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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-06-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

Writ Petition Nos.9164 & 9246 of 2021

and

W.M.P.Nos.9697, 9700, 9795 & 9797 of 2021

W.P.No.9164 of 2021

S.Manikandan
S/o.M.Arumugam

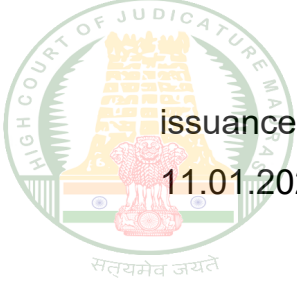
..Petitioner

Vs

1. Union of India
Rep. by its Secretary,
Ministry of Education,
Shastri Bhawan,
New Delhi - 110 001.
2. The University Grants Commission (UGC)
Rep by its Chairman,
Bahadur Shah Zafar Marg,
New Delhi - 110 002.
3. The Principal Secretary to Government,
Higher Education Department,
Secretariat, Chennai - 600 009.

..Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorari calling for the records of the 'UGC Regulations on Minimum Qualifications for Appointment of Teachers and Other Academic Staff in Universities and colleges and Measures for the Maintenance of standards in Higher Education, 2018' issued by the second respondent insofar as it relates to the Table 3A and 3B in Appendix-II and consequent



issuance of G.O.Ms.No.5, Higher Education (H1) Department dated 11.01.2021 by the third respondent and quash the same.

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For Petitioners : Mr.Siddarth Sridhar
for Mr.R.Bharath Kumar

For Respondents : No appearance [R1]
Ms.V.Sudha [R2]
Dr.R.Gouri
Government Counsel [R3]

W.P.No.9246 of 2021

K.Vijayalakshmi
W/o.K.Veeraraghavan

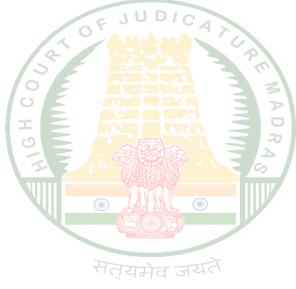
..Petitioner

Vs

1. The Chairman,
University Grants Commission,
Bahadur Shah Zafar Marg,
New Delhi – 110 002.
2. The Secretary to Government,
Higher Education Department,
Government of Tamil Nadu,
Fort St.George, Chennai – 600 009.
3. The Director of Collegiate Education,
Chennai – 600 006.

..Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus calling for records relating to the impugned Notification of the first respondent in Notification No.F.1-2/2017 (EC/PS) dated 18.07.2018 and quash the provision awarding 30 marks for Ph.D. in Table-3B, Appendix-II of the said Notification and direct the first respondent to suitably modify the said provision avoiding excessive weightage to Ph.D.



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For Petitioner : Mr.P.Rajendran
For Respondents : Ms.V.Sudha [R1]
Dr.R.Gouri
Government Counsel [R2 & R3]

COMMON ORDER**(Made by S.M.Subramaniam J.)**

The present writ petitions have been instituted challenging the validity of UGC regulations on minimum qualification of teachers and academic staff in Universities and Colleges and measures for the maintenance of standards in Higher Education, 2018, issued by the University Grants Commission dated 18.07.2018 insofar as it relates to the Table 3A and 3B in Appendix-II and consequent issuance of G.O.Ms.No.5, Higher Education (H1) Department dated 11.01.2021 by the Principal Secretary to Government, Higher Education Department, Secretariat, Chennai - 600 009.

2. Learned counsel for the respective petitioners would contend that the regulation as well as the marks prescribed under Table: 3A and 3B annexed to the regulations would offend the provisions of the UGC Act since 30 marks are contemplated for Ph.D degree and only 5 marks are granted for National Eligibility Test under Table:3A and 25 marks are contemplated for Ph.D degree and only 8 marks are granted for National Eligibility Test under Table:3B.



3. The petitioners stated that they are qualified for appointment to the post of Assistant Professor. The eligibility criteria including requisite educational qualification is contemplated under the UGC regulations on minimum qualification of teachers and academic staff in Universities and Colleges. Accordingly, for the post of Assistant Professor, a candidate must possess Master's degree with 55% mark. Accordingly, the following qualification is prescribed:

“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.

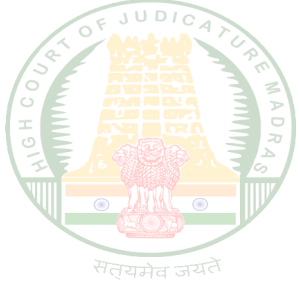
I. Assistant Professor:

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 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



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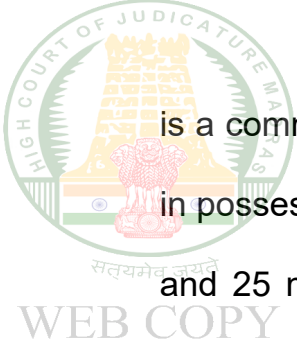
exempted from the requirement of NET/SLET/SET for recruitment and appointment of Assistant Professor or equivalent positions in Universities/Colleges/Institutions subject to the fulfillment of the following conditions:-

- 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.

The fulfilment of these conditions is to be certified by the Registrar or the Dean (Academic Affairs) of the University concerned."

4. The petitioners are fully qualified under the regulations to participate in the process of selection for appointment to the post of Assistant Professor. However, under Table:3A and Table:3B to the regulations, 30 marks and 25 marks are granted for Ph.D. degree holders and only 5 and 8 marks are granted for National Eligibility Test. The difference between these marks would deprive the petitioners from securing appointment to the post of Assistant Professor. Therefore, the petitioners would contend that prescription of 30 and 25 marks for Ph.D. is incorrect.

5. Learned Standing Counsel appearing for UGC would oppose by stating that Table: 3A and 3B provides criteria for shortlisting of candidates for interview for the post of Assistant Professor in Universities/Colleges. Ph.D. degree cannot be equated with National Eligibility Test. National Eligibility Test



is a common qualification prescribed for all the teaching posts and candidates in possession of Ph.D. degree had been provided weightage and therefore, 30 and 25 marks are prescribed. It is the policy decision taken by the UGC in accordance with the UGC Act and the challenge made is devoid of merits.

6. Learned Government Counsel appearing on behalf of the State Higher Education Department, Government of Tamil Nadu, would oppose by stating that UGC has powers under Section 26 of the UGC Act to make regulations. In tune with the provisions of the Act, regulations are notified prescribing the educational qualifications and the marks to be awarded for each qualification possessed by the candidates participating in the process of selection. The authorities of the State Government are bound to follow the regulations issued by the UGC wherever applicable since the first respondent is providing grants to the institutions functioning under the control of the Higher Education Department and Director of Collegiate Education.

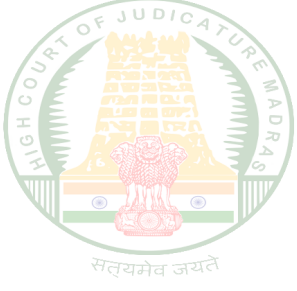
7. This Court has considered the rival submissions made by both sides.

8. The prescription of educational qualification and award of marks are policy decisions and therefore, the scope of interference by the High Court in exercise of powers of judicial review is limited. The policy decision regarding prescription of educational qualification for teaching and academic posts are undertaken by an Expert Body consists of academicians and research



scholars. Therefore, decisions taken by accepting the opinion of the Expert Body by the UGC is binding on all. High Court is not expected to substitute the view of the expert body in the matters relating to academic affairs. Such an exercise of the High Court would fall beyond the realm of powers of judicial review. In the present case, in tune with the provisions of the UGC Act, regulations are notified fixing minimum qualifications for appointment of teachers and academic staff in University and colleges and measures for maintenance of standard in higher education. In order to maintain uniformity and consistency in the appointment of teachers and academic staffs, the regulation contemplates not only the educational qualification but also provides criteria for shortlisting of candidates for interview for the posts of Assistant Professor in Universities/Colleges.

9. Pertinently, Regulation 3.10 of the 2018, Minimum Qualifications for Appointment of Teachers and Other Academic Staff in Universities and Colleges and Measures for the Maintenance of Standards in Higher Education, 2018, mandates that Ph.D. degree shall be a mandatory qualification for direct recruitment to the post of Assistant Professor in Universities with effect from 01.07.2021. This being the policy decision of the University Grants Commission directed to be adopted and followed by all concerned, this Court is of the considered view that the relief as such sought for by the petitioners deserves no merit consideration.



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**S.M.SUBRAMANIAM, J.
AND
N.SENTHILKUMAR, J.**

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Accordingly, these writ petitions are dismissed. No costs. Consequently,
connected miscellaneous petitions are closed.

**(S.M.S.,J.) (N.S.,J.)
05-06-2026**

Index: Yes
Speaking order
Neutral Citation: Yes

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To

1. The Secretary,
Ministry of Education,
Shastri Bhawan,
New Delhi - 110 001.
2. The Chairman,
University Grants Commission (UGC)
Bahadur Shah Zafar Marg,
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