2026:UHC:3110-DB

HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition Service Bench No. 291 of 2024

24 April, 2026

Dr Diksha Molpa

--Petitioner

Versus

State Of Uttarakhand & others

--Respondents

Presence:-
Mr. Abhijay Negi, learned counsel for the petitioner.
Mr. S.S. Chaudhary, learned Standing Counsel for the State.
Ms. Anjali Bhargava, learned counsel for respondent no.2.
Dr. Kartikey Hari Gupta, learned counsel for respondent no.3.

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

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

Hemwati Nandan Bahuguna Garhwal University issued an advertisement on 25.01.2023 inviting applications for appointment to the post of Assistant Professor in various departments, including one post of Assistant Professor in the School of Life Sciences (Department of Biotechnology). The essential qualifications, as mentioned in the advertisement, are as follows:-

> *"**Essential Qualifications**-*
>
> *1. The qualification and experience required for teaching posts will be as per 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 and its subsequent amendments including University Grants Commission (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), 2021 dated 11th October, 2021."*

2. Since the advertisement refers to UGC Regulations, 2018 for academic qualifications needed for appointment, therefore, English translation of relevant clause of the said UGC Regulations, 2018 are as follows:-

> *"4.0 Direct Recruitment*
>
> *4.1 For the Discipline 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 exempted from the requirement of NET/SLET/SET or 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, in conferences/seminars sponsored/ funded/ supported by the UGC/ICSSIR/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."*

3. Petitioner as well as respondent no. 4 applied

for the lone post of Assistant Professor (Biotechnology) in the Department of Life Sciences. Respondent no.4 was declared successful against that post, and petitioner remained unsuccessful. Petitioner has questioned eligibility of respondent no.4 for appointment to the said post.

4. In this writ petition, petitioner has challenged selection of respondent no.4 as well as the decision taken by Executive Council of HNB Garhwal University of accepting the recommendation made by Selection Committee, in its meeting held on 06.02.2024. Challenge to the selection of respondent no. 4 is made on the following three grounds:

(i) Although respondent no.4 qualified National Eligibility Test (NET), but she has not qualified the NET conducted by Council of Scientific and Industrial Research (CSIR), but has qualified NET conducted by Indian Council of Agricultural Research (ICAR), thus, she is not eligible in terms of the UGC Regulations, 2018, which recognizes NET qualified from CSIR or UGC.

(ii) Respondent no. 4 was awarded Ph.D. degree after last date of submission of application pursuant to the advertisement dated 25.01.2023, therefore, she was not eligible for appointment or, at any rate, she could not have been selected for want of Ph.D. degree.

(iii) Respondent no. 5 was declared to be ineligible by Uttarakhand Public Service Commission for appointment to the post of Assistant Professor (Botany), therefore, respondent no.5 could not have

been treated as eligible for appointment as Assistant Professor (Biotechnology) in HNB Garhwal University.

5. In the counter affidavit filed by Registrar, HNB Garhwal University, notification dated 04.10.1999 issued by UGC is enclosed. A perusal thereof reveals that a joint meeting of University Grants Commission, Indian Council of Agricultural Research, and Council of Scientific and Industrial Research was held on 18.01.1999, in which it was decided that the aforesaid three agencies would mutually recognize the NET examination conducted by each of them separately and the decision taken in that, meeting was accepted by UGC in its meeting held on 04.02.1999.

6. Since University Grants Commission has issued a notification based on recommendation made by Joint Committee meeting held on 18.01.1999, therefore, eligibility of respondent no.4 cannot be doubted merely because she has qualified the NET conducted by Indian Council of Agricultural Research (ICAR). The effect of the notification dated 04.10.1999 would be that NET qualification from ICAR would be treated as equivalent to NET qualification from CSIR or UGC, as the case may be.

7. Ms. Anjali Bhargava, learned counsel appearing for respondent-UGC submits that candidate who has qualified NET conducted by Indian Council of Agricultural Research (ICAR) is to be treated as sufficient for appointment to a teaching post in the University in subjects for which ICAR conducts National Eligibility Test (NET).

8. In such view of the matter, first ground of

challenge to the eligibility of respondent no.4 is unsustainable in the eyes of law.

9. Petitioner has challenged eligibility of respondent no.4 also on the ground that she was awarded Ph.D. degree after the last date of submission of applications. Learned counsel for the University submits that since respondent no.4 was having NET qualification from Indian Council of Agricultural Research (ICAR), which is equivalent to NET qualification from UGC or CSIR, therefore, respondent no.4 was treated as eligible. As per UGC Regulations 2018, anyone who has cleared NET is eligible for appointment and Ph.D. degree becomes essential for candidates who have not qualified NET. Since respondent no.4 is having NET qualification, therefore, she is eligible for appointment, notwithstanding the fact that she was awarded Ph.D. degree after the last date of submission of application.

10. Third ground of challenge raised by learned counsel for the petitioner cannot be sustained in the absence of relevant material to demonstrate that qualifications needed for appointment as Assistant Professor (Botany) in Government Colleges in the selection held by Uttarakhand Public Service Commission, were identical to the qualifications required by HNB Garhwal University for appointment as Assistant Professor (Biotechnology). Thus, merely because respondent no.4 was held to be ineligible by Uttarakhand Public Service Commission for appointment to a different post, cannot be a valid ground for non-suiting her for appointment to a post in a Central University, where the qualification required for appointment may be different.

11. Even otherwise also, each body holding

selection for appointment to a post can have a different perception regarding eligibility of a candidate based on its understanding of the relevant rules or the opinion of subject experts. Therefore, view taken by one selecting body cannot be a benchmark for assessing eligibility of petitioner for appointment to the post of Assistant Professor in HNB Garhwal University in a different subject.

12. Thus grounds taken for challenging the selection of respondent no.4 are bereft of merit. Thus, there is no scope for interference in the matter. The writ petition fails and is dismissed.

(Pankaj Purohit, J.) (Manoj Kumar Tiwari, J.)
24.04.2026

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