

GAHC010279562025



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

Case No. : WP(C)/7283/2025

DR SAMIRA BEHERA
SON OF LATE NARAHARI BEHERA, RESIDENT OF 1ST LINK ROAD, LANE
NO.2, HOUSE NO. 55, P.O. RANGIRKHARI, P.S. SILCHAR, DISTRICT -
CACHAR, ASSAM.

VERSUS

UNION OF INDIA
, REPRESENTED BY SECRETARY, MINISTRY OF EDUCATION,
DEPARTMENT OF HIGHER EDUCATION, SHASTRI BHAWAN, NEW DELHI-
110001.

2:THE SECRETARY
MINISTRY OF EDUCATION
DEPARTMENT OF HIGHER EDUCATION
SHASTRI BHAWAN
NEW DELHI-110001.

3:THE UNDER SECRETARY (CUI)
ROOM NO. 515-B
B WING
MINISTRY OF EDUCATION
DEPARTMENT OF HIGHER EDUCATION
SHASTRI BHAWAN
NEW DELHI-110001.

4:THE UNIVERSITY GRANTS COMMISSION
REPRESENTED BY ITS SECRETARY
BAHADUR SHAH ZAFAR MARG
NEW DELHI- 110002.

5:THE ASSAM UNIVERSITY
REPRESENTED BY ITS REGISTRAR
SILCHAR- 788011

DIST.- CACHAR
ASSAM.

6:DR RAJIVE MOHAN PANT
RESIDENT OF DEVI NIWAS
AYARPATA HILLS
NAINITAL- 263001
UTTARAKHAND AND PRESENTLY POSTED AS THE VICECHANCELLOR
RAJA RAMMOHAN ROY ADMINISTRATIVE BUILDING
ASSAM UNIVERSITY
DARGAKONA
SILCHAR788011
DIST.- CACHAR
ASSAM

Advocate for the Petitioner : MR. D J KAPIL, MAUSAM NATH,D J CHAKMA,MR. A BHATTACHARJEE

Advocate for the Respondent : DY.S.G.I., SC, ASSAM UNIVERSITY,SC, U G C

BEFORE
HONOURABLE MR. JUSTICE NELSON SAILO

ORDER

Date : 18.12.2025

Heard Mr. M. Nath, learned Senior Counsel assisted by Mr. D. J. Kapil, learned counsel for the petitioner, who submits that the appointment of the respondent No. 6 as Vide-Chancellor of Assam University, vide Communication dated 14.01.2022 (Annexure – 4) is in gross violation 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 (UGC Regulations, 2018), more particularly, Clause – 7.3(i) of the said Regulations. He submits that in order to be considered for appointment to the post of Vice-Chancellor, the person has to possess the highest level of competence, integrity, etc., with minimum ten (10) years of

experience either as a Professor in a University or ten (10) years of experience in a reputed research or academic administrative organisation with proof of having demonstrated academic leadership.

[2.] In the present case, the respondent No. 6, apparently has applied for the post in question by quoting the UGC Regulations of 2010 while lacking the minimum ten (10) years of experience either as a Professor in a university or ten (10) years of experience in a reputed research or academic administrative organisation. In this connection, the learned Senior Counsel has drawn the attention of this Court to Annexure No. 3 at Page No. 39 of the writ petition, wherein, the respondent No. 6 has clubbed together the experience rendered as a Director of NIRD&PR, which is for 6.7 years with that of his experience in teaching as Professor for seven (7) years. He submits that the requirement otherwise is to either have ten (10) years of teaching experience as Professor in a university or ten (10) years of experience in administration line, which is lacking in the instant case.

[3.] Besides this the learned Senior Counsel submits that the respondent No. 6 does not have distinguished meritorious records at the Graduate Level or the Masters Degree Level as well. He therefore submits that the appointment of the respondent No. 6 should be set aside.

[4.] The learned Senior Counsel, however, submits that the petitioner is a Professor in Mathematics Department of the Assam University and there is no doubt about his *locus* to file the instant writ petition, since the petitioner is seeking for a writ in the nature of *quo warranto*. In this connection, the learned Senior Counsel has relied upon the case of *Gambhirdan K. Gadhvi Vs. State of Gujarat & Ors., reported in (2022) 5 SCC 179*, wherein, the Apex Court had also

relied upon the earlier decision of the same Court rendered in *Retired Arms Forces Medical Association & Ors. Vs. Union of India & Ors., (2006) 11 SCC 731.*

[4.] In view of above, let the notice of motion be issued returnable by four (4) weeks.

[5.] Ms. M. Bora, learned counsel appears on behalf of Mr. S. P. Choudhury, learned CGC, who will be representing the respondent Nos. 1 to 3; Ms. A. Borpujari, learned counsel accepts notice on behalf of Mr. A. Chamuah, learned Standing Counsel, UGC, who will be representing the respondent No. 4 and Ms. N. Kakati, learned counsel accepts notice on behalf of Mr. S. C. Keyal, learned Standing Counsel, Assam University, who will be representing the respondents No. 5. Notice is therefore complete upon the respondents Nos. 1 to 5.

[6.] Petitioner to take steps for service of notice upon the respondent No. 6 by registered post with AD within three (3) working days.

[7.] List again on 03.02.2026.

[8.] The respondents to file their counter-affidavit in the meantime.

JUDGE

Comparing Assistant