

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

S.B. Civil Writ Petition No. 4248/2026

URN: CW / 9561U / 2026

1. Vinod Kumar Sharma S/o Bhagwan Sahay Sharma, Aged About 29 Years, R/o Bodi Kee Dhani, Tehsil Amer, Bilochi, District Jaipur, Rajasthan- 303805.

----Petitioner

Versus

1. State Of Rajasthan, Through Its Principal Secretary, Department Of Sanskrit Education, Government Of Rajasthan, Government Secretariat, Jaipur, Rajasthan.
2. Commissioner, Commissionerate Of Sanskrit Education, Block No. 6, Second Floor, Dr. Radhakrishan Shiksha Sankul, Jln Marg, Jaipur, Rajasthan.
3. Secretary, Rajasthan Public Service Commission, Ajmer, Rajasthan.

----Respondents

Connected With

S.B. Civil Writ Petition No. 4251/2026

URN: CW / 9569U / 2026

Shankar Lal Sharma S/o Banshidhar Sharma, Aged About 34 Years, R/o Village And Post Bilonchi, Via Morija, Tehsil Amer, District Jaipur, Rajasthan- 303805.

----Petitioner

Versus

1. State Of Rajasthan, Through Its Principal Secretary, Department Of Sanskrit Education, Government Of Rajasthan, Government Secretariat, Jaipur, Rajasthan.
2. Commissioner, Commissionerate Of Sanskrit Education, Block No. 6, Second Floor, Dr. Radhakrishan Shiksha Sankul, Jln Marg, Jaipur, Rajasthan.
3. Secretary, Rajasthan Public Service Commission, Ajmer, Rajasthan.

----Respondents

S.B. Civil Writ Petition No. 4304/2026**URN: CW / 9653U / 2026**

Mukesh Kumar Jat S/o Birdi Chand Jat, Aged About 41 Years,
R/o Village Sepatpura, Via Samod, Tehsil Shahpura, District
Jaipur, Rajasthan- 303806.

-----Petitioner

Versus

1. State Of Rajasthan, Through Its Principal Secretary, Department Of Sanskrit Education, Government Of Rajasthan, Government Secretariat, Jaipur, Rajasthan.
2. Commissioner, Commissionerate Of Sanskrit Education, Block No. 6, Second Floor, Dr. Radhakrishan Shiksha Sankul, Jln Marg, Jaipur, Rajasthan.
3. Secretary, Rajasthan Public Service Commission, Ajmer, Rajasthan.

-----Respondents

S.B. Civil Writ Petition No. 5711/2026**URN: CW / 12610U / 2026**

Dharmendra Kumar Bunkar S/o Ramchandra Bunkar, Aged About
44 Years, R/o 88, Bunkaro Ka Mohlla, Puth Ka Bass, Manpura
Mancheri, District Jaipur, Rajasthan- 303805.

-----Petitioner

Versus

1. State Of Rajasthan, Through Its Principal Secretary, Department Of Sanskrit Education, Government Of Rajasthan, Government Secretariat, Jaipur, Rajasthan.
2. Commissioner, Commissionerate Of Sanskrit Education, Block No. 6, Second Floor, Dr. Radhakrishan Shiksha Sankul, Jln Marg, Jaipur, Rajasthan.
3. Secretary, Rajasthan Public Service Commission, Ajmer, Rajasthan.

-----Respondents

S.B. Civil Writ Petition No. 7360/2026
URN: CW / 16170U / 2026

1. Manoj Kumar Sharma S/o Om Prakash Sharma, Aged About 39 Years, R/o Vpo Athbigha, Tehsil-Khandela, District Sikar, Rajasthan-332709
2. Dinesh Choudhary S/o Shivji Ram, Aged About 30 Years, R/o Shankhlo Ka Bass, Kalakh Bandh, Jobner, Jaipur, Rajasthan-303328

-----Petitioners

Versus

1. State Of Rajasthan, Through Its Principal Secretary, Department Of Sanskrit Education, Government Of Rajasthan, Government Secretariat, Jaipur, Rajasthan.
2. Commissioner, Commissionerate Of Sanskrit Education, Block No. 6, Second Floor, Dr. Radhakrishan Shiksha Sankul, Jln Marg, Jaipur, Rajasthan.
3. Secretary, Rajasthan Public Service Commission, Ajmer, Rajasthan.

-----Respondents

S.B. Civil Writ Petition No. 7552/2026
URN: CW / 16545U / 2026

1. Sanjay Kumar S/o Harlal, Aged About 39 Years, R/o Vpo Peepli, Tehsil Pilani, District Jhunjhunu, Rajasthan-333031.
2. Shriprakash Pandey S/o Dhanesh Nath Pandey, Aged About 37 Years, R/o Tmq 78/2, Airforce Station Laitkor Peak, East Khasi Hills, District Shillong, Meghalaya-793010
3. Rakesh Kumar S/o Hari Ram, Aged About 32 Years, R/o Vpo Bilonchi, Amer, District Jaipur, Rajasthan-303805.

-----Petitioners

Versus

1. State Of Rajasthan, Through Its Principal Secretary, Department Of Sanskrit Education, Government Of Rajasthan, Government Secretariat, Jaipur, Rajasthan.
2. Commissioner, Commissionerate Of Sanskrit Education, Block No. 6, Second Floor, Dr. Radhakrishan Shiksha Sankul, Jln Marg, Jaipur, Rajasthan.
3. Secretary, Rajasthan Public Service Commission, Ajmer, Rajasthan.

----Respondents

S.B. Civil Writ Petition No. 9437/2026

URN: CW / 21087U / 2026

Sushila Devi D/o Shri Pratap Singh, W/o Shri Manendra Singh, Aged About 41 Years, Resident Of House No. 113, Ward No. 22, Near Jaghinagate, Gopalgarh, Bharatpur (Raj.)

----Petitioner

Versus

1. State Of Rajasthan, Through Secretary, Education Department, Government Of Rajasthan, Secretariat, Jaipur (Raj.)
2. Commissioner/director, Sanskrit Education Department, Government Of Rajasthan, 2Nd And 3Rd Floor, Block No. 6, Dr. S. Radhakrishnan Shiksha Sankul, J.l.n. Marg, Near Ots, Jaipur, Rajasthan - 302015 Jaipur (Raj.)
3. Secretary, Rajasthan Public Service Commission, Ajmer (Raj.)

----Respondents

For Petitioner(s) : Mr. Harendar Neel,
Mr. Amogh Gupta,
Mr. Prashant Tada,
Mr. Rakesh Sharma,
Mr. Brijesh Pareek

For Respondent(s) : Mr. M.F. Baig,
Ms. Manju Joshi, AGC with
Mr. Yash Soni, and
Ms. Deepa Singh
Mr. M.S. Raghav,
Mr. Vishivas Saini,
Mr. Mananjay Singh Rathore

HON'BLE MR. JUSTICE GANESH RAM MEENA

Order

15/07/2026

1. Since all these writ petitions involved a common question, therefore all these writ petitions are being decided by this common order.
2. The basic grievance in these writ petitions raised by the petitioners is that the respondents are not considering the UGC NET (Sanskrit) or SET (Sanskrit) as a requisite qualification for the post of Assistant Professor (Vyakaran), Assistant Professor (Sahitya), Assistant Professor (Samanya Sanskrit).
3. Learned counsel for the petitioners submit that some of the petitioners are having NET (Sanskrit) and some of them are having SET (Sanskrit). They further submit that some of persons having the qualification of NET (Sanskrit) or SET (Sanskrit) have been engaged by the respondent - Department of Sanskrit Education as a guest faculty for teaching the classes for which the respondents have now initiated the recruitment process vide advertisement dated 12.01.2024.
4. Learned counsels further submit that since the petitioners are having best knowledge of various subjects as they have studied the subjects Vyakaran, Sahitya, Samanya Sanskrit etc. and have cleared NET (Sanskrit) and therefore they cannot be

treated to be ineligible for the recruitment to the post of Assistant Professor (Vyakaran, Sahitya, Samanya Sanskrit).

5. On the other hand, learned counsel appearing for the respondents submits that it is a prerogative of the state employer to prescribe the minimum requisite qualification for recruitment to the particular post. It is also submitted that the petitioners do not possess certificate of the NET or SET in the relevant subject for which they have made an application for appointment.

6. Considered the submissions made by the counsel for the petitioners as well as learned counsel for the respondents and also perused the material available on record.

7. It is the basic principle of service jurisprudence that the right of prescribing the educational qualification for recruitment to a particular post vested with the employer. Employer is the best judge to prescribe the requisite qualifications for recruitment to a post considering the duties and the work to be performed by the selected / appointed candidates.

8. The Hon'ble Apex Court in the case of ***Sanjay Kumar Manjul Vs. Chairman, U.P. S.C. & Ors. (AIR 2007 SC 254)*** held as under:

"24. The statutory authority is entitled to frame statutory rules laying down terms and conditions of service as also the qualifications essential for holding a particular post. It is only the authority concerned who can take ultimate decision therefore.

25. The jurisdiction of the superior courts, it is a trite law, would be to interpret the rule and not to supplant or supplement the same.

26. It is well settled that the superior courts while exercising their jurisdiction under Article 226 or 32 of the

Constitution of India ordinarily do not direct an employer to prescribe a qualification for holding a particular post."

9. The Hon'ble Division Bench of this Court in ***D.B. Special Appeal Writ No. 1613/2018 (Vishnu Bawaree Vs. State of Rajasthan and Ors.) decided on 26.07.2021*** observed as under:-

"9. Indisputably, the eligibility qualification prescribed for recruitment to the post of Lecturer in EAFM is Masters Degree in EAFM and the qualification of NET/SLET/SET or Ph.D. in the concerned subject. Admittedly, the appellant does not possess the qualification as prescribed rather, he claims that the qualification of MBA acquired by him should be considered equivalent to Post Graduation in EAFM.

10. It is well settled that it is the prerogative of the State as employer to prescribe the eligibility qualification for recruitment to any post. It is not within the domain of the Court to read something in the statutory qualification prescribed, which is not there and expand the eligibility qualification prescribed or to prescribe a qualification different than the statutorily prescribed on the basis of possible intendment. Even, the candidate possessing the higher qualification cannot always claim that he satisfies the requirement of lower eligibility qualification prescribed for any post in service by the State as an employer, taking into consideration the functions to be discharged by the candidate to be appointed on the concerned post. Thus, the learned Single Judge has committed no error in holding that the matter with regard to the equivalence of qualification cannot be gone into by the Court and it is better left to be decided by academic experts qualified for the work."

10. In the present case, the issue is regard to the post of Assistant Professor in various subjects pursuant to the advertise-

ment dated 12.01.2024. As per the qualification Clause in the advertisement for recruitment to the post of Assistant Professor in Vyakaran, Sahitya, Samanya Sanskrit and others the requisite educational and other qualifications have been provided as under:-

"2. Working knowledge of Hindi written in Devnagri Scripts and knowledge of Rajasthani Culture.

पद क्रम संख्या 6 से 15 तक के पदों के लिए शैक्षणिक योग्यताएं (राजस्थान संस्कृत शिक्षा (महाविद्यालय शाखा) सेवा नियम, 2022 की अनुसूची-1 के बि सं. 7 के अनुसार) -

1. Acharya Degree with 55% marks (or an equivalent grade in point scale wherever grading system is followed) in concerned/relevant/allied subject from an India from an Indian University, or an equivalent degree from an accredited foreign university.

2. Besides fulfilling the above qualifications, the candidate must have cleared the National Eligibility Test (NET) in subject concerned conducted by the U.G.C. or similar test accredited by the UGC like SLET/SET.

3. Candidate who ard, 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. shall be exempted from the requirement of the minimum eligibility condition of NET/SLET/SET for recruitment and appointment of Assistant Professor:

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 institutions 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 fulfillment of these conditions is to be certified by the Registrar or the Dean (Academic Affairs) of the University concerned. () NET/SLET/SET shall also 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

OR

The Ph.D. degree has been obtained from a foreign university/institution with a ranking among top 500 in the World University Ranking(at any time) by any one of the following:

- (i) Quacquarelli Symonds (QS)
- (ii) the Times Higher Education (THE)

or

(iii) the Academic Ranking of World Universities (ARWU) of the Shanghai Jiao Tong University (Shanghai).

2. Working knowledge of Hindi written in Devnagri Scripts and knowledge of Rajasthani Culture.

नोट :-

1. 01 जून, 2002 से पूर्व किसी भी प्रदेश से SLET/SET उत्तीर्ण अभ्यर्थी पात्र होगा।

2. 01 जून, 2002 को या उसके पश्चात् अन्य प्रदेश से उत्तीर्ण (SLET/SET) अभ्यर्थी को इस पद हेतु पात्र नहीं माना जायेगा।

शैक्षणिक अर्हता संबंधी प्रावधान- उक्त पदों की अपेक्षित शैक्षणिक अर्हता के अंतिम वर्ष की परीक्षा में सम्मिलित हुआ हो या सम्मिलित होने वाला व्यक्ति भी आवेदन करने के लिए पात्र होगा, किन्तु उसे आयोग द्वारा आयोजित साक्षात्कार से पूर्व शैक्षणिक अर्हता अर्जित करने का सबूत देना होगा।

नोट :- साक्षात्कार से पूर्व अभिव्यक्ति का आशय साक्षात्कार की प्रक्रिया प्रारम्भ होने की दिनांक (साक्षात्कार का पहला दिन) है।"

11. These qualifications prescribed in the advertisement for recruitment to the post of Assistant Professor in Vyakaran, Sahitya, Samanya Sanskrit have been provided is in consonance with the provisions of Rajasthan Sanskrit Education (Collegiate Branch) Service Rules, 2022 (in short, "the Rule of 2022").

12. Indisputably, the petitioners are not having the requisite educational qualifications of NET (Vyakaran, Sahitya, Samanya Sanskrit) or SET (Vyakaran, Sahitya, Samanya Sanskrit) as has been required in view of the terms and conditions of the advertisement and so also the provisions of the Rules of 2022.

13. The submission of the learned counsels for the petitioners is that some of the persons even though they may not having

the NET or SET in the concerned subject and having the NET or SET in Sanskrit have been engaged as guest faculty to teach the students. In opinion of this Court such appointments/ engagements are contrary to the law, for the reason that, as per the advertisement dated 03.09.2025 for engagement of guest faculty under the Vidhya Sambal Yojana the respondents were to engage the candidates on the post of Assistant Professor in a particular subject having the requisite qualification as provided under the Rules of 2022. In case, the respondents have engaged any candidate without having requisite qualification as provided under the Rules, such appointments of guest faculty cannot be made basis for the regular recruitment without holding qualification of NET or SET in that particular concerned subject.

14. Mr. Harendar Neel, Adv. appearing for some of the petitioners referred judgment passed by the Ho'nble Apex Court in case of ***Laxmikant Sharma Vs. State of Madhya Pradesh and Ors. reported in 2025 SCC OnLine SC 2712.***

15. In the aforesaid judgment, the Hon'ble Apex Court has concluded as under:

"44. For the said reasons, we hold that:

A. the appellant possessed the requisite academic qualification when reasonably construed in the context of the advertisement dated 07.11.2012 and the surroundings circumstances; and

B. the impugned judgment of the Division Bench, affirming the decision of the Single Bench, is unsustainable and warrants interference of this Court."

16. Since for the recruitment to the post of Assistant Professor (Vyakaran, Sahitya, Samanya Sanskrit) initiated vide advertisement dated 12.01.2024 and so also the Rules of 2022 provide for specific qualifications for eligibility for recruitment, the Court cannot divert from the prescribed qualifications.

17. Learned counsel for the respondents has also referred the judgment passed by the Hon'ble High Court At New Delhi in case of **Nandan Mishra Vs. University of Delhi & Ors. W.P. (C) 6320/2012 decided on 12.05.2015**. In the case of **Nandan Mishra (Supra)** the Court has observed as under:-

"18. Clause (i) of paragraph 4.4.1 of the afore-said Regulations clearly indicates that an Assistant Professor must have a Masters Degree in "a relevant subject". According to the respondent, the petitioner's qualification is not in a relevant subject inasmuch as the qualifications relate to traditional subjects taught in sanskrit.

19. The learned counsel for the University of Delhi has also drawn the attention of this Court to the prospectus for the Net Eligibility Test (NET) conducted in various subjects. The subject of Sanskrit is listed as subject code 25. Sanskrit Traditional Subjects are considered as separate and are assigned the subject code 73, which reads as under:

"73. Sanskrit Traditional Subjects (including Jyotisha / Sidhanta Jyotisha / Navya Vyakarna/ Vyakarna/ Mimamsa/ Navya Nyaya/ Sankhya Yoga/ Tulanat-maka Darsana/Shukla Yajurveda/ Madhva Vedanta/ Dharma Sastra/ Sahitya/ Purana-itihasa/ Agama/ Advaita Vedanta)."

24. It is well settled that the Courts should be reluctant to intervene in academic matters which are for the experts. The Supreme Court in Dinesh Chandra Varshney etc. v. The University of

Delhi & Ors. etc.: Civil Appeal No. 1876-77/1993, rendered on 16.04.1983 set aside the decision of the High Court and held that :

"whether the subject is relevant or not, it is for the University to decide and the courts would not be justified in substituting their views in the matter. The High Court, therefore, committed two errors, firstly, in not reading the words "a relevant subject" for the original requirement of "the concerned subject" and secondly, in substituting its view as to whether the Buddhist Studies was a relevant subject or not."

18. Since for the recruitment to the post of Assistant Professor (Vyakaran, Sahitya, Samanya Sanskrit) initiated vide advertisement dated 12.01.2024 and so also the Rules of 2022 provide for specific qualifications for eligibility for recruitment, the Court cannot divert from the prescribed qualifications and the petitioners are not having the qualifications as specifically prescribed, they does not deserves to be allowed to participate in the recruitment process.

19. In view of the above, the Court finds no merit in these writ petitions, hence all these Civil Writ Petitions are dismissed.

20. Stay application(s) as well as pending application(s), if any, also stands disposed of.

21. Copy of this order be placed in connected matters, including, S.B. Civil Writ Petition No. 9437/2026.

(GANESH RAM MEENA),J