

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

1.

CWP-661-2026

ASHA RANI AND OTHERS

...

Petitioner(s)

Versus

STATE OF HARYANA AND ANOTHER

...

Respondent(s)
2.

CWP-565-2026

VINEET RANGA AND OTHERS

...

Petitioner(s)

Versus

STATE OF HARYANA AND OTHERS

...

Respondent(s)
3.

CWP-494-2026

GAURI YADAV

...

Petitioner(s)

Versus

STATE OF HARYANA AND ANOTHER

...

Respondent(s)
4.

CWP-2042-2026

MONIKA AND OTHERS

...

Petitioner(s)

Versus

STATE OF HARYANA AND OTHERS

...

Respondent(s)
5.

CWP-2457-2026

BIJENDER KUMAR

...

Petitioner(s)

Versus

STATE OF HARYANA AND OTHERS

...

Respondent(s)
6.

CWP-2593-2026

SONALI

...

Petitioner(s)

Versus

STATE OF HARYANA AND OTHERS

...

Respondent(s)



7. CWP-3007-2026

ANITA MALIK

...Petitioner(s)

Versus

STATE OF HARYANA AND OTHERS

...Respondent(s)

8. CWP-3978-2026

NAVITA KANDHAL

...Petitioner(s)

Versus

STATE OF HARYANA AND OTHERS

...Respondent(s)

9. CWP-2394-2026

DILSHAD ALI AND OTHERS

...Petitioner(s)

Versus

STATE OF HARYANA AND OTHERS

...Respondent(s)

10. CWP-5850-2026

PUSHPA SHARMA

...Petitioner(s)

Versus

STATE OF HARYANA AND OTHERS

...Respondent(s)

1.	The date when the judgment is reserved	02.04.2026
2.	The date when the judgment is pronounced	12.05.2026
3.	The date when the judgment is uploaded on the website	12.05.2026
4.	Whether only operative part of the judgment is pronounced or whether the full judgment is pronounced	Full
5.	The delay, if any, of the pronouncement of full judgment, and reasons thereof	Not Applicable

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present:- Mr. D. S. Patwalia, Senior Advocate with
Mr. Gaurav Rana, Advocate, Mr. Sarthak Gupta, Advocate,
Mr. Ashish Verma, Advocate,
Mr. Bhupinder Malik, Advocate, Ms. Anjali Sheoran, Advocate,
Mr. Pardeep Kumar Sharma, Advocate,
Mr. Munish Soni, Advocate, Mr. Rajender, Advocate,
Mr. Ashish Kaushik, Advocate with Mr. Ritish Jindal, Advocate,



Mr. Dalbir Singh, Advocate, Mr. Sandeep Bansal, Advocate,
Mr. Ravinder Singh Dhull, Advocate with
Mr. Navnit Sharma, Advocate
for the petitioner(s).

Ms. Rajni Gupta, Additional Advocate General, Haryana.

Mr. Kanwal Goyal, Advocate with
Ms. Sheena Dahiya, Advocate; and
Ms. Sukriti Gupta, Advocate
for the respondents.

TRIBHUVAN DAHIYA, J.

The aforementioned petitions are based upon similar facts involving common issues; accordingly, the same are being decided together. For brevity, the facts have been noticed from CWP-661-2026, which has been filed, *inter alia*, seeking a writ of *certiorari* quashing the advertisement 42 to 67 of 2024, dated 02.08.2024, Annexure P-4, issued by the second respondent/Haryana Public Service Commission, and memorandum dated 11.11.2022, Annexure P-2, issued by the State Government on the ground of being violative of the University Grants Commission (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, 2018 (for short, ‘the 2018 Regulations’), in the light of law laid down by the Supreme Court in *Mandeep Singh and others v. State of Punjab and others*, 2025 INSC 834.

2. At the outset, learned counsel for the petitioners have restricted the prayer in these petitions to quashing of advertisement 48 of 2024 only, whereby posts of Assistant Professor (English) in the Higher Education Department have been advertised.



Key details

3.1. Facts of the case in brief are, the respondent State Government sent requisition for recruitment against 613 posts of Assistant Professor (College Cadre) English in the Higher Education Department to the Commission. In turn, the advertisement in question was issued by the Commission inviting applications from the eligible, for selection to be carried out as per the procedure and criteria notified. The petitioners have applied for the posts in response thereto. As notified, the selection is to be carried out as per scheme/pattern of examination, requiring the candidates to appear for a Screening Test. Based upon its result, candidates four times the number of advertised posts are to be called for the next stage of selection/Subject Knowledge Test, provided they secure minimum twenty-five per cent marks. On the basis of result of Subject Knowledge Test, candidates twice the number of posts are to be called for interview, provided they secure minimum thirty-five per cent marks. The final merit list is to be prepared by calculating the marks of Subject Knowledge Test and interview/vivo-voce. The scheme/pattern mentioned in the advertisement is as under:

Scheme/Pattern of Exam:-

1. Screening Test (wherever applicable)
 - a) Total number of MCQs:100
 - b) Time duration of the exam: 02 hours
 - c) Total Marks: 100
 - d) All questions carry equal marks.
 - e) to h) xxx xxx xxx
 - i) Candidates four times the numbers of advertised posts, including bracketed candidates if any, will be called for the next stage of selection process, provided that they have secured the minimum marks of 25% in the screening test.



j) In cases, where the total number of applicants is less or nearly four times the number of advertised posts, the Commission reserves its right to call the candidates directly for the subject knowledge test.

k) The marks obtained by the candidates in the screening test will not be counted for final selection because it is only for short listing of candidates, for the subject knowledge test.

2. Subject Knowledge Test

a) Time duration of exam: 03 hours

b) Total marks: 150

c) xxx xxx xxx

d) The numbers of the candidates to be called for interview will be two times, including bracketed candidates if any, of the number of advertised posts provided that they have secured the minimum cut-off marks of 35%.

e) The weightage of the subject knowledge test will be 87.5%.

3. Interview/Viva-Voce

The weightage of the interview will be 12.5%.

The final merit list will be prepared by adding the marks of the subject knowledge test and interview/viva-voce.

3.2. The petitioners appeared for the Screening Test held on 08.06.2025, and were shortlisted for the next stage of selection as per result announced on 13.07.2025. They, however, remained unsuccessful in the Subject Knowledge Test held on 17.08.2025; its result was announced on 02.12.2025. At this stage, they filed the instant petition.

Submissions on behalf of the petitioners, with the relevant extract of 2018

Regulations

4.1. Learned senior counsel for the petitioners, Mr. D. S. Patwalia,

has contended that the entire process of selection is vitiated being violative of



the 2018 Regulations. Regulation 3.12 stipulates that no one shall be appointed to the post of Teacher in a University or College unless such person fulfills the requirements as per the qualifications provided therein. For direct recruitment as Assistant Professor, which is the post in question, Regulation 4.0 lays down the essential qualifications. A Note thereto specifically mentions the criteria for selection, that the candidates are to be shortlisted based upon their academic score as specified in Appendix II (Table 3B), and the selection shall be based only on their performance in the interview. Different scores have been specified therein for graduation, post-graduation, M.Phil., Ph.D., NET, research publications, teaching experience and awards at State, National and International levels, of the candidates. Regulation 5 lays down constitution of selection committees and Regulation 6, the selection procedure.

4.1.1. Regulation 4.0 reads as under:

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 and 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 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 referred 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.

Note: NET/SLET/SET shall also not be required for such Masters Programmes in disciplines for which NET/SLET/SET is not conducted by the UGC, CSIR or similar test accredited by the UGC, like SLET/SET.

Or



B. The Ph.D degree has been obtained from a foreign university/institution with a ranking among top 500 in the World University Ranking (at any time) by any one of the following: (i) 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: The Academic score as specified in Appendix II (Table 3A) for Universities, and Appendix II (Table 3B) for Colleges, shall be considered for short-listing of the candidates for interview only, and the selections shall be based only on the performance in the interview.

Appendix II

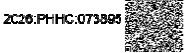
Table 1 and 2 xxx xxx xxx

Table 3A xxx xxx xxx

Table 3B

Criteria for Short-listing of candidates for Interview for the post of Assistant Professors in Colleges

S. N.	Academic Record	Score			
1.	Graduation	80% & Above = 21	60% to less than 80% = 19	55% to less than 60% = 16	45% to less than 55% = 10
2.	Post-Graduation	80% and Above =25	60% to less than 80% =23	55% (50% in case of SC/ST/OBC (non-creamy layer)/PWD) to less than 60% =20	
3.	M.Phil.	60% & above = 07	55% to less than 60% = 05		
4.	Ph.D.	25			
5.	NET with JRF	10			
	NET	08			
	SLET/SET	05			
6.	Research Publications (2 marks for each research publications published in Peer-Revised or UGC-listed Journals)	06			
7.	Teaching/Post Doctoral Experience (2 marks for one year each)	10			
8.	Awards				
	International/National level (Awards given by International Organisations/ Government of India /Government of India	03			



	recognised National Level Bodies)	
	State-Level (Awards given by State Government)	02

4.1.2. Under Regulation 5.0, constitution of selection committees and guidelines of selection have been prescribed, which require that selection committee for the post of Assistant Professor in Colleges, including private and constituent Colleges, shall consist of Chairperson, Principal, Head of the Department/Teacher-incharge, two nominees of the Vice Chancellor, two subject experts and an academician. It reads as under:

**5.0 CONSTITUTION OF SELECTION COMMITTEES
AND GUIDELINES ON SELECTION PROCEDURE:**

5.1 Selection Committee Composition

- I. to IV. xxx xxx xxx
- V. Assistant Professor in Colleges, including Private and Constituent Colleges:

- (a) The Selection Committee for the post of Assistant Professor in Colleges, including Private and constituent Colleges shall consist of the following persons:
 - i) Chairperson of the Governing Body of the college or his/her nominee from amongst the members of the Governing body, who shall be the Chairperson of the Committee.
 - ii) The Principal of the College.
 - iii) Head of the Department/Teacher-incharge of the subject concerned in the College.
 - iv) Two nominees of the Vice-Chancellor of the affiliating university, of whom one should be a subject-expert. In case of colleges notified/declared as a minority educational institution, two nominees of the Chairperson of the college from out of a panel of five names, preferably from the minority community, recommended by the Vice-Chancellor of the affiliating university, from the list of experts suggested



by the relevant statutory body of the college, of whom one should be a subject-expert.

v) Two subject-experts not connected with the college who shall be nominated by the Chairperson of the College governing body out of a panel of five names recommended by the Vice-Chancellor from the list of subject experts approved by the relevant statutory body of the university concerned. In case of colleges notified/declared as minority educational Institutions, two subject experts not connected with the University nominated by the Chairperson of the Governing Body of the College out of the panel of five names, preferably from the minority communities, recommended by the Vice-Chancellor from the list of subject experts approved by the relevant statutory body of the College.

vi) An academician representing SC/ST/OBC/Minority/Women/Differently-abled categories, if any of candidates belonging to any of these categories is the applicant, to be nominated by the Vice-Chancellor, if any of the above members of the selection committee does not belong to that category.

(b) Five members, including two outside subject experts, shall constitute the quorum.

4.1.3. Regulation 6.0, lays down the selection procedure and also contains additional stipulations for making selections, which reads as under:

6.0 Selection Procedure:

I. The overall selection procedure shall incorporate transparent, objective and credible methodology of analysis of the merits and credentials of the applicants based on the weightage given to the performance of the candidate in different relevant parameters and his/her performance on a grading system proforma, based on Appendix II, Tables 1, 2, 3A, 3B, 4, and 5.

In order to make the system more credible, universities may assess the ability for teaching and/or research aptitude through a



seminar or lecture in a classroom situation or discussion on the capacity to use the latest technology in teaching and research at the interview stage. These procedures can be followed for both the direct recruitment and the CAS promotions, wherever selection committees are prescribed in these Regulations.

4.2. Referring to these Regulations, learned senior counsel further contended that the respondents have deviated from these mandatory requirements to make selection, and have only partially followed the criteria laid down in the Regulations. The memorandum dated 11.11.2022, which has adopted the 2018 Regulations issued by the University Grants Commission (UGC), has made the following additions/modifications/ alterations.

4.2.1. Note to Regulation 4.1 has been modified with a stipulation that selection of Assistant Professor in Government Colleges shall be made by the Commission as per criteria determined by the State Government based on the UGC Regulations. Note under para 4.0 [with modifications highlighted in italics] reads as under:

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 and Mass Communication.

I. Assistant Professor :

Eligibility (A or B)

xxx xxx xxx

Note: The Academic score as specified in Appendix II (Table 3A) for Universities shall be considered for short-listing of the candidates for interview only, and the selections shall be based only on the performance in the interview. *Selection of Assistant Professors in Government Colleges shall be made by HPSC and in Govt. Aided Private Colleges, as per criteria determined*



by the State Govt. from time to time based on UGC regulations.

4.2.2. On the same lines, under para 5.0, modified provision for constitution of selection committee and guidelines of selection have been laid down, that in case of Government Colleges the Commission shall make selection according to the existing system of direct recruitment or according to the rules/instructions of the Haryana Government issued from time to time, which reads as under [the modifications have been highlighted in italics]:

5.0 Constitution of Selection Committees and Guidelines on Selection Procedure:

5.1 Selection Committee Composition

I. to IV. xxx xxx xxx

V. Assistant Professor in Colleges including Private and Constituent Colleges:

(a) In case of Government Colleges, the Haryana Public Service Commission shall make selection according to the existing system of direct recruitment or according to the rules/instructions of the Haryana Government issued from time to time.

(b) In case of Govt.-Aided colleges, the existing system for selection shall continue as per their service rules under Haryana Affiliated Colleges (Security of Service) Act 1979 and rules framed thereunder by the Haryana Government from time to time.

4.2.3. Further, under para 6.0, the selection procedure also contains additional stipulations for making selections in Government Colleges, which reads as under [the modifications have been highlighted in italics]:

6.0 Selection Procedure:

1. The overall selection procedure shall incorporate transparent, objective and credible methodology of analysis of the merits and credentials of the applicants based on the



weightage given to the performance of the candidate in different relevant parameters and his/her performance on a grading system proforma, based on Appendix II, Tables 1, 2, 3A, 3B, 4, and 5. *However, in case of Govt-Aided colleges, the existing criteria for selection shall continue or as framed by the Haryana Government from time to time and in case of Govt Colleges, the selection criteria shall be determined by HPSC.*

4.3. These changes in selection process, learned senior counsel contends, are in contravention of the law laid down in *Mandeep Singh* case (*supra*), which mandates that the UGC Regulations are binding on the State Government and selection process laid down therein has to be mandatorily followed for appointment of teachers, including Assistant Professors in Colleges. It cannot be deviated from or modified, as has been done by the respondents by issuing the impugned memorandum dated 11.11.2022, which has rendered it illegal, as also the impugned advertisement issued on that basis. As a consequence, entire selection process being carried out pursuant thereto has become vitiated, and needs to be set aside.

4.4. Mr. Sarthak Gupta, learned counsel for the petitioners in a connected petition, additionally submitted that the position of law has again been reiterated in *Dr. S. Mohan v. The Secretary to the Chancellor, Puducherry Technological University and others*, 2026 AIR SC 730. He also asserts that the petitioners are entitled to approach this Court despite participating in the selection process, as by doing so they have not consented to accept any illegality in the process. In this regard reliance has been placed upon *Dr. (Major) Meeta Sahai v. State of Bihar and others*, (2019) 20 SCC 17. No other submission has been made on behalf of the petitioners.



Submissions on behalf of the respondents

5.1. Learned State counsel, Ms. Rajni Gupta, contends that the 2018 Regulations *per se* are not applicable on the State Government, nor have the same been adopted as such. The adoption of these Regulations vide impugned memorandum dated 11.11.2022 is only with amendments. On that account, appropriate modification/addition has been made to Note to para 4.0, clause (a) of para 5.1(V) and para 6.0(I) of the Regulations before adopting the same. This is with respect to the procedure of selection and shortlisting of candidates for interview of teachers in the Government or Government-aided Colleges, and the Government is within its powers to do so. And in terms of these modifications the statutory service Rules for the post of Assistant Professor – the Haryana Education (College Cadre) Group-B Services, Rules, 1986 (for short, ‘the 1986 Rules’), have also been amended by the Haryana Education (College Cadre) Group-B Service (Amendment) Rules, 2024, Annexure R-2. The Regulations are only binding when financial assistance is taken from the UGC by any Institution/University/College, and the Government has not taken any such assistance. This makes the Regulations only directory so far as the Government is concerned, and the same are not mandatory.

5.2. Mr. Kanwal Goyal, learned counsel for the Commission, has contended that after issuance of the advertisement in question, inviting applications for 2424 posts of Assistant Professor (College cadre) in 26 different subjects, selection process for the posts in 17 subjects has already been completed with the announcement of final result and sending recommendations to the Government regarding those posts. Of the remaining 09 subjects, including English, two stages of selection, viz., Screening Test and Subject Knowledge Test, have been completed; only for the subject of



Environmental Science (advertisement 49 of 2024) Screening Test result is still to be declared; and for the subject in question (advertisement 48 of 2024) apart from Screening Test and Subject Knowledge Test, interviews have also been conducted. The petitioners have approached this Court after remaining unsuccessful in the Subject Knowledge Test, which should not be permitted. *Secondly*, Mr. Goyal has taken this Court through the judgment in *Mandeep Singh* case (*supra*) in detail to show that it has no application to the facts of the instant case. It was a case where the State of Punjab had adopted the UGC Regulations, and subsequently excluded the posts of Assistant Professor from the purview of the Punjab Public Service Commission (for short, 'the PPSC'), laying down its own selection procedure in violation of the Regulations. This is not the case so far as the respondents are concerned, and the petitioners accordingly cannot take any benefit from the judgment. *Lastly*, he has submitted that the impugned memorandum dated 11.11.2022 itself mentions it is 'based upon' the 2018 Regulations, and not that the same have been 'adopted'.

6. Submissions made by learned counsel for the parties have been considered.

Analysis

7.1. As apparent on record, the advertisement in question was issued on 02.08.2024; it was a composite advertisement for the 2424 posts of Assistant Professor in different subjects. The selection process with respect to many of the subjects has already been completed, and for the remainder it is at different stages after the Screening Test. However, the petitioners have restricted their challenge in the petitions only to advertisement 48/2024, whereby posts of Assistant Professor (English) have been advertised. They



have participated in the selection process and cleared the Screening Test as well, but remained unsuccessful in the next stage of selection/Subject Knowledge Test as per its result declared on 02.12.2025. The challenge has been laid to the advertisement and the Government memorandum dated 11.11.2022, based upon which the criteria for shortlisting and selection have been framed by the Commission which are not as per the 2018 Regulations notified by the UGC. The arguments advanced on behalf of the petitioners are premised on the plea that the Regulations are mandatory and binding upon the Government, and the same could not have been adopted with any kind of modification or amendment as has been done vide the impugned memorandum dated 11.11.2022. The modifications being at variance with the Regulations, are illegal, as also the selection process being carried out on that basis vide the impugned advertisement. The process adopted by the Commission, as set out in the advertisement, is that the candidates are to be selected based upon a scheme/pattern of examination after a Screening Test for shortlisting, followed by Subject Knowledge Test and interview. The final merit list is to be drawn based upon the marks obtained by the candidates in Subject Knowledge Test as well as interview. This process is not in line with the 2018 Regulations, which require the candidates to be shortlisted as per the academic score (based upon performance in graduation, post-graduation, M.Phil., Ph.D., NET, research publications, teaching experience, and academic awards) specified in Appendix II Table 3B for Colleges, and selected solely as per their performance in the interview.

7.2. Accordingly, the issue arises for consideration is, *whether the 2018 Regulations are binding in nature requiring their adoption in toto - without any change, addition or deletion - so far as laying down the*



qualifications and the selection procedure, including that of shortlisting, is concerned.

Applicability of Mandeep Singh case

8.1. The assertion by learned senior counsel for the petitioners that the 2018 Regulations are mandatory for the Government to follow, is solely based upon the judgment in *Mandeep Singh* case (*supra*). It is, therefore, appropriate to discuss the same in detail. In that case, the Supreme Court found that the selection made by the State of Punjab for the posts of Assistant Professor and Librarian in Government Degree Colleges, was violative of the UGC Regulations. In January, 2021, Punjab Government had sent a requisition to the PPSC for recruitment of 931 posts of Assistant Professor and 50 posts of Librarian; later, additional 160 posts of Assistant Professor and 17 posts of Librarian were created and sanctioned for the newly established Colleges. On 15.09.2021, the Department of Higher Education sought PPSC's consent to fill these posts through a departmental selection committee. The PPSC expressed its inability to respond on the ground that its Chairman had not been appointed. The Government thereupon, vide memorandum dated 17.09.2021, approved the recruitment of these additional posts of Assistant Professor and Librarian through departmental selection committee which had to follow the UGC guidelines or regulations. With the change of Government in the State of Punjab on 20.09.2021, entire process of recruitment was changed and it was decided that selection would be made only on the basis of written test to be conducted by two separate selection committees of two State Universities. It was also decided that all the 1091 posts (931+160) of Assistant Professor and 67 posts (50+17) of Librarian would be filled through selection by these committees. The decision was



placed for approval before the Chief Minister on 12.10.2021, with the observation that it would be subsequently placed for approval before the Council of Ministers, which was never done. On 19.10.2021, the advertisement for the aforementioned posts was issued. The exam was accordingly conducted, and the result was announced on 28.11.2021. In the meanwhile, writ petitions challenging the advertisement were filed before this Court in the last week of November, 2021. The ground of challenge was that the recruitment had been made in violation of the UGC Regulations, 2010, which were adopted by the State of Punjab on 30.07.2013. And that selection to these posts ought to have been made through the PPSC.

8.2. In this background, the Supreme Court first considered the seminal importance of the Public Service Commission under Article 320 of the Constitution, and held as under:

17. Our entire purpose here of giving this background to the formation of Public Service Commission in India both at the Union as well as State level, was to emphasize the purpose for its establishment, which was to have an impartial and autonomous body which should select the best possible persons for Government posts, and to have fairness and transparency in the procedure. *The present dispute which is before this Court reflects this concern.*(italics by this Court)

Thereafter, the Court delved into the issue whether the requirement for the Government under Article 320(3)(a) ‘to consult the commission on all matters relating to methods of recruitment to civil services and for civil posts’ was mandatory. In the light of Constitution Bench judgment in *State of U. P. v. Manbodhan Lal Srivastava*, 1957 SCC Online SC 4, it was held that the selections could not have been made by the Punjab Government as the posts were within the purview of the Commission. The observations are:



24. In other words, this Court in *Manbodhan Lal Srivastava*, had recognised the importance of Regulations framed under the proviso to Article 320(3) of the Constitution and had cautioned against the casual bypassing of the Regulations. In the case at hand, Regulations as contemplated under the Proviso were already in existence in Punjab known as Punjab Public Service Commission (Limitation of Functions) Regulations, 1955. For our purposes, it is relevant to note that with these Regulations the State had taken out certain posts outside the purview of the Commission. Admittedly, the posts of Assistant Professors and Librarians in Degree Colleges were not amongst them. In other words, these posts were within the purview of the Commission. Thus, selection of these posts was within the purview of the State Commission, and it was mandatory that it ought to be consulted.

25. The respondents have tried to meet this deficiency by stating that the State had amended the 1955 Regulations in March 2022 (by retrospective effect), by mentioning these posts in the 1955 Regulations and these posts were then taken out from the purview of Commission. All the same, we are unable to accept this argument inasmuch as the amendment was made after concluding the entire recruitment process and giving appointment letters to the selected candidates. It was hence a *post facto* exercise. The Government had already made its selections on the posts which could only have been done by the Commission under Article 320 of the Constitution of India.

8.3. Thereafter, the applicability of the UGC Regulations was considered, and the Court noticed that the State Government had adopted the 2010 Regulations vide order dated 30.07.2013. The reasons assigned in doing so were to uplift the standard of higher education, with the primary intention that while making selection to the posts of Assistant Professor API scores were to be seen. It was also observed that the Regulations remained in force in the State of Punjab as the same had been adopted by incorporation, and not by



reference, which could not have been ignored for making the selection. Even the repeal of the 2010 Regulations by the subsequent 2018 Regulations had no bearing on the applicability of the former in the State. The Court further noticed that later, the 2018 Regulations were also adopted by the State which only showed it acknowledged their importance. This consideration gets reflected by the following observations of the Court.

40. Thus, officially the 2010 UGC Regulations were in force in the State of Punjab as these were adopted by way of incorporation and not by reference. The repeal of 2010 Regulations by the UGC Regulations of 2018 had no impact insofar as applicability of 2010 Regulations in the State of Punjab was concerned. Also, it is on record that after the impugned order of the Division Bench, the State adopted the 2018 UGC Regulations. This shows that the State recognises the importance of the UGC Regulations. The chief intention of the G.O. dated 30.07.2013 is that while making selection to the posts of Assistant Professors API Scores are to be seen. This was the purpose; which negates a simple objective type test.

41. Doing away with the 2010 Regulations was also a last minute decision. In January 2021 requisition for recruitment of 931 Assistant Professors and 50 Librarians was sent by the State government to the Commission. Then, a meeting of the Council of Ministers was held on 17.09.2021 in relation to the recruitment of additional 160 posts of Assistant Professors and 17 posts of Librarians which had come up in 16 new Government Colleges where a decision was taken to remove these posts from the purview of the Public Service Commission so that recruitment can be made through a Departmental Selection Committee, which we have already mentioned above, but what is significant here is that till this time the Government had all the intentions of following the 2010 Regulations as the memorandum dated 17.09.2021 inter-alia states:- ...



Till 17.09.2021, therefore, the Government had full intentions of following the 2010 Regulations. The decision earlier was only to remove the posts out of the purview of Commission.

Finally, the Court concluded that there were multiple deficiencies in the selection and the whole exercise had been carried out arbitrarily which called for striking down of the entire selection. It held as under:

56. In the present case there are multiple deficiencies, as stated above. The giving away of a rigorous criteria laid down in the UGC regulations with a single, multiple choice question based written test, and the complete elimination of the viva-voice, all establish the arbitrary nature of the exercise which cannot pass the test of reasonableness laid down under Article 14 of the Constitution. Hence, the learned Single Judge had rightly struck down the entire selection process, and the Division Bench of the High Court erred in interfering with that conclusion.

8.4. It is, therefore, apparent that *Mandeep Singh* case (*supra*) has not laid down that the UGC Regulations are *per se* applicable on the State, as the issue did not arise for consideration specifically. Instead, it was a case where the 2010 Regulations had already been adopted by incorporation by the State of Punjab, unequivocally expressing its intention to follow the same. At the same time, the selection to the posts of Assistant Professor was carried out in derogation thereof by excluding the posts from the purview of the PPSC. The due procedure for such exclusion was also not followed. Besides, the criteria for selection based upon a written test with multiple choice questions and complete elimination of viva-voce, were also considered unlawful for being contrary to the one prescribed under the 2010 Regulations and its failure to meet the standards of recruitment of teachers for higher education. In this view of the matter, the entire selection process was held arbitrary and illegal.

The petitioners' attempt to read the judgment otherwise and contend that it



makes the UGC Regulations mandatory for the Government in entirety, is misconceived and accordingly stands rejected.

Whether the 2018 Regulations are binding in nature requiring their adoption in toto

9.1. The 2018 Regulations, laying down the standard and norms of higher education in the country, have been notified under clause (e) and (g) of sub-section (1) to Section 26 read with Section 14 of the University Grants Commission Act, 1956 (for short, 'the UGC Act'). The same are mandatory in nature. This is the settled law and has been reiterated in the *Gambhirdan K. Gadhvi v. State of Gujarat and others*, (2022) 5 SCC 179, where the challenge was to the appointment of a Vice-Chancellor statedly made as per provisions contained in the State University Act which were found to be in derogation of the qualifications prescribed in the 2018 Regulations. Considering the issue, the Court held that the Regulations were binding on the States as well as the Universities established by it. And it was incumbent upon them to amend the University Act regarding the appointment of Vice-Chancellor in consonance with the 2018 Regulations, which had already been adopted by the State. Since it was found that the University Act and statutes were at variance therewith, the Vice-Chancellor's appointment was set aside. The following observations by the Court can be referred to:

50. It cannot be disputed that the UGC Regulations are enacted by the UGC in exercise of powers under Sections 26(1)(e) and 26(1)(g) of the UGC Act, 1956. Even as per the UGC Act every rule and regulation made under the said Act, shall be laid before each House of Parliament. Therefore, being a subordinate legislation, UGC Regulations becomes part of the Act. In case of any conflict between the State legislation and the Central legislation, Central legislation shall prevail by applying the



rule/principle of repugnancy as enunciated in Article 254 of the Constitution as the subject "education" is in the Concurrent List (List III) of the Seventh Schedule to the Constitution. Therefore, any appointment as a Vice-Chancellor contrary to the provisions of the UGC Regulations can be said to be in violation of the statutory provisions, warranting a writ of quo warranto.

9.2. Recently, the issue was again considered by the Supreme Court in *Dr. S. Mohan* case (*supra*). It was a case where the Union Territory, Puducherry, in exercise of its legislative powers under Article 246 read with Seventh Schedule of the Constitution, enacted the Puducherry Technological University Act, 2019, (for short, 'the PTU Act') which was assented to by the President of India on 31.03.2020. It prescribed a procedure for appointment of Vice-Chancellor under Section 14. Accepting the recommendation of a duly constituted search-cum-selection committee, the Lieutenant Governor appointed the appellant therein as first Vice-Chancellor of the University, vide order dated 17.12.2021. This appointment was challenged before the High Court, a challenge was also laid to Section 14(5) of the PTU Act, which mandated formation of a search-cum-selection committee for appointment of Vice-Chancellor. It was on the ground that the provision was not in conformity with Regulation 7.3 of the 2018 Regulations, requiring such committee to include a nominee of the Chairman, UGC, as its member. The High Court declared Section 14(5) of the PTU Act *ultra vires* on account of being inconsistent with Regulation 7.3, and set aside the appointment of the Vice-Chancellor. Affirming the view, the Supreme Court held that the Regulations traced their source to Entry 66 of List I of the Constitution, as the same had been framed under the UGC Act, enacted by the Parliament in exercise of its exclusive power to legislate on the subject. Therefore, the PTU



Act was required to operate in strict conformity with Regulation 7.3 laying down the mandatory framework for appointment of Vice-Chancellor. The observations of the Court in this regard are as under:

40. The UGC Regulations, 2018 trace their source to Entry 66 of List I, inasmuch as the said Regulations have been framed by the UGC in exercise of the powers conferred under Section 26(1)(e) and 26(1)(g) read with Section 14 of the UGC Act, which itself has been enacted by the Parliament in exercise of its exclusive legislative competence under Entry 66 of List I of the Constitution.

41. On that anvil, the PTU Act was required to operate in strict conformity with Regulation 7.3 of the UGC Regulations, 2018, which lays down a mandatory framework for appointment of a Vice-Chancellor and, inter alia, stipulates that the Search-cum-Selection Committee must necessarily include one nominee of the Chairman, UGC. The inclusion of a UGC nominee being an integral component of the standards prescribed for appointments in higher education, any deviation therefrom strikes at the root of the scheme envisaged under the Regulations. In the present case, it is undisputed that the Search-cum-Selection Committee was constituted without the inclusion of the nominee of the Chairman, UGC, in clear disregard of Regulation 7.3 of the UGC Regulations, 2018. Consequently, Section 14(5) of the PTU Act, to the extent it prescribes a composition of the Search-cum-Selection Committee contrary to the mandate of the UGC Regulations, 2018, has to be declared *ultra vires* the UGC Regulations, 2018, which have been framed under a Central enactment traceable to Entry 66 of List I, which occupies the field and therefore, possess overriding effect.

9.3. Accordingly, it is in the Parliament's exclusive domain to legislate for coordination and determination of standards in institutions for higher education under Entry 66 of List I - Union List in the Seventh Schedule



to the Constitution that pertains to, '*[c]o-ordination and determination of standards in institutions for higher education or research and scientific and technical institutions.*' The 2018 Regulations which have been notified for this purpose under the UGC Act, enacted by the Parliament, are an extension of this legislative power, and a part of the enactment itself; hence binding on the States. Prescribing qualifications as well as the selection procedure for appointment to the posts of teachers and other academic staff is integral to determination of standards for higher education. The standards for education and research in an institution depend to a large extent upon the quality of teachers and other academic staff engaged for the purpose, because it is they who have to actually undertake the exercise. The better qualified would bring intellectual vigour to imparting the instruction, as also to the research undertaken. It underscores the need to regulate their recruitment by prescribing the requisite qualifications, selection procedure as well as the criteria. Laying down minimum benchmarks for appointment of faculty and other academic staff, measured in terms of their qualifications, research publication, teaching experience, awards, etc. as prescribed by the experts in the field and notified by the UGC in the 2018 Regulations, is a step in that direction. Qualifications are as important as constitution of the selection committee and the selection procedure to make the appointment; these are complementary to each other in deciding the standards for higher education. Prescribing selection norms is to ensure that persons with the requisite qualifications are selected. That is the reason apart from the qualifications, the 2018 Regulations lay down the constitution of selection committees as also the selection procedure. Resultantly, the qualifications, constitution of the selection committees and guidelines of selection procedure incorporated in



Regulation 4, 5 and 6 constitute one composite whole being part of the scheme framed by the UGC for recruitment. Any part of it cannot be segregated or removed from the rest, as doing so violates the scheme as such and amounts to its dismemberment. It would be detrimental to the prescribed minimum standards. This entire scheme is a part of the Central enactment and binding on the States as well as its Universities being the minimum required norms for determination of standards in institutions for higher education, both are thus not permitted to make any selection of teachers in the Colleges and Universities in violation thereof. However, this is exactly what has been done by the respondents in issuing the impugned memorandum dated 11.11.2022, and carrying out the selection process in question on that basis. Ignoring the shortlisting criteria laid down under Regulation 4.1, as also the selection procedure laid down in Regulation 6.0, the respondents have come up with their own modified/alterd criteria and procedure stipulated in the impugned advertisement.

9.4. To explain further, the memorandum, dated 11.11.2022, has statedly adopted the 2018 Regulations with modification/alterations laying down under modified Regulation 4.1 that *‘[s]election of Assistant Professors in Government Colleges shall be made by HPSC and in Govt. Aided Private Colleges, as per criteria determined by the State Govt. from time to time based on UGC regulations.’*; under modified Regulation 5.0 that *‘[i]n case of Government Colleges, the Haryana Public Service Commission shall make selection according the existing system of direct recruitment or according to the rules/instructions of the Haryana Government issued from time to time’*; and under modified Regulation 6.0 that *‘[h]owever, in case of Govt-Aided colleges, the existing criteria for selection shall continue or as framed by the*



Haryana Government from time to time and in case of Govt Colleges, the selection criteria shall be determined by HPSC'. The Commission has in turn prescribed its own scheme of examination for making selections, as reproduced in paragraph 3 hereinbefore. The shortlisting has been done based upon a screening test, and the selection is to be based upon the marks of subject knowledge test and interview; evidently, an altogether new scheme has been put in place by the Commission based upon the impugned memorandum giving a go by to the norms and standards laid down in the 2018 Regulations. Concededly, the shortlisting criteria and selection procedure prescribed under the scheme notified in the advertisement to carry out the selection process are not in accord with the minimum norms and standards laid down under the Regulations. It is also not the case that the memorandum or the scheme of examination in the advertisement lay down higher norms and standards as against the ones stipulated in the Regulations. Since the entire scheme for appointment of Assistant Professors prescribed in the Regulations, which include the shortlisting criteria, constitution of selection committee and the selection procedure, is binding upon the State Government, being in the nature of Central enactment under Entry 66 of List I of the Seventh Schedule as discussed hereinbefore, the impugned memorandum and the consequent selection procedure in question being in violation thereof, cannot be considered lawful. The reason put forth by the respondents in not following the Regulations - that the Government has the option to adopt the same with modifications as deemed appropriate - is untenable being against the law. This perceived option has no legal foundation, and appears to be the outcome of a misconceived notion of



absolute Government authority entertained by the respondents, which flies in the face of Constitutional provisions as already discussed.

9.5. Pertinently, a reference needs to be made to *Allahabad University and others v. Geetanjali Tiwari (Pandey) and others*, (2024) 20 SCC 23, wherein the Supreme Court examined the validity of criteria for shortlisting of candidates incorporated in Tables 3A and 3B under Note 2 to Regulation 4 of the 2018 Regulations, and upheld the same. The facts of the case were, the Allahabad University had invited applications for the posts of Assistant Professor based on the qualifications prescribed in the 2018 Regulations. The procedure for shortlisting the candidates for interview as provided in Note 2 to Regulation 4.1, which required candidates to be shortlisted on the basis of academic score prepared in accordance with Table 3A for Universities and 3B for Colleges, was used for the purpose. On that ground, past teaching experience as Guest Faculty of the petitioner therein could not be counted towards the requisite experience under clause 7 in Table 3A, and she could not be shortlisted for interview. The University was of the view that the petitioner's teaching experience did not fulfil the conditions laid down under Regulation 10(e) and (f)(iii) as she had not been drawing gross emoluments equal to monthly gross salary of a regularly appointed Assistant Professor during that period. By examining the issue, the Supreme Court upheld the criteria adopted by the University on the ground that Note 2 to Regulation 4.1 regarding shortlisting of candidates was in furtherance to the entire scheme framed by the UGC for appointment to the posts of Assistant Professors in Universities as well as Colleges under the 2018 Regulations. And in case the University had to shortlist the candidates on that basis, it could not be taken exception to. The observations to that effect are as under:



71. However, considering the disproportionate number of applications received in comparison to the number of vacancies available to be filled up. Allahabad University narrowed the zone of consideration by adopting a marking scheme in the way it did with the obvious ultimate objective of permitting candidates with higher teaching experience to enter the zone of consideration. This methodology was perfectly in sync with Regulations 4 and 10 read with Table 3-A. The Division Bench, therefore, ought not to have been swayed in its decision-making process by reason of teaching experience not being a mandatory eligibility criterion.

72. We are also of the view that the criteria for shortlisting of candidates as engrafted in Tables 3-A and 3-B were in furtherance of the entire scheme framed by the UGC for appointment on the post of Assistant Professors in universities as well as in colleges. Clause 7 of Tables 3-A and 3-B, having direct relation with Regulation 10, did not call for any observation from the Division Bench of the High Court of the nature noticed above. ...

9.5.1. The Court further held that the selection committee can fix higher criteria for shortlisting the candidates, but not lower than the one fixed by the UGC. For instance, prescribing a longer period of experience than the minimum prescribed for awarding marks to the candidates for shortlisting for interview; the observations to that effect are as under:

45. The principle discernible from the above decision as well as those cited on behalf of the appellants is that whenever selection is based solely on the performance of the aspirants in the interview, it is not open to the recruiting authorities to dilute in any manner the norms and standards prescribed by the statutory provisions or executive orders governing recruitment for screening aspirants to be called for interview; however, it is always open to them to prescribe enhanced norms to have the zone of consideration for interview restricted to those aspirants satisfying the enhanced norms or higher criteria. In such cases,



however, care has to be taken such that the enhanced norms or higher criteria are not susceptible to a challenge on the ground of arbitrariness or being contrary to the statutory provisions or executive orders governing recruitment.

As already observed, it is not the respondents' case that the modifications carried out by them in the Regulations vide the impugned memorandum prescribe higher norms for maintenance of standards of higher education than the ones fixed by the 2018 Regulations. Accordingly, the memorandum and the consequent selection process are not in consonance with law.

9.6. In the light of this discussion, the issue framed regarding binding nature of the 2018 Regulations is answered in the affirmative.

Maintainability

10. The contention by learned counsel for the petitioners that these petitions are maintainable and the petitioners cannot be non-suited only on the ground of having participated in the selection process, deserves acceptance in the light of law laid down in *Dr. (Major) Meeta Sahai* case (*supra*). The Court held thereunder that by agreeing to participate in the selection process a candidate only accepts the prescribed procedure and not the illegality contained therein. The observations in the judgment are as under:

17. However, we must differentiate from this principle insofar as the candidate by agreeing to participate in the selection process only accepts the prescribed procedure and not the illegality in it. In a situation where a candidate alleges misconstruction of statutory rules and discriminating consequences arising therefrom, the same cannot be condoned merely because a candidate has partaken in it. The constitutional scheme is sacrosanct and its violation in any manner is impermissible. In fact, a candidate may not have locus to assail

the incurable illegality or derogation of the provisions of the Constitution, unless he/she participates in the selection process. Therefore, the petitioners cannot be precluded from challenging the stated illegality in the selection process.

Order

11. In view of the above analysis, the impugned memorandum, dated 11.11.2022, to the extent it violates Regulation 4, 5 and 6 of the 2018 Regulations notified by the UGC, is hereby declared unlawful and set aside. Consequently, the selection process being carried out on that basis as per the scheme/pattern of examination under the advertisement in question, 48/2024, also stands vitiated and is hereby set aside along with the advertisement. The respondents are directed to carry out the selection process afresh strictly as per the 2018 Regulations and complete it expeditiously. The petitions stand allowed in these terms.

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

13. A photocopy of this order be placed on the connected files.

12.05.2026
Ad

(TRIBHUVAN DAHIYA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>