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IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision:14.08.2026

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CNR No. DLHC011089462025

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LPA 22/2026 & CM APPL. 3384-85/2026**JAWAHARLAL NEHRU UNIVERSITY****.....Appellant**

Through: Mr. Sukrit Seth, Mr. Karan
Prakash and Ms. Deepshikha,
Advs.

versus**RAMBIR & ORS.****.....Respondents**

Through: Mr. Suyash Srivastava, Mr.
Manish Pandey, Advs.
Mr. Rohan Jaitley, CGSC with Mr.
Akshay Sharma, Mr. Dev Pratap
Shahi, Mr. Varun Pratap Singh,
Mr. Yogya Bhatia, Advs. for UOI.

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CNR No. DLHC010183052026

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LPA 324/2026 & CM APPL. 28365/2026, CM APPL. 28368/2026**UNIVERSITY GRANTS COMMISSION****.....Appellant**

Through: Mr. Chetan Sharma, ASG with
Mr. Parmanand Gaur, Mr. Vibhav
Mishra, Mr. Amit Gupta, Mr. R.V.
Prabhat, Mr. Shubham Sharma and
Mr. Naman, Advs.

versus**RAMBIR & ORS.****....Respondents**

Through: Mr. Suyash Srivastava, Mr.
Manish Pandey, Advs.
Mr. Sukrit Seth, Mr. Karan
Prakash and Ms. Deepshikha,
Advs. for R-2.

CORAM:**HON'BLE THE CHIEF JUSTICE****HON'BLE MR. JUSTICE TEJAS KARIA**



DEVENDRA KUMAR UPADHYAYA, C.J. (ORAL)

CM APPL. No. 3383/2026 in LPA No. 22/2026

CM APPL. No. CM APPL. 28366/2026 in LPA No. 324/2026

1. The present applications have been filed seeking condonation of delay in filing the appeal. For the reasons stated in the application the delay in filing the appeal is condoned. The applications stand disposed of.

LPA 22/2026 & CM APPL. 3384-85/2026

LPA 324/2026 & CM APPL. 28365/2026, CM APPL. 28368/2026

2. University Grants Commission (hereinafter referred to as “UGC”) and Jawaharlal Nehru University (hereinafter referred to as “JNU”) are in appeal before us challenging the judgment dated 29.11.2024 whereby W.P.(C) 9521/2019 instituted by the respondent/ Rambir has been allowed and the JNU has been directed to convene a Departmental Promotion Committee (hereinafter referred to as “DPC”) to consider the respondent for promotion to the post of Assistant Librarian subject to him meeting the requisite criteria. The learned Single Judge has further directed that, in case, the respondent is recommended for promotion to the said post, he shall be promoted with all consequential benefits.

3. The respondent was appointed on the post of Professional Assistant with the JNU on 10.09.2010. Thereafter, on completion of a period of 5 years on the said post, he claimed his promotion to the post of Assistant Librarian. The DPC for making promotion against two posts of Assistant Librarian was held on 14.09.2017 out of which, one vacancy was for unreserved category and the other was reserved for SC category.



4. The respondent belongs to the category of Scheduled Caste. On the basis of the recommendation made by the DPC held on 14.09.2017, one vacancy from amongst the unreserved category candidates was filled whereas the vacancy in the reserved category of scheduled caste remained unfilled as according to the University the respondent was not eligible. The respondent filed W.P.(C) No. 705/2018 seeking a direction to consider him for promotion which was disposed of by means of an order dated 24.01.2018 with a direction to the respondent to represent his case with a further direction to the University to decide the same by passing a speaking order.

5. Pursuant to the said order dated 24.01.2018 passed by this Court in W.P.(C) No. 705/2018, the representation of the respondent was considered which, however, was rejected on the ground that the respondent did not possess the required M.A. Degree. The respondent, thereafter, made another application on 14.03.2019 after acquiring the M.A. Degree and prayed that he be considered for promotion as he had not only acquired the M.A. Degree but was also, at the relevant point of time, at serial No. 1 of the seniority list of the incumbents holding the post of Professional Assistant.

6. Since the claim of the respondent was not being considered for promotion to the post of Assistant Librarian, he instituted W.P. (C) No. 6024/2019 which was finally disposed of by this Court *vide* order dated 27.05.2019 with a direction to the University to take a final decision in the matter relating to promotion of the respondent as per applicable rules.



7. In compliance of the order dated 27.05.2019, the DPC was convened on 14.06.2019, however, he was declined promotion stating the ground that there was no provision for appointment by way of promotion to the post of Assistant Librarian under the UGC (Minimum Qualifications for Appointment and Promotion of Teachers and Academic Staff in Universities and Colleges and Measures for the Maintenance of Standards in Higher Education) Regulations, 2018 (hereinafter referred to as the “**UGC Regulations, 2018**”)

8. Citing the said reason, the claim of the respondent was rejected for his promotion to the post in question. The decision of the DPC held on 14.06.2019 was communicated to the respondent *vide* communication dated 04.07.2019 wherein it was stated that the UGC *vide* its letter dated 08.03.2019 had informed the University that there was no provision mentioned for promotion of Professional Assistants (Feeder Cadre) to the post of Assistant Librarian in UGC Regulations, 2018 which had come into force w.e.f. 18.07.2018 and, therefore, he was not found eligible for being considered for appointment by way of promotion to the post of Assistant Librarian.

9. Challenging the communication/ order dated 04.07.2019 denying the respondent his promotion to the post of Assistant Librarian, the respondent instituted W.P.(C) 9521/2019 which has been allowed by the impugned judgment passed by the learned Single Judge, dated 29.11.2024. Challenging this judgment dated 29.11.2024, the JNU has preferred LPA No. 22/2026 whereas the UGC has also filed LPA No. 324/2026.



10. Since both these appeals challenge the same judgment dated 29.11.2024 passed by the learned Single Judge, they have been taken up and heard together and are being disposed of by this common judgment.

11. The sole question for our consideration is as to whether the reason given in the communication dated 04.07.2019 denying the respondent his promotion to the post of Assistant Librarian is legally tenable or not. The relevant extract of the communication dated 04.07.2019 which is the basis of denying the respondent his promotion to the post of Assistant Librarian is quoted herein below:

“As per University Grant Commission letter no. F.4-1/2008 (JCRC) dated 08.03.2019 there is no provision mentioned for promotion of Professional Assistant (feeder cadre) to Assistant Librarian in UGC Regulation - 2018. The UGC Regulation - 2018 has come in to force w.e.f. 18.07.2018. Hence. Sh. Rambir, Professional Assistant is not eligible to be considered for promotion to the post of Assistant Librarian”

12. What we can infer from the relevant extract of the communication dated 04.07.2019 as quoted above is that the respondent has been denied his promotion to the post of Assistant Librarian on the ground that the UGC Regulations, 2018 does not provide for making any appointment to the post in question by way of promotion, for which clarification was given by the UGC vide its letter dated 08.03.2019.

13. We may now examine the relevant provision of the UGC Regulations, 2018 in respect of the post of Assistant Librarian. The said UGC Regulations, 2018 were admittedly, notified on 18.07.2018 which were adopted by the University on 15.10.2018. Reliance has been placed on behalf of the University on Clause 4.7 of the UGC Regulations, 2018



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which is extracted herein below:

“4.7 MINIMUM QUALIFICATIONS FOR DIRECT RECRUITMENT TO THE POSTS OF UNIVESRITY ASSISTANT LIBRARIAN / COLLEGE LIBRARIAN, UNIVERSITY DEPUTY LIBRARIAN AND UNIVERSITY LIBRARIAN

I. UNIVERSITY ASSISTANT LIBRARIAN / COLLEGE LIBRARIAN

- i) *A Master's Degree in Library Science, Information Science or Documentation Science or an equivalent professional degree, with at least 55% marks (or an equivalent grade in a point –scale, wherever the grading system is followed)*
- ii) *A consistently good academic record, with knowledge of computerization of a library.*
- iii) *Besides fulfilling the above qualifications, the candidate must have cleared the National Eligibility Test (NET) conducted by the UGC, CSIR or 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:*

Provided that the, candidates registered for the Ph.D. degree 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 the regular mode*
- b) The Ph.D. thesis has been evaluated by at least two external examiners;*
- c) 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.*

Note:



- (i) *The fulfilment of these conditions is to be certified by the Registrar or the Dean (Academic Affairs) of the University concerned.*
- (ii) *NET/SLET/SET shall also not be required for candidates in such Master's Programmes for which NET/SLET/SET is not conducted by the UGC, CSIR or similar test accredited by the UGC like SLET/SET.*

II. UNIVERSITY DEPUTY LIBRARIAN

- i) *A Master's Degree in library science/information science/documentation science, with at least 55% marks or an equivalent grade in a point –scale, wherever grading system is followed.*
- ii) *Eight years experience as an Assistant University Librarian/College Librarian.*
- iii) *Evidence of innovative library services including integration of ICT in library.*
- iv) *A Ph.D. Degree in library science/ Information science / Documentation Science/Archives and manuscript keeping/computerization of library.*

III. UNIVERSITY LIBRARIAN

- i) *A Master's Degree in Library Science/Information Science/Documentation Science with at least 55% marks or an equivalent grade in a point-scale wherever the grading system is followed.*
- ii) *At least ten years as a Librarian at any level in University Library or ten years of teaching as Assistant/Associate Professor in Library Science or ten years" experience as a College Librarian.*
- iii) *Evidence of innovative library services, including the integration of ICT in a library.*
- iv) *A Ph.D. Degree in library science/information science/documentation /archives and manuscript-keeping."*

14. What we notice from a perusal of the Regulation 4.7 of the UGC Regulations, 2018 is that the same prescribes minimum qualification for direct recruitment to various posts in the University, including the post of Assistant Librarian. The minimum qualification for direct recruitment to the said post as per the said regulation is a Master's Degree in Library Science, Information Science or Documentation Science or an equivalent professional degree, with at least 55% marks along with a consistently



good academic record, with knowledge of computerization of a library. The Regulation 4.7 further provides that besides fulfilling the qualifications as mentioned above, the candidate must have cleared the National Eligibility Test (NET) conducted by the UGC, CSIR or similar test accredited by the UGC like SLET/SET or who are or have been awarded a Ph.D. Degree.

15. Thus, what is unambiguously clear from Regulation 4.7 is that the said Regulation provides minimum qualification for direct recruitment to the post of Assistant Librarian; it, however, does not provide as to what would be the mode of recruitment to the post of Assistant Librarian. So far as the post of Assistant Librarian is concerned, the UGC Regulations, 2018, thus, do not contain any provision which specifies as to what would be the mode of recruitment.

16. In service jurisprudence, there can be various modes or sources of recruitment/ appointment such as by way of direct recruitment, by way of promotion from amongst the incumbents belonging to the feeder cadre, by way of transfer of service and by way of deputation etc. The minimum qualification for different modes or kinds of recruitment/appointment can be prescribed differently, however, if any regulation or rule prescribes the minimum qualification for direct recruitment, it would not mean that recruitment to the post concerned cannot be made by way of promotion if the relevant Recruitment Rules governing the recruitment or appointment to the post concerned contains a provision for making recruitment/appointment by way of promotion.



17. The question, thus, is as to what was the mode of recruitment to the said post as per the applicable Recruitment Rules at the time when the claim of the respondent for promotion to the post of Assistant Librarian was rejected by the DPC held on 14.06.2019.

18. The JNU has framed its own Recruitment Rules and as per Rule 25, recruitment to the post of Assistant Librarian could be made from two sources, namely (i) by promotion and (ii) by direct open recruitment. 50 percent posts were to be filled in by way of promotion from incumbents holding the post of Professional Assistants on the criteria of seniority subject to 'Good' record of work and five years' continuous service and fulfilling the minimum qualification i.e. B.A. or equivalent and M.Lib. with minimum of second division in both or M.A. or equivalent and B. Lib. with minimum of second division in both.

19. As per Rule 25 of the Recruitment Rules, the recruitment to the rest of the 50% posts of Assistant Librarian could be made by way of open/ direct recruitment. Rule 25 of the Recruitment Rules of the University is extracted herein below:

**"25. RECRUITMENT TO THE POST OF ASSISTANT LIBRARIAN
(PAY SCALE RS. 2200-4000)"**

a) 50 percent promotion on seniority from Professional Assistants subject to 'Good' record of work and five years' continuous service and fulfilling the minimum qualifications i.e. B.A. or equivalent and M. Lib. with minimum of second division in both or M.A. or equivalent and B. Lib. with minimum of second division in both.

Provided that the cases of those candidates having third division in M.A. or equivalent and B.Lib can be considered by the Vice-



Chancellor for promotion to the posts of Assistant Librarian subject to the fulfillment of either of the following requirements: -

- i) Knowledge of two foreign languages of the standard of Diploma course, or*
 - ii) have published bibliography/ prepared, index of high standard : or*
 - iii) have published articles in renewed journals on Library Science; or*
 - iv) have put in a minimum of ten years service and have 'Good' record of work.*
- b) 50 percent by open recruitment."*

20. Thus, Rule 25 of the Recruitment Rules of the University, as quoted above, clearly stipulates two modes of recruitment of Assistant Librarians. Appointment by way of promotion to the post of Assistant Librarian was thus provided for as one of the mode of recruitment and, therefore, the reason given in the communication dated 04.07.2019 for denying the promotion to the respondent is not tenable as Regulation 4.7 of UGC Regulations, 2018 does not provide for mode of recruitment, rather it only provides the minimum qualification for direct recruitment. Accordingly, if Rule 25 of the Recruitment Rules is read with Regulation 4.7 of the UGC Regulations, 2018, in our considered opinion, it would mean that, in case, recruitment/ appointment to the post of Assistant Librarian is to be made by way of open/direct recruitment then the candidates fulfilling the requisite minimum qualification as prescribed in Regulation 4.7 of the UGC Regulations, 2018 will only be eligible. It would not mean that no recruitment/ appointment on the post of Assistant Librarian could be made by way of promotion, unless Rule 25 of the Recruitment Rules were rescinded or superseded by any other



appropriate Recruitment Rule.

21. It is also noticeable that after notifying/promulgating the UGC Regulations, 2018, the UGC *vide* letter dated 27.09.2022 circulated model cadre Recruitment Rules for central universities to the Registrars of Central Universities. The said circular was issued to the Registrars for the reason that some Central Universities were facing difficulties in finalization of their cadre Recruitment Rules of non-teaching employees. In this background, the UGC constituted an expert committee for the said purpose and based on the recommendation of the expert committee it approved Model Cadre Recruitment Rules and circulated it amongst all the central universities. Clause 4 of the circular dated 27.09.2022 is very relevant to note which provides that model cadre Recruitment Rules were circulated for taking appropriate action wherever the Recruitment Rules approved by their competent authority were not available. It further provides that universities having Recruitment Rules approved by the competent authority may continue with the recruitment processes for non-teaching posts as per their approved Recruitment Rules. Clause 4 of the circular dated 27.09.2022 is extracted herein below:

“4. The Model Cadre Recruitment Rules as approved by the Commission are attached herewith for taking appropriate action, wherever the CRRs approved by their competent authority are not available. The Universities having CRRs approved by their Competent authority may continue with the recruitment process for non-teaching positions as per the approved CRRs also the dying card are not to be filled up”

22. The Model Cadre Recruitment Rules circulated by the UGC *vide*



circular dated 27.09.2022 though provide that the method of recruitment on the said post of Assistant Librarian shall be by way of direct recruitment, however, we may, at this juncture itself, notice that the circular dated 27.09.2022 clearly provided that the universities which were already having their own Recruitment Rules approved by the competent authority may continue with the same recruitment processes for non-teaching staff as per approved Recruitment Rules. It is, thus, to be noticed that as per the stipulation made in the circular dated 27.09.2022, it was for the university concerned to adopt the Model Recruitment Rules and if a particular university was already having its own Recruitment Rules approved by its competent authority, it was made open to such university to continue with the same Recruitment Rules. In any case, the Model Recruitment Rules were circulated by the UGC on 27.09.2022 i.e. much later than the date on which the DPC had met to consider the claim of the respondent for promotion to the post of Assistant Librarian i.e. 14.06.2019.

23. Much emphasis has been laid on behalf of the University that UGC vide its letter dated 08.03.2019 had clarified that there was no provision for promotion of Professional Assistant (Feeder Cadre) to Assistant Librarian in the UGC Regulations, 2018. However, the said clarification contained in the letter dated 08.03.2019 does not help the cause being espoused on behalf of the University for the reason that though it is true that UGC Regulations, 2018 do not contain any regulation for promotion of Professional Assistants to the post of Assistant Librarian, however, what Regulation 4.7 of the UGC Regulations, 2018 provides for is the



minimum qualification for recruitment/appointment to the post of Assistant Librarian in case recruitment is made by way of direct recruitment. As already noticed above, UGC Regulations, 2018 do not contain any provision regarding the mode of recruitment. Prescription of minimum qualification and different modes of recruitment are two different concepts. The first is relevant for the purposes of determining the minimum eligibility for making recruitment to any post whereas the second is relevant to determine as to what can be the permissible modes of recruitment/appointment.

24. We have already noticed that the Recruitment Rules of the University provided two modes of recruitment/appointment to the post of Assistant Librarian. Accordingly, appointment to the post of the Assistant Librarian could be made both, by way of (i) direct recruitment and (ii) by way of promotion, as well.

25. Thus, the alleged clarification contained in the letter of the UGC dated 08.03.2019 does not address the issue as to whether the respondent was entitled to be considered for appointment by way of promotion to the post in question i.e. Assistant Librarian. The letter only clarifies that the UGC Regulations, 2018 does not contain any provision permitting appointment to the post of Assistant Librarian by way of promotion from amongst the incumbents holding the post of Professional Assistants. Such absence, however, will not wipe off the right of the respondent for being considered for promotion to the post of Assistant Librarian in terms of the Recruitment Rules of the University which clearly permitted that 50% appointment to the post in question shall be made by way of



promotion and rest of the 50% posts can be filled in by way of direct recruitment.

26. We may also refer to a reply of the UGC given *vide* its letter dated 29.07.2019 to a query made under the Right to Information Act, 2005. As per the said reply, the query made was whether the University Grants Commission ever notified the Uniform Recruitment Rules, qualifications and promotion policy for Professional Assistant of the central universities. In reply to the said query, what was stated by the UGC is that UGC had not yet notified any uniform service conditions for non-teaching staff of central universities and further that the universities frame their own cadre Recruitment Rules, qualification, promotion policy etc., in the light of govt. of India norms statutes/Ordinance rules approved by the appropriate authorities.

27. The query made and the reply given to the said query as contained in the letter of the UGC dated 29.07.2019 is extracted herein below:

SN	Question of the Applicant	UGC Reply
4.	<i>Whether the university grant commission ever notified the Uniform Recruitment Rules, qualifications and promotion policy for professional assistant of the central universities. If yes, please provide the certified copies of the Recruitment Rules, and qualification, promotion policy.</i>	<i>Q.NO. 1-2 UGC has not yet notified any uniform service conditions for non-teaching staff of central universities. Universities frame their cadre Recruitment Rules, qualification, promotion policy etc. in the light of Govt. of India norms statutes/ Ordinance rules approved by the appropriate authorities.</i>
5.	<i>Whether the UGC Regulations 2018 deals/consists the Recruitment Rules, Qualifications and Promotion</i>	<i>No, UGC Regulations cover the Deputy Registrar posts at the level of Assistant Librarian and</i>



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	<i>policy of the Professional Assistants of the central universities. If yes, please provide the certified copies of the same.</i>	<i>above.</i>
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28. Thus, even as per the said reply given by the UGC under the Right to Information Act, the UGC had not notified any service Rules for promotion etc., to the post of Professional Assistant and further that promotion policy etc. for the incumbents holding the said post, could be provided by the university itself.

29. Accordingly, what we have noticed is that UGC Regulations, 2018 do not contain any mode of recruitment/appointment to the post of Assistant Librarian rather, the same contain the minimum qualification in case any appointment is to be made by way of direct recruitment to the post of Assistant Librarian. Therefore, we are of the considered opinion that rejection of the claim of the respondent for his promotion to the post of Assistant Librarian by the DPC in its meeting held on 04.07.2019 is not tenable. The reliance placed by the University on the alleged clarificatory letter dated 08.03.2019 also does not serve the cause of the University for denying the respondent his right of consideration for promotion to the post in question.

30. The notification dated 15.04.2019 issued by the University whereby it has been provided that the post of Assistant Librarian would be filled up 100% by way of direct recruitment in accordance with the provisions contained in the UGC Regulations, 2018 and further the Professional Assistants are eligible for grant of Modified Assured Career



Progression (MACP) Scheme as per DOPT Rules may also be noted. In view of what the said notification provides for, what we need to consider is as to whether such a notification, which appears to be an administrative order or notification, or circular, could have amended the provision contained in the Recruitment Rules. As a matter of fact, the notification dated 15.04.2019 is based on the letter of the UGC dated 08.03.2019 which only states as to what will be the minimum qualification for direct recruitment to the post of Assistant Librarian. We have already noticed that the UGC Regulations, 2018 do not contain any provision as regards the mode of recruitment to the post in question. These regulations only prescribe the minimum qualification in case the post in question is to be filled in by way of direct recruitment. In any event, the Recruitment Rules of the university are statutory in nature and the same could not be amended or superseded by way of a simple administrative order or notification. It is settled law that statutory rules can only be supplemented by any office order or administrative instructions or notification, but they cannot be supplanted altogether as held by the Hon'ble Supreme Court in ***Senior Superintendent of Post Offices, Allahabad and Ors. vs. Izhar Hussain, (1989) 4 SCC 318.***

31. What the notification dated 15.04.2019 does is that it altogether seeks to amend the Recruitment Rules which provide for both modes of recruitment/appointment on the post of Assistant Librarian, one – by way of promotion from amongst the incumbents holding the post of Professional Assistants and, two – direct/open recruitment. The notification dated 15.04.2019 altogether amends the said Recruitment



Rules as one of the two modes of recruitment/appointment to the post of Assistant Librarian appears to have been removed from the Recruitment Rules. The notification dated 15.04.2019 cannot be permitted to come in the way of the right of consideration of the respondent for appointment by way of promotion to the post of Assistant Librarian for the reason that the mode of appointment by way of promotion as prescribed in the Recruitment Rules cannot be wiped off by way of an administrative circular or instruction or notification.

32. For the aforesaid reasons, we find ourselves in complete conformity and agreement with the findings recorded by the learned Single Judge in the impugned judgment and order dated 29.11.2024.

33. Resultantly, both the appeals fail which are hereby dismissed. No order as to costs.

34. The University is directed to ensure compliance of the directions issued by the learned Single Judge in the judgment dated 29.11.2024 with expedition, say within a period of six weeks from the date a certified copy of this order is furnished to the competent authority of the University.

DEVENDRA KUMAR UPADHYAYA, CJ

TEJAS KARIA, J

AUGUST 14, 2026

N.Khanna