and the assessment made by Selection Committee is beyond the pale of judicial review, therefore, this Court do not find any reason to interfere with the selection and appointment of respondent No. 4. Thus, the writ petition fails and is dismissed.

(Pankaj Purohit, J.) (Manoj Kumar Tiwari, J.)
13.08.2026