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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.110

CWP-2499-2025

Date of Decision:18.02.2025

Gaurav Sorot

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present:- Mr. Vijay Pal, Advocate for the petitioner

Ms. Tanushree Gupta, DAG, Haryana

TRIBHUVAN DAHIYA, J. (ORAL)

The petition has been filed *inter alia* seeking a writ of *certiorari* quashing the order dated 18.01.2025, Annexure P-20, whereby the petitioner has been declared ineligible for appointment as Extension Lecturer in English. And Principal of Government College, Hodal, Palwal, where he is presently working, has been directed to dispense with his services as per provisions of the 'Policy guidelines regarding engaging Eligible Extension Lecturers in Government Colleges purely on work requirement basis' dated 04.03.2020, Annexure P-13, (for short, 'the Policy').

Facts in brief

2. Facts relevant to decide the matter are, the petitioner was awarded M.Phil. in English in June 2009 by Vinayaka Mission's Research Foundation (Deemed to be University). Pursuant to a decision taken by the

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Department, vide memo dated 05.06.2013, Annexure P-5, to engage suitable/well qualified persons as Extension Lecturers, he was engaged by the Principal of respondent no.3-College on remuneration of ₹200 per lecture in terms thereof. He continued in service with breaks, and on being finally relieved on 20.07.2017, approached this Court by filing CWP No.18223 of 2017. By way of interim order dated 17.08.2017, it was directed that he would not be replaced by another similarly situated person, and in case there was adequate workload, he would be allowed to continue without facing any interview till the next date of hearing. In terms therewith, the petitioner was allowed to join on 21.08.2017, and has been continuously working ever since.

2.1. The Department has framed the Policy guidelines for engaging Extension Lecturers, dated 04.03.2020 (replaced by the subsequent Policy, dated 02.11.2023, which is *pari materia* so far as provisions regarding eligibility and removal of the ineligible are concerned); clause 2 whereof prescribes that only such persons shall be engaged as Extension Lecturers who fulfill the qualification/eligibility as per the Haryana Education (College Cadre) Group 'B' Service Rules, 1986 (for short, 'Service Rules, 1986') and non-qualified persons engaged by the Principals shall be removed after coming into force of this Policy. The Policy has been upheld by a Division Bench of this Court, vide judgment dated 22.09.2020, passed in a batch of petitions having lead case CWP No.6968 of 2020 titled *Suman Devi v. State of Haryana and others*, holding as under:

26. Thus, it is seen that the State has been consistently trying to weed out the candidates who are not eligible by filling up these posts with eligible candidates. The directions that have been issued from time to time, does not afford any protection to the ineligible candidates in perpetuity. As observed earlier, since the

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State does not have shortage of eligible lecturers now, it was well within its power to frame and implement the impugned policy dated 04.03.2020 (P-12) and ignore the ineligible Extension Lecturers. Hence issue no 3 is also answered in favour of the State, as it cannot be said the impugned policy is in conflict with the directions issued by this Court from time to time. ...

The judgment was challenged by ineligible Extension Lecturers before the Supreme Court by filing SLP No.6738-39 of 2022, which was dismissed vide order dated 09.01.2023.

2.2. The issue of relieving ineligible Extension Lecturers in terms of the Policy was examined by another Division Bench in LPA No.592 of 2022 titled *Neeraj Bhardwaj alias Neeraj v. State of Haryana and others*, holding that they could not be allowed to continue. It is apt to refer to the following observations in the judgment:

13. Teaching in Colleges is a responsible job. If persons do not possess minimum qualification laid down by the UGC i.e. NET/Ph.D., one can only imagine the plight of the students who are being taught by such unqualified persons. Those candidates who have been appointed under the earlier Policies by the various Colleges and have not even acquired the minimum qualifications uptill now, cannot be allowed to be continued. This Court would not sympathize on this aspect. However, those who have acquired the qualifications, they need to be protected till regular selections are made.

14. In view of the aforesaid, we do not accede to the request made by learned counsel for the appellants that those who do not possess the minimum UGC qualifications should be allowed to be continued till the regular selections are made.

15. The State Government shall take steps to relieve such persons and shall also positively take steps for advertising regular posts. ...

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2.3. Accordingly, the respondents initiated steps for relieving ineligible Extension Lecturers, and the petitioner was also issued a show cause notice, dated 17.12.2024, to explain as to why his services should not be dispensed with being ineligible as he neither possessed Ph.D. nor had he qualified National Eligibility Test (NET). In response, he referred to a decision taken by the University Grants Commission (UGC) in its meeting dated 27.09.2010, Annexure P-9, which exempted the persons who obtained M.Phil. degree prior to 11.07.2009 from the requirement of clearing NET. He accordingly claimed to have been so exempted and was eligible for appointment as Assistant Professor under the Rules. The second respondent considered the petitioner's response, and found that on the basis of M.Phil. he could not be considered eligible for the post. The exemption from NET is admissible only to Ph.D. holders. Relying upon the judgment of this Court, dated 20.12.2017, rendered in CWP No.17933 of 2017 titled *Archana Grover and another v. State of Haryana and others*, his services have been ordered to be dispensed with.

Rival contentions

3. In this background, learned counsel for the petitioner contends that the impugned order has been passed ignoring the UGC decision dated 27.09.2010, whereunder the petitioner is entitled to exemption from clearing NET on the basis of M.Phil. He further contends that as per clause 3.3.1. of the UGC Regulations, 'Minimum Qualifications for Appointment of Teachers and other Academic Staff in Universities and Colleges and Measures for the Maintenance of Standards in Higher Education', dated 04.05.2016 (for short, 'the UGC Regulations, 2016'), also he is entitled to exemption from NET on the basis of M.Phil. degree awarded to him prior to July 11, 2009. In support

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of the contentions, he has relied upon the Supreme Court judgment in *State of Madhya Pradesh and others v. Manoj Sharma and others*, (2018) 3 SCC 329.

4. *Per contra*, learned State counsel contends that the issue already stands settled by the Division Bench judgments in *Suman Devi* and *Neeraj Bhardwaj* cases (*supra*), that ineligible Extension Lecturers cannot be allowed to continue in service. Further, it has been held in *Archana Grover* case (*supra*) that exemption from NET, which is an essential qualification for being appointed as Extension Lecturer, cannot be granted on the basis of M.Phil. degree. She has further contended that the UGC decision, dated 27.09.2010, was neither made part of the Regulations, nor was it ever adopted by the State Government. Therefore, the petitioner is not entitled to claim exemption on that basis.

Analysis

5. Submissions made by learned counsel for the parties have been considered, and case file has been perused.

Eligibility and the Service Rules

6. As per undisputed facts on record, the petitioner acquired M.Phil. in English in June 2009, and was engaged as Extension Lecturer by the College Principal in 2013. He was relieved on 20.07.2017, but was allowed to continue in service pursuant to interim order, dated 17.08.2017, passed by this Court in CWP No.18223 of 2017, and is still working. Meanwhile, the Department has framed Policy guidelines for engaging Extension Lecturers, dated 04.03.2020/02.11.2023, which require only the persons who fulfill the qualifications for the post of Assistant Professor laid down in the Service Rules, 1986, can be engaged as Extension Lecturers, and the non-qualified are to be removed. The Policy has been upheld by the Division Bench, against

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which challenge has been declined by the Supreme Court by dismissing the SLP on 09.01.2023.

6.1. As per qualifications for the post of Assistant Professor under the Service Rules, 1986, NET is the minimum eligibility condition for appointment as such in Government Colleges. Only those candidates who have been awarded Ph.D. degree in compliance of the UGC (Minimum Standards and Procedures for Award of Ph.D. degree), Regulations 2009 (for short, 'the UGC Ph.D. Regulations, 2009'), are exempted from the requirement of clearing NET. The relevant provision of the Service Rules, as amended vide notification dated 11.03.2010, contained in Appendix 'B' reads as under:

(c) NET shall remain the minimum eligibility condition for recruitment and appointment as Lecturer in Colleges.

Provided, that candidates, who are or have been awarded Ph.D. degree in compliance of the University Grants Commission (minimum standards and procedures for award of Ph.D. degree), Regulation 2009, shall be exempted from the requirement of the minimum eligibility condition of NET/SLET for recruitment and appointment of Lecturer/Assistant Professor or equivalent positions in Colleges.

The notification had been issued in line with the 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) Regulations, 2010 (for short, 'the UGC Regulations, 2010').

6.2. The petitioner claims eligibility for the post of Assistant Professor on the basis of a decision taken by the UGC in its meeting dated 27.09.2010, exempting the persons who have obtained M.Phil. prior to

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11.07.2009 from the requirement of clearing NET. However, it has been specifically stated by learned State counsel, on instructions received from the second respondent vide memo dated 07.02.2025, that the UGC minutes dated 27.09.2010 were never notified, nor adopted by the State Government. Learned counsel for the petitioner has not been able to dispute the fact, nor has any document to the contrary been placed on record.

6.3. In this situation, the petitioner's eligibility is to be determined on the basis of Service Rules, 1986, amended in terms of the UGC Regulations, 2010, which do not provide for any exemption from NET to the M.Phil. degree holders for the post of Assistant Professor.

The UGC Regulations, 2016

7. The reliance placed by learned counsel for the petitioner on clause 3.3.1. of the UGC Regulations, 2016, is also without substance and a result of misreading of the clause, which is as under:

3.3.1. NET/SLET/SET shall remain the minimum eligibility condition for recruitment and appointment of Assistant Professors in Universities/Colleges/Institutions:

Provided, however, the candidates, who are or have been awarded a Ph.D. Degree in accordance with the University Grants Commission (Minimum Standards and Procedure for Award of Ph.D. Degree) Regulations, 2009 or the subsequent Regulations if notified by the UGC, shall be exempted from the requirement of the minimum eligibility condition of NET/SLET/SET for recruitment and appointment of Assistant Professor or equivalent positions in Universities/ Colleges/ Institutions.

Further, the award of degrees to candidates registered for the M.Phil./Ph.D. programmes prior to July 11, 2009, shall be governed by the provisions of the then existing Ordinances/By

laws/Regulations of the Institution awarding the degrees and the Ph.D. candidates shall be exempted from the requirement of the minimum eligibility condition 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) Ph.D. degree of the candidate awarded in regular mode only;
 - (b) Evaluation of the Ph.D. thesis by at least two external examiners;
 - (c) Candidate had published two research papers out of which at least one in a referred journal from out of his/her Ph.D. work;
 - (d) The candidate had presented two papers in seminars/conferences from out of his/her Ph.D. work;
 - (e) Open Ph.D. viva-voce of the candidate had been conducted.
- (a) to (e) as above are to be certified by the Vice-Chancellor/ Pro-Vice-Chancellor/ Dean (Academic Affairs)/ Dean (University Instructions) (*italics by this Court*)

7.1. A perusal of the Regulations makes it apparent that NET remains the minimum eligibility condition for appointment as Assistant Professor in Universities/Colleges/Institutions; the exemption from the requirement has been provided only to the candidates who have been awarded Ph.D. degree in accordance with the UGC Ph.D. Regulations, 2009. Much stress has been laid by learned counsel for the petitioner on the second proviso to clause 3.3.1. which refers to award of M.Phil degrees. A reading of this proviso, however, clearly shows it only provides that the award of M.Phil/Ph.D. degrees to the candidates registered for the programmes prior to 11.07.2009, shall be governed by the then existing Regulations for awarding the degrees. And only Ph.D. candidates (yet to be awarded the degrees) shall be exempted from the requirement of NET for appointment as Assistant Professor or equivalent positions, subject to fulfillment of the conditions mentioned therein.



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Therefore, the exemption is only for Ph.D. candidates on fulfillment of the laid down conditions. So far as the award of M.Phil. degrees to candidates enrolled prior to 11.07.2009 is concerned, the second proviso only stipulates that it will be regulated as per the then existing Regulations. It is a fact that the UGC Ph.D. Regulations, 2009, were published in the Gazette of India on 11.07.2009; Regulation 5 whereof provided that, *“Notwithstanding anything contained in these Regulations or any other rule or regulation, for the time being in force, no University, Institution, Deemed to be University and College/Institution of national importance shall conduct M.Phil and Ph.D. Programmes through distance education mode.”* Accordingly, the second proviso to clause 3.3.1. of the UGC Regulations, 2016, is to be read in the context of Regulation 5 reproduced herein above which restrained the Universities, other Institutions, and Deemed to be Universities to conduct M.Phil. and Ph.D. programmes through distance education mode. Only for the candidates enrolled for M.Phil. programme prior to notification of the UGC Ph.D. Regulations, 2009, i.e., 11.07.2009, the degrees were to be considered valid being as per the Regulations in force prior to that date. And in terms therewith, the petitioner’s M.Phil. degree having been awarded prior to 11.07.2009 remains a valid qualification; however, it does not exempt him from the essential requirement of clearing NET for being appointed as Extension Lecturer/Assistant Professor.

7.2. Also, the issue of eligibility on the basis of M.Phil. under clause 3.3.1. of the UGC Regulations, 2016, was considered by this Court in *Archana Grover* case (*supra*) and, based upon a clarification from the UGC regarding the clause, it was held as under:

However, in the opinion of this Court, that stand cannot be accepted, in view of the specific clarification given by the UGC and even looking at the bare text of the aforesaid proviso, which very clearly states that as regards those awarded a Ph.D. Degree in accordance with the Regulations of 2009, they would be exempted from passing NET/SLET/SET even for appointment as Assistant Professors or equivalent positions in Universities/Colleges/Institutions; but as regards those registered for an M.Phil programme prior to July 2009, the exemption is shown to be granted only for the purpose of awarding a degree, i.e. the M.Phil degree.

Consequently, that being so and the statutory rules of the respondent State also stipulating that passing NET/SLET/SET is an essential eligibility condition for being appointed as an Assistant Professor to teach in Universities/Colleges/Institutions, I see no reason as to why these petitions should be entertained.

Manoj Sharma case

8. The judgment in *Manoj Sharma* case (*supra*) relied upon by learned counsel for the petitioner does not help him in any way. It was a case wherein the petitioners had passed M.Phil. from different universities through distance education mode between 2007 to 2009, i.e., before 11.07.2009. In terms of administrative order issued by the Government of Madhya Pradesh, dated 22.02.2012, applications had been invited for appointment as Guest Lecturers in Government Colleges. The petitioners therein had applied, but were not considered qualified since their M.Phil degrees had been obtained through distance education programmes. While entertaining their writ petition, the High Court vide interim order dated 14.05.2012, directed to accept their applications. Finally, the petition was disposed of on 29.08.2012, holding that the candidates who had cleared M.Phil. before notification of the UGC Ph.D. Regulations, 2009, were eligible and their result be declared. In

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these circumstances, the Supreme Court held that these Regulations debarring universities and other institutions from conducting M.Phil. programmes through distance education mode would only be applicable prospectively, i.e., from the date of Gazette notification, 11.07.2009, and would not wipe out the M.Phil. qualification already acquired prior thereto. Accordingly, the High Court directions to consider their case on the basis of M.Phil. degrees and declare the result, were not interfered with.

8.1. Further, in *Manoj Sharma* case, *ibid*, the Supreme Court also considered the fact that as per note contained in clause 1.3.3. of the UGC Regulations, 2000, it was provided that the candidates who had completed M.Phil degree or had submitted Ph.D. thesis up to 31.12.1993 stood exempted from appearing in NET examination. These Regulations were also amended on the same date/11.07.2009 vide another Regulations, namely, the UGC (Minimum Qualifications for Appointment and Career Advancement of Teachers in Affiliated Universities and Institutions) (3rd Amendment) Regulations, 2009 (for short, ‘the UGC Minimum Qualifications Regulations, 2009’), wherein the note contained in clause 1.3.3. was substituted by the following:

“NET/SLET shall remain the minimum eligibility condition for recruitment and appointment of Lecturers in Universities/ Colleges/Institutions.

Provided, however, that candidates, who are or have been awarded Ph.D. degree in compliance of the “University Grants Commission (Minimum Standards and Procedure for Award of Ph.D degree) Regulations, 2009, shall be exempted from the requirement of the minimum eligibility condition of NET/SLET for recruitment and appointment of Assistant Professor or equivalent positions in universities/colleges/institutions.”

In the light of these Regulations, it was held that exemption from NET was not available to M.Phil degree holders, and only those Ph.D. degree holders who had been awarded degrees in terms of the UGC Ph.D. Regulations, 2009, would be given the exemption. A reference can be made to the following observations of the Supreme Court:

19. Thus, from the above judgment, *it is clear that NET qualification is now minimum qualification for appointment of Lecturer and exemption granted to M.Phil degree-holders has been withdrawn* and exemption is allowed only to those Ph.D degree-holders who have obtained the Ph.D degree in accordance with 11-7-2009 Regulations, namely, the 2009 Regulations of UGC (Minimum Standards and Procedure). Although, this aspect has not been noticed by the High Court but since the learned Single Judge has directed the consideration of the case of the writ petitioner on the basis of M.Phil degree which was obtained by them by distance education mode prior to 2009, *it is necessary that their eligibility for the post be examined taking into consideration the 2009 Regulations of UGC (Minimum Qualifications for Appointment)*. The advertisement and selection for Guest Lecturers having been conducted in the year 2012 when both the 2009 Regulations of UGC (Minimum Standards and Procedure) and the 2009 Regulations of UGC (Minimum Qualifications for Appointment) were applicable. (italics by this Court)

8.2. Therefore, the judgment clearly holds that NET is the minimum qualification for appointment as Lecturer/Assistant Professor, and exemption granted to M.Phil. degree holders prior to the UGC Ph.D. Regulations, 2009, stands withdrawn with effect from 11.07.2009. Besides, the Supreme Court explicitly directed that eligibility of the petitioners therein/Guest Lecturers, who had obtained M.Phil. through distance education mode prior to 2009,

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must be examined by taking into consideration the UGC Minimum Qualifications Regulations, 2009, wherein NET had been laid down as an essential requirement. Accordingly, in the instant case, having been appointed after 11.07.2009, the petitioner is not entitled to any exemption on the basis of M.Phil. degree obtained by him in June 2009. After coming into force of the UGC Minimum Qualifications Regulations, 2009, and as per the service Rules, NET remains an essential qualification for the post of Assistant Professor/Extension Lecturer which the petitioner concededly does not possess.

Removal in terms of the Policy

9. Further, once being ineligible the petitioner is not entitled to be appointed as Extension Lecturer in terms of the Policy guidelines, dated 04.03.2020/02.11.2023, he has no right to continue in service, and is required to be relieved/disengaged in terms therewith. This has been so held in the case of similarly placed Extension Lecturers, CWP No.2171 of 2025 titled *Rashmi Gera and others v. State of Haryana and others*, vide judgment dated 28.01.2025; relevant paragraph whereof reads as under:

6. It is apparent on record that none of the petitioners is qualified to be appointed as Extension Lecturer in the College. There is clear stipulation in the Policy guidelines, dated 04.03.2020 and 02.11.2023, that only eligible Extension Lecturers can be engaged in the Government colleges, and the ineligible are to be disengaged/relieved. Also, there are clear directions issued by the Division Bench also that in the interests of students, ineligible Extension Lecturers cannot be allowed to work and are required to be relieved forthwith. The respondents are accordingly mandated to take action and relieve such Extension Lecturers. Merely because there is unmet workload in



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the College concerned, it would not give any right to the petitioners to continue in service. In case the Department requires to engage services of Extension Lecturers for the purpose, it can be done by engaging the eligible ones in terms of the Policy guidelines. The fact that petitioners have already taken admission in Ph.D. and are about to complete the same, can also not afford them a ground to continue in service since as on date they are ineligible, and have no right to continue in terms of the stipulation in the Policies.

The judgment has been upheld by the Division Bench in LPA No.519 of 2025, decided on 19.02.2025.

10. In view of the discussion, there is no merit in the petition, and it stands dismissed.

(TRIBHUVAN DAHIYA)
JUDGE

18.02.2025
Payal/Maninder

Whether speaking/reasoned	Yes
Whether reportable	Yes