



HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition Service Bench No. 292 of 2024

23 July, 2026

Dr. Neelam Arya

--Petitioner

Versus

Uttarakhand Public Service Commission & another

--Respondents

With

Writ Petition Service Bench No.319 of 2024

Dr. Suman Lata Pal

--Petitioner

Versus

Uttarakhand Public Service Commission & another

--Respondents

Presence:-

Mr. Imraj Singh Rautela, learned counsel for the petitioners.

Mr. S.S. Chaudhary, learned Standing Counsel for the State.

Mr. Ashish Joshi, learned counsel for the respondent no.2-
Commission.

Coram : Hon'ble Manoj Kumar Tiwari, J.
Hon'ble Pankaj Purohit, J.

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

Since common questions of law and facts are involved in both these writ petitions, they are being heard together and decided by this common judgment. However, for the sake of brevity, facts of WPSB No.292 of 2024 alone are being considered.

2. Petitioner belongs to Scheduled Caste Category. Her candidature for appointment as Assistant Professor (Chemistry) was rejected by Uttarakhand Public Service Commission (hereinafter referred to as "Commission")



only on the ground that her Ph.D. Degree is in Agricultural Chemicals, while the post for which she applied is Assistant Professor (Chemistry). It is not in dispute that petitioner possesses M.Sc. Degree in Chemistry.

3. The qualifications needed for appointment as Assistant Professor in Government Degree/Post-Graduate Colleges, as mentioned in the advertisement issued by respondent no.1 on 04.12.2021 are almost similar to the one prescribed by UGC Regulations on Minimum Qualifications for Appointment of Teachers and Other Academic Staff in Universities, 2018, notified on 18.07.2018, with the difference that as per UGC Regulations, every candidate has to secure minimum 55% marks in Master's Degree, while advertisement issued by respondent no.1 provides that candidates belonging to SC/ST/OBC/persons with disabilities would be eligible if they have scored 50% or more marks in Master's Degree Programme.

4. Qualifications needed for the post of Assistant Professor, as mentioned in the advertisement, are as follows:-

“4. शैक्षिक एवं अधिमानी अर्हतायें:-

4(1)(1) शैक्षिक अर्हतायें :-

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

Eligibility (A or B):

A. (i) A Master's degree with 55% (50% in case of SC/ST/OBC (non-creamy layer)/Person with Disabilities) marks (or an 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 candidate

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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.”

5. According to petitioner, she applied for the post of Assistant Professor (Chemistry) in response to the advertisement and she was shortlisted for interview by respondent No. 1 by giving due credit to her Ph.D degree.

6. Learned counsel for the petitioner points out that the candidates were shortlisted based on their API (Academic Performance Indicator) score and only shortlisted candidates were called for interview and no written examination was held. Petitioner has challenged order dated 22.05.2024 passed by Secretary, Uttarakhand Public Service Commission whereby she was declared ineligible for interview for the reason that Ph.D degree possessed by her is not in the concerned subject i.e. Chemistry.

7. Learned counsel for the petitioner submits that as per clause 4(1)IA(i) of the advertisement, possessing Master's degree in concerned/relevant/allied subject with minimum 55% marks (50% for weaker sections) is necessary; however, candidates who possess Ph.D degree awarded as per UGC (Minimum Standards and Procedure for Award of M.Phill./Ph.D. Degree) Regulations, 2009 or 2016 are exempted from requirement of clearing National Eligibility Test (NET) and NET qualification would be necessary only for candidates who do not possess Ph.D. degree awarded in terms of UGC Regulations 2009 or 2016.



8. Learned counsel for the petitioner further submits that in sub-clause (ii) of Clause 4(1)IA of the advertisement, there is nothing to indicate that NET or Ph.D degree has to be in the concerned subject, and all that is required is that a candidate should have either cleared NET conducted by UGC/CISR or he should possess Ph.D degree awarded in accordance with UGC Regulations, 2009. He thus submits that when the advertisement recognizes anyone with Ph.D degree as eligible for appointment, then the Commission cannot read some additional qualification in sub-clause (ii) of the advertisement for holding petitioner to be ineligible for appointment. He submits that Ph.D degree in the concerned subject is not required at all as per the advertisement.

9. He further submits that UGC Regulations, 2018 which lay down the minimum qualification needed for appointment as teacher in universities also, while providing that Master's degree has to be in the concerned/relevant/allied subject, has not imposed any condition regarding subject of Ph.D degree. He submits that as per UGC Regulations 2018, Ph.D. degree should be awarded as per UGC Regulation, 2009.

10. It is not in dispute that petitioner was awarded Ph.D. degree as per UGC Regulation, 2009. The certificate issued by G.B. Pant University of Agriculture and Technology, Pant Nagar is enclosed as Annexure-3 to the writ petition, which certifies that petitioner was awarded Ph.D degree as per UGC Regulation, 2009. It is not the case of the Commission that M.Sc degree in



Chemistry possessed by petitioner does not meet the requirement of advertisement. The only ground taken for rejecting her candidature is that her Ph.D degree is not in the concerned subject.

11. The stand taken by learned counsel for the Commission is that Ph.D degree possessed by petitioner was in a different subject, therefore, the question of equivalence of Ph.D in Agricultural Chemicals with Ph.D in Chemistry subject was referred to Director, Higher Education; Director in his letter dated 25.07.2022 opined that curriculum of Agricultural Chemicals and Chemistry subject is different, therefore, petitioner was declared ineligible for the post of Assistant Professor (Chemistry).

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.

14. Since there was no ambiguity in the advertisement regarding academic qualification, as such, the reference made by respondent No. 1 to Director, Higher Education on the question of eligibility of the petitioner was totally uncalled for. Such reference could have been made if there was a doubt regarding Master's degree possessed by petitioner and its equivalence with the qualification needed for appointment to the post of Assistant Professor (Chemistry). Whether Director Higher Education can be treated as expert to answer the query raised by the Commission is a debatable issue which is left open to be decided in an appropriate case.

15. As per settled principles governing public employment, eligibility conditions must be read strictly as advertised, and neither the State nor the selecting body can change conditions of eligibility after initiation of selection process. A fortiori, State or the Commission cannot misinterpret the eligibility conditions as mentioned in the advertisement to deny a fair right of consideration to a qualified candidate. An applicant who meets the notified eligibility criteria, cannot be denied the right to be considered for appointment under the State on the whims of the selecting body.



16. State Public Service Commission is a specialized body entrusted with the task of holding fair selection for State services. It is the responsibility of the Commission to ensure that equality of opportunity is given to candidates and selection for appointment is made purely on merit and no one is denied the right to be considered for appointment if he meets the eligibility conditions.

17. The Commission, therefore, cannot alter core eligibility conditions midway through an active selection process, as it violates the constitutional guarantee of equal opportunity. Fairness in action demands that recruitment terms and essential qualifications must be read by selecting bodies literally, and they cannot be stretched or rewritten to unjustly include or exclude candidates.

18. In the present case, Commission has rewritten the condition of eligibility by reading requirement of 'concerned/relevant/allied subject' even in respect of Ph.D degree, while the advertisement is silent on that aspect. Subject is relevant regarding Master's degree only. This has resulted in denial of valuable right to be considered for public employment to the petitioner.

19. Pursuant to order passed by Co-ordinate Bench on 06.11.2025, issue of equivalence of qualification possessed by petitioner with the qualification needed was referred to Equivalence Committee constituted by State Government. Report of Equivalence Committee is on record as annexure-3 to the supplementary counter affidavit dated 13.03.2026 filed on behalf of the Commission. Equivalence Committee examined the



matter in detail and declared that petitioner meets the conditions of eligibility for appointment as Assistant Professor (Chemistry).

20. We are pained by the manner in which petitioner was denied permission to participate in the selection process by misreading the conditions of eligibility.

21. In view of the above discussion, we hold that rejection of petitioner's candidature for appointment to the position of Assistant Professor (Chemistry) is patently illegal. Both the writ petitions are allowed with cost of Rs. 1 lakh each, payable to the petitioners within four weeks. Respondent No. 1 is directed to undo the injustice caused to petitioners by assessing their suitability for appointment against left over vacancies and to recommend their name to the State Government, if found suitable.

(Pankaj Purohit, J.) (Manoj Kumar Tiwari, J.)
23.07.2026

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