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THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case : WP(C)/6681/2025

MD. YAMIN HASSAN
S/O- LATE EMDADUL HAQUE
R/O - COLLEGE NAGAR
P.O AND P.S - MANKACHAR
DIST- SOUTH SALMARA MANKACHAR
ASSAM

VERSUS

THE STATE OF ASSAM AND 6 ORS
THROUGH THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT
OF ASSAM
HIGHER EDUCATION DEPARTMENT
DISPUR
GUWAHATI -781006.

2:THE DIRECTOR OF HIGHER EDUCATION
KAHILIPARA
ASSAM
GUWAHATI- 781019.

3:THE UNIVERSITY GRANT COMMISSION
REPRESENTED BY ITS SECRETARY
BAHADUR SHAH JAFAR MARG
NEW DELHI - 110002.

4:THE GOVERNING BODY
REPRESENTED BY ITS PRESIDENT
MANKACHAR COLLEGE
P.O. AND P.S. MANKACHAR
DISTRICT SOUTH SALMARA MANKACHAR
ASSAM. PIN 783131

5:THE SELECTION COMMITTEE FOR SELECTION OF PRINCIPAL
MANKACHAR COLLEGE
REPRESENTED BY ITS CHAIRMAN CUM VICE CHANCELLOR
GAUHATI UNIVERSITY
P.O. AND P.S. MANKACHAR
DISTRICT- SOUTH SALMARA MANKACHAR
ASSAM. PIN - 783131

6:SCRUTINY COMMITTEE
GAUHATI UNIVERSITY FOR SELECTION TO THE POST OF PRINCIPAL
MANKACHAR COLLEGE
JALUKBARI
GUWAHATI-. 781014.

7:DR. IBRAHIM MANDAL
S/O- LATE ABUL MANDAL
R/O- VILLAGE-JHAWDANGA
P.O- MANKACHAR
DIST- SOUTH SALAMARA MANKACHAR
ASSAM
PIN- 783131.

Advocate for : MR. R P SARMAH
Advocate for : SC
HIGHER EDU appearing for THE STATE OF ASSAM AND 6 ORS

Linked Case : WP(C)/5045/2024

DR. MD YAMIN HASSAN
S/O- LATE EMDADUL HAQUE

R/O. COLLEGE NAGAR

P.O. AND P.S.- MANKACHAR

DISTRICT- SOUTH SALMARA MANKACHAR

ASSAM.

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TO THE GOVERNMENT OF ASSAM

HIGHER EDUCATION DEPARTMENT

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DISTRICT- SOUTH SALMARA MANKACHAR

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5:THE SELECTION COMMITTEE FOR SELECTION OF PRINCIPAL
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GAUHATI UNIVERSITY

P.O. AND P.S.- MANKACHAR

DISTRICT- SOUTH SALMARA MANKACHAR

ASSAM
PIN- 783131.

6:DR AZIBUR RAHMAN
HEAD OF THE DEPARTMENT

ECONOMICS

DOOMDOOMA COLLEGE

S/O- LATE MAKRAM ALI

R/O- TAPUBON
P.O.- RUPAISIDING

DISTRICT- TINSUKIA
ASSAM.

Advocate for : MR I HASSAN
Advocate for : SC
HIGHER EDU appearing for THE STATE OF ASSAM AND 5 ORS

**BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR**

ORDER

Date : 26-02-2026

Heard Mr. R.P. Sarmah, learned Sr. counsel assisted by Mr. I. Hasan, learned counsel for the petitioners in the above noted writ petitions. Also heard Mr. S. Das, learned standing counsel, Higher Education, Assam and Dr. A. Chamuah, learned standing counsel, UGC. Mr. K.N. Choudhury, learned Sr. counsel assisted by Mr. M Ahmed, learned counsel appears for the Governing Body of Mankachar College in the above noted writ petitions. Mr. P.J. Phukan, learned standing counsel, Gauhati University and Mr. P.K. Deka, learned counsel appears representing respondent No. 7 in W.P.(C) No. 6681/2025.

2. As consented to by the learned counsel for the parties, the above-noted writ petitions were taken up for final consideration and are being disposed of vide the present order.

3. By way of instituting W.P.(C) No. 5045/2024, the petitioner had assailed the

selection of one Dr. Azibur Rahman as Principal of the said College in pursuance to the advertisement dated 21-02-2021. The same petitioner by way of instituting W.P.(C) No. 3018/2025 has presented a challenge to an advertisement dated 29-05-2025 issued by the GB of the Mankachar College for recruitment against the post of Principal which had fallen vacant on the death of said Dr. Azibur Rahman. In W.P.(C) No. 6681/2025, the petitioner has presented a challenge to the selection of the respondent No. 7, therein, against the post of Principal, Mankachar College. The petitioner has also presented a challenge to the recommendation made by the Scrutiny Committee of the Gauhati University, wherein, the petitioner was found to be not eligible to appear in the interview for the post of Principal in pursuance to the advertisement dated 29-05-2025.

4. The petitioner in the present proceeding has projected that he was initially appointed as a Lecturer in the Department of Chemistry, Mankachar College and had worked, therein, w.e.f. 01-08-2005 till 31-07-2006. It is further projected that, thereafter, the petitioner, w.e.f. 01-08-2006 had joined as Lecturer in Chemistry at Shillong Engineering & Management College, Jorabat, wherein, he projects to have worked till 31-07-2010. Petitioner's further contention is that he came to be appointed as Assistant Professor in the Department of Chemistry, Assam Down Town University on 01-07-2010. The petitioner joined the said post and continued against the same. It is further projected in the writ petition that the petitioner on completion of around 08 (eight) years of service as Assistant Professor with Assam Down Town University, he was promoted to the post of Associate Professor w.e.f. 01-04-2018. The petitioner further projects that he continued in the said University till 20-11-2020 and thereafter, w.e.f. 21-11-2020, the petitioner is

serving as the Principal, Crescent College, Guwahati.

5. The petitioner in the above noted writ petitions has further projected that he was granted his Ph.D. degree in the year 2014 from the Gauhati University. The petitioner has contended that he fulfills all the requisite eligibility criteria mandated, for being considered for recruitment against the post of Principal in any Provincialised Colleges of the State. Accordingly, on the Governing Body of the Mankachar College issuing an advertisement dated 21-02-2021, inviting applications from the eligible candidates for recruitment against the vacant post of Principal in the College, the petitioner submitted his candidature for recruitment against the said post. The petitioner, thereafter, projects to have appeared before the selection committee along with one Dr. Azibur Rahman on 27-06-2022. It is also contended by the petitioner that Dr. Azibur Rahman did not fulfill the requisite eligibility criteria as set out in the advertisement dated 21-02-2021. However, he was also called for the interview by the respondent authorities. Recommendations being made in favour of the said Dr. Azibur Rahman for appointment against the post of Principal of the said College and such recommendation being forwarded to the Director of Higher Education, Assam for approval, the petitioner initially approached this Court by way of instituting a writ petition being W.P.(C) No. 4683/2022. The said writ petition, however, was dismissed by this Court vide order dated 27-07-2022 by holding the same to be premature. This Court, however, passed directions to the Director, Higher Education to pass final orders in the matter after taking into consideration of all relevant particulars. The writ petitioner further projects that the Director of Higher Education, Assam, on examination of the matter, had required the Governing Body of Mankachar College to re-

verify the selection particulars and to submit a fresh proposal in the matter. The said exercise was carried out and a fresh proposal in this connection being placed, the Director, Higher Education, Assam proceeded to issue an order dated 20-08-2024, appointing said Dr. Azibur Rahman as the Principal of the Mankachar College. The petitioner projects that although Dr. Azibur Rahman was appointed as the Principal of Mankachar College, he did not join against the said post and unfortunately passed away on 13-02-2025. The said development taking place in the matter, lead the Governing Body to seek fresh permission from the Director of Higher Education, Assam, to initiate fresh recruitment process against the post of Principal of the College. The said permission being granted, the Governing Body of the College issued an advertisement on 29-05-2025, inviting applications from eligible incumbents for recruitment against the post of Principal of the College.

6. The petitioner being aggrieved by the issuance of the fresh advertisement dated 29-05-2025, assailed the same by way of instituting the W.P.(C) No. 3018/2025. A Coordinate Bench of this Court vide order dated 02-06-2025, noticing the issues arising, therein, granted liberty to the petitioner to submit his candidature against the said advertisement dated 29-05-2025 with further stipulation that such submission of candidature by the petitioner would be without prejudice to his rights espoused in W.P.(C) No. 5045/2024, which was pending disposal at the relevant point of time. This Court also directed that the respondent authority shall not take any final decision in pursuance to the fresh recruitment process, without taking prior leave of this Court.

7. In terms of the said liberty granted to the petitioner, herein, he had submitted his

candidature against the advertisement dated 29-05-2025. The petitioner contends that after submission of his candidature, he not being issued with any call letter for appearing before the Selection Committee, he made enquiries and came to learn that the respondent authorities had on a scrutiny of his eligibility, held him to be not eligible and only one Dr. Ibrahim Mandal was found to be the candidate in the fray who had satisfied the requisite eligibility criteria, as laid down in the matter by the UGC as well as by the Government of Assam in the Department of Higher Education. Accordingly, being aggrieved by his exclusion from the selection process, the petitioner had again approached this Court, by way of instituting a writ petition being W.P.(C) No. 6681/2025, assailing the decision of the Scrutiny Committee holding him to be ineligible for appearing in the interview for the post of Principal in a provincialized college. The petitioner had prayed for a direction upon the respondents to allow the petitioner to appear in the interview for the post of Principal in pursuance to the advertisement dated 29-05-2025. This Court while issuing notice in the W.P.(C) No. 6681/2025, vide order dated 25-11-2025, had again reiterated the directions passed by this Court in the proceedings of W.P. (C) No. 3018/2025, requiring the respondent authorities not to finalize the selection to the post of Principal without the leave of this Court.

8. This Court having noticed the background leading to the institution of the 03 (three) writ petitions by the petitioner, would now proceed to consider the submissions made by the learned counsel for the parties. For the convenience, the parties are being now described as they are placed in the proceedings of W.P.(C) No. 6681/2025.

9. Mr. R.P. Sarmah, learned Sr. counsel appearing for the petitioner, after reiterating

the facts noticed, hereinabove, has submitted that the Scrutiny Committee so constituted in the matter had rejected the candidature of the petitioner solely with the purpose to ensure that the selection of the respondent No. 7, Dr. Ibrahim Mandal, is so effected without any hindrance. Mr. Sarmah submits that the petitioner satisfies all requisite eligibility criteria as set out by the UGC for being recruited against the post of Principal of Provincialized College in the State of Assam. Mr. Sarma submits that the grievance of the petitioner in the present proceeding is that the petitioner on account of the highhandedness on the part of the respondent authorities has been denied an opportunity to have his case considered on merits, for recruitment against the post of Principal, lying vacant in the Mankachar College. Mr. Sarmah by referring to the, "UGC Regulations on Minimum Qualifications for Appointment of Teachers and other Academic Staff in Universities and Colleges and Measures for the Maintenance of Standards in Higher Education, 2018" (hereinafter referred to as the Regulations of 2018), more particularly, Clause 4.V.A, pertaining to the eligibility for recruitment against the post of Principal of a College, submits that the petitioner possesses a Ph.D. degree and being an Associate Professor having teaching experience of more than 15 (fifteen) years in recognized university and/ or colleges he is eligible to be considered for appointment as Principal of a provincialized College in the State. Mr. Sarmah submits that the petitioner has more than 10 research publications in peer reviewed or UGC listed journals and has an API score more than 242.1. Accordingly, he submits that the petitioner having satisfied the requisite eligibility criteria, as set out by the UGC in its Regulation of 2018, there was no occasion for the Scrutiny Committee to reject the candidature of the petitioner by projecting that

he had not fulfilled the requisite eligibility criteria as set out by the UGC in its said Regulations of 2018. Mr. Sarmah has further submitted that the petitioner had also submitted his application in pursuance to the earlier advertisement issued for the same very post by the Governing Body of the Mankachar College, i.e. advertisement dated 21-02-2021 and pleas similar to the one now raised with regard to the eligibility of the petitioner were not so raised in the earlier recruitment process for the same very post. Mr. Sarmah has also submitted that the petitioner had applied for recruitment against the post of Principal in various other provincialized colleges and therein also his eligibility was never questioned, rather the petitioner was permitted to appear in the recruitment processes so held in the said colleges.

10. Mr. Sarmah by referring to the services rendered by the petitioner at Assam Down Town University has submitted that he had joined the said University as an Assistant Professor in the Department of Chemistry w.e.f. 01-07-2010. Thereafter, it is submitted by Mr. Sarmah that he was promoted as Associate Professor in the same very University w.e.f. 01-04-2018. Mr. Sarmah submits that the certificates issued in favour of the petitioner by the said University would establish the veracity of the statement made by the petitioner in this connection. He submits that in the communication issued towards promoting him as Associate Professor, it was inadvertently recorded that his such promotion was a re-designation of the post, which Mr. Sarmah submits to have occasioned on account of an inadvertent error and reiterated that the petitioner was actually promoted as an Associate Professor. Accordingly, Mr. Sarmah submits that the petitioner being an Associate Professor, w.e.f. 01-04-2018 and he having rendered

services as Assistant Professor in various institutions without break, w.e.f. 01-08-2005, the petitioner must be held to have acquired the requisite eligibility criteria for being considered for promotion against the post of Principal in a Provincialized College in the State of Assam in terms of the eligibility criteria spelt out in the UGC Regulations of 2018. In the above premises, Mr. Sarmah submits that the recommendation of the Scrutiny Committee as constituted in the matter which has the effect of excluding the petitioner from the purview of the selection process, would call for interference by this Court.

11. Mr. Sarma, in the above premises submits that the selection of Dr. Ibrahim Mandal would mandate an interference, with further direction to the respondent authorities to hold a fresh selection for the post of Principal, Mankachar College, by also considering the case of the petitioner, therein.

12. Per contra, Mr. K.N. Choudhury, learned Sr. counsel appearing for the respondent No. 4, i.e. the Governing Body of the Mankachar College by referring to the UGC Regulations of 2018, more particularly, Clause 4.V, submits that one of the eligibility criteria mandated for recruitment to the post of Principal of a College is that the intending candidate must be either an Associate Professor or Professor having 15 (fifteen) years' experience. Mr. Choudhury submits that the manner in which an Assistant Professor is to be promoted to the post of Associate Professor is also set out in the provision of Regulations of 2018, as well as the regulation that was in force prior to thereof. He submits that the petitioner in the writ petition in support of his claim that he was working as an Associate Professor in Assam Down Town University has relied upon a communication dated 01-03-2018 issued by the Chancellor of the said University. He

submits that a perusal of the said communication dated 01-03-2018, would reveal that the petitioner who was working as Assistant Professor in the said University was actually re-designated as Associate Professor w.e.f. 01-04-2018. Mr. Choudhury has further submitted that while the petitioner projects to have been promoted as an Associate Professor in the Assam Down Town University, the petitioner has not brought any material to demonstrate the manner in which he was so recruited to the post of Associate Professor in Assam Down Town University. Mr. Choudhury submits that from the materials brought on record by the petitioner, it is not apparent as to the procedure followed, for effecting promotion in respect of the petitioner to the post of Associate Professor in the Assam Down Town University. Mr. Choudhury submits that the petitioner having assailed the selection and appointment of Dr. Azibur Rahman in pursuance to the first advertisement dated 21-02-2021, he submits that the plea taken by the petitioner that Dr. Azibur Rahman did not fulfill the requisite eligibility criteria as set out by the UGC is clearly perverse. Mr. Choudhury submits that the Selection Committee had duly considered the documents relied upon by Dr. Azibur Rahman to satisfy itself that he fulfills the eligibility criteria so spelt out. He submits that it is only after the Selection Committee was so satisfied that Dr. Azibur Rahman had fulfilled the requisite eligibility criteria that he came to be recommended for appointment against the post of Principal of the College. Mr. Choudhury submits that the said proposal being placed before the Director, Higher Education, Assam, the Director while further processing the same, having found certain inconsistencies, the matter was remanded back to the Governing Body of the College for re-verification of the selection particulars. He submits that on due re-verification of the

said selection particulars, the Governing Body had resubmitted the proposal with a recommendation to appoint Dr. Azibur Rahman. He submits that due justification was also forwarded by the College authorities for the purpose. The Director, Higher Education, Assam, thereafter, on perusal of the recommendation made in favour of Dr. Azibur Rahman as well as the selection records along with justification submitted by the Governing Body proceeded vide order dated 20-08-2024 to appoint Dr. Azibur Rahman as the Principal of the College. However, he submits that the said appointment could not fortify, inasmuch as, Dr. Azibur Rahman passed away on 13-02-2025.

13. Mr. Choudhury further submits that the Governing Body of the College, thereafter, sought fresh permission from the Director, Higher Education to issue an advertisement for recruitment against the post of Principal of the College. He submits that the said permission being granted, advertisement dated 29-05-2025, came to be issued by the Governing Body of the College. In pursuance to the said advertisement dated 29-05-2025, two applications were received. One of the applicants was the petitioner and the other was Dr. Ibrahim Mandal (respondent No. 7). He submits that a Scrutiny Committee in accordance with the procedure mandated was formed by the Gauhati University authorities vide issuance of a notification dated 28-07-2025. Accordingly, the College authorities forwarded the applications submitted in the matter by the petitioner and the respondent No. 7 to the said Scrutiny Committee. The Scrutiny Committee on considering the applications so submitted in the matter, proceeded to hold that the petitioner, herein, did not satisfy the eligibility criteria as set out in the advertisement dated 29-05-2025, inasmuch as, he was found to have not fulfilled the requisite eligibility criteria set out in

the provisions of the said Regulations of 2018 for recruitment to the post of Principal of a College. Accordingly, the Scrutiny Committee recommended the name of the respondent No. 7, for appearing before the Selection Committee for recruitment against the post of Principal as advertised vide the advertisement dated 29-05-2025. Mr. Choudhury submits that basing on the said recommendations of the Scrutiny Committee, the Selection Committee as constituted in the matter in the College had considered the case of the respondent No. 7 and on such consideration, he being found to be suitable for appointment as Principal, recommendations came to be made in his favour by the Selection Committee. Mr. Choudhury, has highlighted that due to pendency of the present proceeding, instituted by the petitioner, who is not eligible for participating in the selection process, since the year 2021 the post of Principal of the of the College is lying unmanned, causing great inconvenience in managing the day to day administrative affairs of the College, which is now being so managed on in-charge basis.

14. Mr. Choudhury, further submits that the M.Phil. qualification as projected by the petitioner to have been acquired by him, having been so acquired in the distance education mode, from a University not having the jurisdiction to offer such course in the State of Assam, the said M.Phil. degree would be of no consequence for determining the eligibility of the petitioner for recruitment against the post of Principal.

15. In the above premises, Mr. Choudhury submits that the petitioner not possessing the requisite eligibility criteria for being considered for recruitment against the post of Principal of a Provincialized College, the recommendation made by the Scrutiny Committee holding him to be ineligible for appearing before the Selection Committee for

recruitment against the said post would not mandate interference from this Court. Mr. Choudhury submits that in view of the interim direction passed by this Court in W.P.(C) No. 6681/2025 and W.P.(C) No. 3018/2025, further process in the matter was kept in abeyance. Accordingly, he submits that the petitioner being demonstrated to be not eligible for recruitment against the post of Principal of a Provincialized College in the State, on account of the fact that he does not possess the requisite eligibility criteria, laid down by the UGC, this Court would be pleased to direct the respondents to take the process of recruitment to the post of Principal of the Mankachar College to its logical conclusion and for the purpose would be pleased to vacate the interim directions, operating in the above noted writ petitions.

16. Mr. P.J. Phukan, learned standing counsel, Gauhati University (GU) appearing for the respondent Nos. 5 and 6 at the outset submits that the petitioner in the writ petition has not brought on record any materials to demonstrate that he had acquired NET and/or SLET qualification. It is submitted that for appointment as an Assistant Professor, it is mandated that a candidate must have NET/ SLET qualification and/ or should have a Ph.D. degree. The petitioner is found to have not acquired the NET/ SLET but had acquired the Ph.D. qualification in the year 2014, more particularly, w.e.f. 04-12-2014 from the Gauhati University. Mr. Phukan submits that the eligibility of the petitioner to hold a post of Assistant Professor would arise only w.e.f. 04-12-2014, when he had acquired the Ph.D. degree. Mr. Phukan submits that the period of service rendered by the petitioner prior to that as an Assistant Professor would not mandate consideration for his further advancement to the post of Associate Professor and also for recruitment against a

post of Principal of any Provincialized College. Mr. Phukan by taking this Court through the service particulars of the petitioner initially at Mankachar College and thereafter, at Shillong Engineering and Management College, Jorabat submits that the said service projected to be as an Assistant Professor by the petitioner was actually as Tutor in the Mankachar College and the services at the Shillong Engineering and Management College, Jorabat admittedly cannot be treated to an Assistant Professor inasmuch as during that relevant period of time, the petitioner did not have eligibility to be recruited against a post of Assistant Professor. Mr. Phukan submits that the provisions of the UGC Regulations are applicable to all Higher Education institutions irrespective of the fact as to whether the said institutions are Government institutions and/ or private entities. Accordingly, Mr. Phukan submits that the services rendered by the petitioner as an Assistant Professor prior to 04-12-2014 must be assessed in the light of the qualifications set out for recruitment against the post of Assistant Professor.

17. Mr. Phukan further submits that the petitioner has contended that he was initially recruited as an Assistant Professor in Assam Down Town University, a University covered by the provisions of the UGC Regulations, w.e.f. 01-07-2010 as an Assistant Professor. Mr. Phukan submits that the said continuance of the petitioner as Assistant Professor in the Assam Down Town University w.e.f. 01-07-2010 is also required to be held to be without the requisite eligibility criteria. Mr. Phukan has submitted that the petitioner has, thereafter, projected that he was promoted to the post of Associate Professor. Mr. Phukan submits that there is a definite procedure laid down to be followed by a University/ College for promotion and/ or direct recruitment against the post of Associate Professor

existing in a University and/ or College. The documents brought on record by the petitioner only reveal that the petitioner in the Assam Down Town University was re-designated as an Associate Professor w.e.f. 01-04-2018. He submits that the petitioner has not brought on record any materials to demonstrate that the procedure laid down in the UGC Regulations either for direct recruitment to the post of Associate Professor and/ or promotion under the Career Advancement Scheme (CAS) was complied with while allowing him to function as an Associate Professor in the Assam Down Town University. Alternatively, Mr. Phukan submits that even if it is construed that the petitioner was working as an Associate Professor, considering the fact that he had acquired the eligibility criteria for being recruited as an Assistant Professor only in the year 2014, on acquiring the Ph.D. degree, the petitioner cannot be held to have satisfied the criteria laid down in the UGC Regulations requiring a intending candidate for the post of Principal to be working in a post of Associate Professor/ Professor with 15 years of teaching experience. Mr. Phukan submits that 15 years of teaching experience is the experience gained, after appointment as an Assistant Professor with requisite qualification and the scale of pay prescribed by the UGC. Mr. Phukan submits that even if the petitioner is held to have fulfilled the other requisite eligibility criteria, set out under the Clause- 4.V.A. of the Regulation of 2018, he cannot be held, under any circumstances, to have fulfilled the eligibility criteria as set out in Clause-ii of the said Clause- 4.V.A. In the above premises, Mr. Phukan submits that the petitioner admittedly not having acquired the requisite eligibility criteria for appointment as Principal of a College, his exclusion from the zone of selection by the Scrutiny Committee as constituted in pursuance to the advertisement

dated 29-05-2025, would not mandate interference by this Court.

18. Mr. P.K. Deka, learned counsel appearing for the respondent No. 7, has adopted the arguments advanced by Mr. K.N. Choudhury, learned Sr. counsel appearing for the Governing Body of the Mankachar College and Mr. P.J. Phukan, learned counsel appearing for the respondent Nos. 5 and 6. Mr. Deka also reiterates that the petitioner had misrepresented the authorities as well as before this Court by projecting himself to be an Associate Professor with the requisite teaching experience as an Assistant Professor w.e.f. 2005 and accordingly, was successful in requiring this Court to pass interim directions in the matter. Mr. Deka in connection with the contentions made by the learned Sr. counsel for the petitioner, that the petitioner had participated in similar recruitment exercises carried out for the post of Principal in other Provincialized Colleges of the State, submits that the petitioner had applied for recruitment for the post of Principal of B.N. College, Dhubri, by projecting himself to be an Associate Professor with all requisite UGC norms. He submits that the petitioner was called for the interview and he was required to produce certain documents by the Selection Committee. He submits that the petitioner on receipt of the said communication from the Governing Body/ Selection Committee did not turn up for the recruitment, which also reveals that the petitioner did not satisfy the requisite eligibility criteria for the post of Principal of a College. Mr. Deka has submitted that the respondent No. 7 fulfills all the requisite eligibility criteria as set out in the UGC Regulations as reiterated in the advertisement issued in this connection and accordingly, prays that the recommendation made in his favour by the Selection Committee after he was so found to be suitable for recruitment to the post of Principal of the College by the

Scrutiny Committee be permitted to be taken to its logical conclusion at the earliest.

19. Dr. A. Chamuah, learned standing counsel, UGC, submits that the norms as set out by the UGC in its Regulations, including the Regulation of 2018 is mandatorily required to be so complied with both by the institutions in the Governmental sector as well as recognized institution in the private sector. He submits that the private Colleges are required to comply with the provision of the UGC Regulations holding the field from time to time for the purpose of recruitment to the post of Assistant Professor and also for recruitment against the post of Associate Professor either by direct recruitment and/ or by way of promotion. He submits that in the event the recruitments are made in a private institution de hors the eligibility criteria as set out by the UGC in its Regulation, experience gained by such incumbent, in pursuance to such engagement/ appointment would not be reckonable for recruitment to further higher post in other institutions under the UGC. Accordingly, he submits that this Court would consider as to whether the petitioner at the time of his initial recruitment and continuance as an Assistant Professor, had fulfilled the requisite eligibility criteria. He submits that this Court would also examine as to whether the petitioner was recruited to the post of Associate Professor either by way of direct recruitment and/ or promotion after his case was so considered by a Selection Committee constituted in terms of the UGC Regulations holding the filed at the relevant point of time. Dr. Chamuah submits that in the event the petitioner was appointed and/ or promoted as an Associate Professor de hors the procedure laid down in the UGC Regulations, the petitioner would not be entitled to take advantage of such engagement for further recruitment/ promotion to the next higher grades in other Colleges of the State.

20. I have heard the learned counsel for the parties and also perused the materials available on record.

21. The background leading to filing of the above noted 03 writ petitions has been noticed hereinabove and the same is not reiterated. The materials brought on record as well as from the submissions made by the learned counsel for the parties the issue that arises for consideration of this Court in the present proceedings is as to whether the petitioner basing on his service particulars as disclosed in the above noted 03 writ petitions is eligible for being considered for the post of Principal of a provincialized college in the State.

22. The eligibility criteria requisite to be possessed by a candidate for appointment as Principal of a College is set out in the provisions of Clause-4.V.A of the UGC Regulations on Minimum Qualifications for Appointment of Teachers and other Academic Staff in Universities and Colleges and Measures for the Maintenance of Standards in Higher Education, 2018 (in short "the UGC Regulations of 2018"), Clause 4.V.A being relevant is extracted here-in-below:

"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

4.0 Direct Recruitment

.....

V. College Principal and Professor (Professor's Grade)

A. Eligibility:

(i) Ph.D. degree

(ii) Professor/ Associate Professor with a total service experience of at least

fifteen years teaching/ research in Universities, Colleges and other institutions of higher education.

(iii) A minimum of 10 research publications in peer-reviewed or UGC-listed journals.

(iv) A minimum of 110 Research Score as per Appendix II, Table 2

B. Tenure

(i) A College Principal shall be appointed for a period of five years, extendable for another term of five years on the basis of performance assessment by a Committee appointed by the University, constituted as per these regulations.

(ii) After the completion of his/ her term as Principal, the incumbent shall join back his/ her parent organization with the designation as Professor and in the grade of the Professor.

23. A perusal of the eligibility criteria as set out under the provisions of Regulation 4.V.A of the UGC Regulations of 2018, reveals that for recruitment to the post of Principal of a provincialized college in the State, the candidate concerned must be serving in the cadre of Professor and/ or Associate Professor with a total service experience of atleast 15 years teaching/ research in Universities/ Colleges and other institutions of Higher Education. Such candidates must also have a Ph.D. degree along with a minimum 10 research publications in peer-reviewed or UGC listed journals. Further the candidate concerned must have a minimum of 110 Research Score as per Appendix-II Table 2 of the said Regulations of 2018. The said criteria as laid down by the UGC is found to have been adopted by the Government of Assam in the Higher Education Department for recruitment of Principals in provincialized colleges of the State and the same was notified vide OM dated 25-02-2019.

24. Having noticed the eligibility criteria as set out in the Regulations of 2018 for

recruitment to the post of Principal, which is found to have been also adopted by the Government of Assam vide OM dated 25-02-2019, this Court would now examine as to whether the petitioner, herein, possesses the said qualification.

25. The petitioner in his pleadings has brought on record that he was initially appointed as a Lecturer/ Assistant Professor in the Department of Chemistry, Mankachar College where he had worked from 01-08-2005 till 31-07-2006. Thereafter, it is projected that the petitioner has served as a Lecturer in Chemistry in Shillong Engineering and Management College, Jorabat from 01-08-2006 to 31-07-2010. The petitioner, thereafter, projects that he was appointed as an Assistant Professor in the Department of Chemistry in Assam Down Town University, w.e.f. 01-07-2010. The Assam Down Town University admittedly is an institute of Higher Education and is covered by the UGC Regulations of 2018. The petitioner in the above noted writ petitions has brought on record an order dated 01-03-2018 issued by the Chancellor, Assam Down Town University, wherein, the petitioner was found to have been re-designated as Associate Professor w.e.f. 01-04-2018 and was authorized a consolidated salary of Rs. 46,000/- (Rupees Forty Six Thousand). The learned counsel for the respondents have urged that such re-designation of the petitioner would not elevate the status of the petitioner to that of an Associate Professor, inasmuch as, the UGC Regulations mandates the procedure for recruitment against the post of Associate Professor. A perusal of the UGC Regulations issued from time to time would reveal that for recruitment to the post of Associate Professor either by way of direct recruitment and/or by way of Career Advancement Scheme, a selection is contemplated and a selection committee for the said purpose is set out along with the

requisite eligibility criteria required to be possessed by such incumbents considered for recruitment to the post of Associate Professor. The petitioner in the above noted writ petitions has not brought on record any material to demonstrate that he was allowed to function as an Associate Professor in the Assam Down Town University after he was selected by way of a due selection process conducted by following the procedure set out in the UGC Regulations of 2018. The petitioner has only pleaded that the word re-designation as finding mention in the office order dated 01-03-2018 was on account of a typographical error and it is submitted that the petitioner was actually promoted to the said post and in this connection has relied upon a certificate dated 30-11-2020 issued by the HoD, Chemistry, Assam Down Town University. While the said projection has been made, no supporting materials have been brought on record in the above noted writ petitions to justify that the petitioner's recruitment to the post of Associate Professor was, in fact, after complying with the procedure as set out in the UGC Regulations. Accordingly, the petitioner is not found by this Court to have been recruited to the post of Associate Professor by following the mandate of the UGC Regulations. Accordingly, the petitioner is held to have not satisfied the eligibility criteria set out in the provisions of Regulation 4.V.A (ii) of the UGC Regulations of 2018 as well as in the OM dated 25-02-2019 for recruitment against the post of Principal of a College.

26. Having drawn the above conclusion, this Court would examine as to whether even if it is to be construed that the petitioner was recruited in the Assam Down Town University as an Associate Professor, he would have the requisite teaching experience of 15 years mandated for being considered for recruitment to the post of Principal of a

provincialized college of the State. This Court finds that the petitioner has projected that his experience as an Assistant Professor is to be reckoned w.e.f. 01-08-2005, when he was recruited as Assistant Professor in the Department of Chemistry, Mankachar College. It is to be noted that in the above noted writ petitions, the petitioner has not projected that he had acquired the NET/ SLET/ SET qualification at the time of his recruitment as Assistant Professor in the Mankachar College. The petitioner is found to have acquired his Ph.D. degree on 04-12-2014 from the Gauhati University. The petitioner not having the NET/ SLET/ SET qualification, he was ineligible to be considered for appointment as an Assistant Professor, inasmuch as, for recruitment as an Assistant Professor at the relevant point of time when the petitioner was so recruited in the Mankachar College the minimum qualification requisite for the purpose was NET/ SLET/ SET. The petitioner having acquired the alternative qualification of Ph.D. only on 04-12-2014, the petitioner in the considered view of this Court became eligible for recruitment as an Assistant Professor only w.e.f. 04-12-2014 and not from a date prior thereto. Accordingly, the teaching experience of 15 years mandated for the purpose of recruitment to the post of Principal in provincialized colleges in the State would, in respect of the petitioner, be permissible to be reckoned only w.e.f. 04-12-2014. Reckoning his such experience from 04-012-2014, the petitioner is not found to have acquired the 15 years of experience, when he had submitted his application in pursuance to the advertisement for the post of Principal in Mankachar College. Accordingly, on the said count also the petitioner is not found to be eligible to submit his application in pursuance to the advertisement issued in the matter by the Mankachar College for recruitment against the vacant post of Principal existing in the said

College. The petitioner in this connection had projected that he had in the year 2008 acquired his M.Phil. qualification, however, considering the criteria set out for recruitment to the post of Assistant Professor, this Court is of the considered view that the M.Phil. qualification acquired by the petitioner, would not advance his case.

27. In view of the above conclusion reached by this Court, hereinabove, this Court finds that the petitioner is not eligible to submit his candidature for the recruitment to the post of Principal of a provincialized college in the State even as on date and accordingly, the declaration of ineligibility of the petitioner to appear in the selection process for the vacant post of Principal at Mankachar College, in the considered view of this Court, is not erroneous. Accordingly, the selection made by the constituted selection committee in pursuance to the advertisement dated 29-05-2025 would not also mandate any interference from this Court. Further, the non-selection of the petitioner in pursuance to the earlier advertisement dated 21-02-2021, in the considered view of this Court, also would not mandate any interference, inasmuch as, the petitioner cannot be held to be eligible to have his case considered for recruitment against the post of Principal, even in pursuance to the advertisement dated 21-02-2021. Accordingly the writ petitions being W.P.(C) No. 6681/2025, W.P.(C) No, 5045/2024 and W.P.(C) No. 3018/2025 are found to be devoid of any merit and consequently, the same stand dismissed. However, there would be no order as to cost.

28. The interim orders operating in the above noted writ petitions also stand vacated, with a direction to the respondent authorities to take the selection already held in the matter in pursuance to the advertisement dated 25-02-2025, to its logical conclusion and

effect appointment against the post of Principal of Mankachar College, within a period of 45 days from the date of receipt of a certified copy of this order.

JUDGE

Comparing Assistant