



IN THE HIGH COURT AT CALCUTTA

CONSTITUTION WRIT JURISDICTION
[CIRCUIT BENCH AT PORT BLAIR]

PRESENT: THE HON'BLE JUSTICE SABYASACHI BHATTACHARYYA
AND
THE HON'BLE JUSTICE SMITA DAS DE

WP.CT/58/2025

THE UNION OF INDIA AND OTHERS ... **PETITIONERS**

VS.

SHRI YOHANNAN SAJEEVAN AND OTHERS ... **RESPONDENTS**

For the petitioners : Mr. Rakesh Kumar, Adv.

For the respondent No. 1 : Mr. D.C. Kabir, Sr. Adv.
Mr. S. Ajith Prasad, Adv.

For the UGC : Ms. Debjani Ghoshal, Adv.

For the respondent No. 2 to 5,
7, 9, 10 & 11 : Mr. Rajinder Singh, Adv.
: Mr. D. Mallick, Adv.

Heard on : April 20, 2026

Judgment on : April 24, 2026

SABYASACHI BHATTACHARYYA, J.

1. The petitioners/authorities have preferred the present challenge against a judgment dated November 01, 2025 passed by the Central Administrative Tribunal, Kolkata Bench, Kolkata (Circuit setting at Port Blair) in Original Application No. 351/0303/2023.

2. The applicant/respondent no. 1 preferred the said Original Application before the Tribunal challenging Note-3 in Row-11 of the



Recruitment Rules dated October 04, 2022 as well as the promotion of candidates to the post of Head Master (SS) and Vice Principal (SSS), who did not possess educational qualification required for the said post but were promoted by dint of the relaxation granted by the impugned Note-3.

3. Learned counsel appearing for the petitioners argues that the concerned Recruitment Rules of 2022 were notified on October 04, 2022 by the Administrator, that is, the Lieutenant Governor, Andaman and Nicobar Islands only after extensive deliberations upon inviting claims and objections from all stakeholders and scrutiny by a duly constituted Empowered Committee. The said Recruitment Rules were also forwarded to the Union Public Service Commission (UPSC) for vetting, which granted its approval on April 19, 2022 and, after amendments, again on July 29, 2022.

4. Upon finalization of the Recruitment Rules and the feeder-cadre seniority list, which was issued on February 23, 2023 after considering the objections received, the Department initiated the process for filling up 51 vacancies of Head Master (Secondary School)/ Vice Principal (Senior Secondary School) through the Departmental Promotion Committee (DPC). The DPC examined the proposal and recommended promotion of 51 eligible teachers, upon which Promotion Order No. 436 dated March 04, 2024 was issued, followed by reporting directions under Order No. 437 dated March 04, 2024.

5. It is argued that the petitioners/authorities were fully empowered to issue the Recruitment Rules and that due process was followed in



notifying the same. After the elaborate process preceding the same, the same ought not to have been interfered with by the learned Tribunal.

6. It is further contended that there is a considerable dearth of Head Masters (SS)/ Vice Principals (SSS) and as such there is immediate urgency to fill up the vacancies in this regard. The impugned judgment, it is submitted, has upset the entire process of filling up the vacancies as well as the steps taken pursuant thereto, in the process disturbing the entire seniority list of the concerned teachers.

7. Learned counsel places reliance on the judgment of *Shri. Anil Xalxo vs. the Lieutenant Governor, Andaman and Nicobar Islands and other (M.A. No. 003 of 2018)*, where a coordinate Bench of this Court had observed that some value was to be given to the past service of the respondents therein of 25 years and the experience of teaching, which was considered “to some extent” as a substitute of a bridge course, who were similarly placed as the teachers who were promoted by virtue of the impugned Recruitment Rules.

8. It is contended that the genesis of the dispute is that in a Regulation framed by the University Grants Commission on November 25, 1985, it was stipulated that no student shall be eligible for the award of the first Degree (Bachelor Degree) unless he has successfully completed three years course. The first proviso to Clause 2(3) thereof provided that no student shall be eligible to seek admission to the Masters course in the faculties mentioned therein, who had not successfully pursued the first Degree Course of three years duration.



9. However, the second proviso stipulated that if a one-year bridge course was passed by the candidates who had completed a two year course, they shall be eligible for admission to the Masters Degree course.

10. It is submitted that at the relevant point of time, prior to the said Regulation, only the two years course was being offered and, as such, several candidates fell under the mischief of the said Regulation. It is submitted that by a subsequent communication dated August 17, 2015, the UGC informed the Vice Chancellors of all Universities that the aforesaid restriction of a bridge course would not be applicable to the students who had enrolled themselves in the first Degree Course prior to June 04, 1986, the date on which the aforesaid Regulation came into force, and to students who had successfully completed their Degree Course prior to the said date, and that irrespective of the duration, they shall be treated at par with the students who had completed the three years Degree Course and they would not be required to undergo a further one-year bridge course.

11. Thus, it is argued that the communication dated August 17, 2015 superseded the earlier Regulation and, as such, regularized the two years course.

12. Learned counsel for the petitioner contends that in view of the two years course being prevalent for a considerable period and the Degree conferred on completion of the same being of equivalent value as a three years course, there cannot be any discrimination between the two. It is further argued that Note-3 of Serial No. 11 of the concerned Regulation



merely gave relief to the candidates who were already in service in the concerned posts. Thus, by itself, the said Note-3 could not be said to be violative of any provision of law.

13. It is further contended that the petitioners/authorities do not have the power or jurisdiction and/or any necessity to look behind that the Degrees conferred by the concerned Universities. Since the Universities themselves issued the Degrees to the concerned candidates, the petitioners proceeded on the premise that those were valid.

14. It is argued that since the candidates who fell within the ambit of Note-3 had already completed their Masters Degrees, it was not for the petitioners to question the validity of the same, as the concerned Universities granting such Degrees were the best judges of the validity of the same.

15. Such Degrees having not been cancelled by the UGC, it is argued that the learned Tribunal acted without jurisdiction in setting aside Note-3.

16. Learned counsel further argues that the effect of the impugned judgment would be disastrous, creating numerous vacancies and affecting the education system in the Islands. Moreover, the services of the Masters Degree holders who were already working in the concerned posts would also be invalidated in the teeth of *Shri. Anil Xalxo (supra)*¹, which permitted such candidates to continue in service.

¹ *M.A. No. 003 of 2018*



17. Learned counsel for the respondent nos. 2 to 5, 7,9, 10 and 11, who are some of the existing candidates already in service and were given the benefit of Note-3, places reliance on *Shri Krishnan v. Kurukshetra University, Kurukshetra*, reported at (1976) 1 SCC 311, in support of the proposition that it was the duty of the University to scrutinize the records and that if the University did not take care to so scrutinize, the question of the students committing a fraud did not arise, as there was no question of any false impression having been given by the students. It is submitted that the private respondents cannot suffer for the act of University.

18. Learned counsel places reliance on a Gazette Notification dated March 01, 1995 published by the Ministry of Human Resource Development (Department of Education), Union of India declaring that all the qualifications awarded through Distance Education by the recognized Universities mentioned therein stand automatically recognized for the purpose of employment to posts and services under the Central Government. Thus, the distance learning courses undertaken by the private respondents received a blanket sanction by the Government of India for the purpose of employment to posts and services under the Central Government. In such view of the matter, it is argued that the learned Tribunal erred in law and acted without jurisdiction in setting aside the relaxation granted under the concerned Regulations to such employees.



19. Learned counsel also relies on a Notification dated May 30, 1986 of the UGC in partial modification of the 1985 Regulations regarding minimum standards of instructions for the grant of first Degree, where it was stipulated that the UGC shall have the right to grant relaxation to a University in regard to the date of implementation or for admission to the first or second Degree Courses or to give exemption for a specified period in regard to other clauses in the Regulations on the merit of each case. Thus, it is argued that the bar pleaded by the applicant/respondent no. 1 before the Tribunal was not absolute but was substantially diluted by the UGC itself. Hence, it is argued that the Tribunal's approach, to the extent that the UGC Regulations were violated, was erroneous. That apart, learned counsel adopts the arguments of the petitioners.

20. Learned senior counsel appearing for the applicant/respondent no.1 argues that Note-3 contemplates a relaxation which gives a go-by to the entire eligibility criteria contemplated in the 2022 Regulation itself. It is argued that if such exemption is granted, there would be undue discrimination against the honest candidates who completed their three years course in accordance with law as per the UGC guidelines and, in the process, lost an extra year compared to the candidates who did only the two years course. Thus, the candidates who chose to skip the UGC Notification of 1985, thereby flouting the law, would get an unfair advantage of a year in seniority, being able to join service a year ahead of the three years course candidates. Hence, the effect would be that



premium would be given to violators of the law over candidates who chose to adhere to the UGC guidelines and go by the rule-book.

21. It is further submitted that the communication dated August 17, 2015 by the UGC was not in derogation or supersession of the 1985 Regulation but was merely clarificatory in nature. Since there was a doubt as to the fate of the students who had enrolled themselves or had successfully completed their first year Degree Course before coming into force of the Regulation, the said communication clarified that the rigors of the 1985 Regulation would not be applicable to them. Nonetheless, if candidates of the two years course failed to take the one-year bridge course as stipulated in the 1985 Regulation, they would not be eligible to take admission into the Masters Degree course at the threshold. Hence, the Masters Degree conferred on candidates who failed to take the bridge course remained invalid, but was sought to be validated by the offending Note-3.

22. Learned senior counsel places reliance on a communication by the UPSC dated December 17, 2025, requesting the Andaman and Nicobar Administration to take necessary action for framing/amendment the Recruitment Rules for the post of Head master/ Vice Principal as well as for implementation of other directions of the Tribunal, in terms of the order of the Tribunal. Thus, it is submitted that the said process ought not to be halted at this stage.



23. Insofar as *Shri. Anil Xalxo (supra)*² is concerned, learned senior counsel argues that even in the said case, the Master Degrees of the two years course candidates who failed to do the bridge course were not validated. Merely taking into consideration the fact that those persons had already been in service for some time, penal action was not taken against them. However, such protection did not entitle the said candidates automatically to the further right of unlawful promotion on the basis of their otherwise invalid Degrees.

24. Learned senior counsel seeks to rely on a list of the candidates which has been prepared pursuant to the impugned judgment of the Tribunal as well.

25. Learned counsel appearing for the UGC places reliance on the communication dated August 17, 2015, annexed to the affidavit-in-opposition of the UGC, and argues that the same was merely clarificatory in view of the doubts having arisen and did not supersede the Regulation on 1985.

26. Upon a consideration of the arguments of the parties, the Court comes to the following conclusions:

27. Before entering into the merits of the matter, Rule 2(3) of the UGC Regulation dated November 25, 1985, which came into force on June 04, 1986, and its provisos, are required to be scrutinized. The same are set out hereinbelow:-

² *M.A. No. 003 of 2018*



“2. Admission/Students:

... ..

(3) No student shall be eligible for the award of the first degree unless he has successfully completed a three year course, this degree may be called the B.A./B.Sc./B.Com. (General/Honours/Special) degree as the case may be.

Provided no student shall be eligible to seek admission to the Masters Course in these faculties, who has not successfully pursued the first Degree Course of three years duration.

Provided further that, as a transitory measure where the universities are unable to change over to a three year degree course, they may award a B.A./B.Sc./B.Com. (Pass) degree on successful completion of two year course, but that no student of this stream shall be eligible for admission to the Masters course unless he has undergone further one year bridge course and passed the same. The three year degree course after 10+2 stage should in no case be termed as B.A./B.Sc./B.Com. (Pass) degree.”

28. Even on a plain reading thereof, it is crystal-clear that sub-clause (3) of Clause 2 is couched in a negative language, debarring the eligibility of any student for the award of the first Degree unless he has successfully completed a three years course.

29. The first proviso thereto denudes the eligibility of students who have not successfully pursued the first Degree Course of three years’ duration even to seek admission to the Masters Course.

30. The second proviso provides some relief, however, mandating that in order to wriggle out of the mischief of the first proviso and be eligible for admission to the Masters Course, a further one-year bridge course has to be passed.

31. Thus, the two provisos and sub-clause (3) of the Clause 2 of the 1985 Regulation mandates either a three years first Degree Course to be completed or a two years course to be completed along with a one year



bridge course, to render the candidates eligible even for entry to the Masters Degree Course.

32. The communication by the UGC to the Vice Chancellors of all Universities vide D.O. No. 1-15/2015(CPP-II) dated August 17, 2015 was merely by way of further clarification to the 1985 Regulation, as is self-evident, in view of various representations coming from stakeholders seeking clarification on the application of the 1985 Regulation on Degrees awarded prior to the date of its commencement that is, June 04, 1986. Only in such context did the said communication clarify that students who had either enrolled themselves or had successfully completed their first Degree Course prior to June 04, 1986, irrespective of their duration, shall be treated at par with the students who have completed three years Degree Course, without being required to undergo a further one-year bridge course. The logic behind the same is evident, since one cannot be punished for an act which is declared invalid on a future date, by giving retrospective effect to such declaration. However, there is no whisper in the August 17, 2015 communication as to the supersession or derogation of the 1985 Regulation as a whole. The said correspondence is not even couched as a subsequent Regulation but clearly mentions that it is clarificatory of the 1985 Regulation itself.

33. Thus, the rigour of the 1985 Regulations is still in force.

34. The impugned Recruitment Rules are to be scrutinized in the above perspective.



35. The said Recruitment Rules were promulgated by a Notification issued by the Andaman and Nicobar Administration on October 04, 2022.

36. Serial No. 11 of the Schedule to the said Recruitment Rules is set out below:

11.	<p><i>In case of recruitment by promotion/deputation/absorption grades from which promotion/deputation/absorption to be made</i></p>	<p>PROMOTION:</p> <p><i>Post Graduate Teachers and Headmaster (Middle School) in Level-8 in the Pay Matrix (Rs.47,600-1,51,100) with two years regular service in the grade and having Master's Degree and Bachelor's Degree in Education from a recognized University / Institute.</i></p> <p><i>Note 1: The Eligibility List for promotion shall be prepared with reference to the date of completion by the Officers of the prescribed qualifying service in the respective Grade / Post.</i></p> <p><i>Note 2: Where Juniors who have completed their qualifying / Eligibility Service are being considered for promotion, their seniors would also be considered provided they are not short of the requisite qualifying / eligibility service by more than half of such qualifying eligibility service or two years, whichever is less, and have successfully completed their probation period for promotion to the next higher grade along with their juniors who have already completed such qualifying eligibility service.</i></p> <p><i>Note 3: The requirement of possessing the educational qualifications for promotion shall not be applicable for existing incumbents holding the posts of Post Graduate Teacher and Headmaster (Middle School) on regular basis on the date of Notification of these rules.</i></p>
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	<p><i>Deputation :-</i></p> <p><i>Officer of the Central / State Governments / Union Territories:-</i></p> <p><i>(A) (I) Holding analogous posts on a regular basis.</i></p> <p style="text-align: center;"><i>OR</i></p> <p><i>(II) With 02 years regular service in post in the Level-8 47,600-1,51,100) in Pay Matrix or equivalent: AND</i></p> <p><i>(B) Possessing the following Educational Qualifications and experience:</i></p> <p><i>Essential:-</i></p> <p><i>(1) Master's Degree from a recognized University / Institute.</i></p> <p><i>(II) Bachelor's Degree in Education from a recognized University/Institution.</i></p> <p><i>(III) Five Years teaching experience in a recognized Middle/Secondary / Sr. Secondary School.</i></p> <p><i>Desirable:-</i></p> <p><i>(I) Two (02) years administrative experience in a recognized Secondary / Sr. Secondary School.</i></p> <p><i>(II) Must have studied Hindi as a subject in Class 10</i></p>
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37. In the first Clause in the right-hand column pertaining to promotion, the eligibility criteria for promotion are fixed at 2 years' regular service in the grade of Post Graduate Teacher and Headmaster (Middle School) in Level-8 in the Pay Matrix (Rs. 47,600-1,51,100) with two years' regular service in the grade and having Master's Degree and Bachelor's Degree in Education from a recognized University/Institute.

38. Thus, a mandatory eligibility criterion for promotion to the post of Headmaster (Secondary School)/Vice-Principal as per Serial no. 11 itself



is having a Master's Degree and Bachelor's Degree in Education from a recognized University/Institute.

39. Coming to Note-3, the same carves out an exception to the eligibility criteria for existing incumbents holding the feeder posts on regular basis, by exempting them from the rigours of the eligibility criteria altogether. Thus, in the garb of providing exemption, the minimum educational qualification required to be eligible for promotion are done away with altogether for existing incumbents.

40. The said Note-3, thus, is patently contradictory to the main body of the eligibility criteria stipulated in the Recruitment Rules themselves.

41. Moreover, such exemption has dangerous repercussions since, if taken to its logical conclusion, it would exempt incumbents from the minimum educational requirements required for promotion altogether. The parameter for the discrimination between the exiting incumbents and persons who join later is not only an unintelligible but also an unlawful differential.

42. We say so because there is no nexus between the yardstick of discrimination between the incumbents who were already in service before the framing of the Recruitment Rules and the incumbents who would join later, and the object sought to be achieved by the same.

43. Coming to the object, the same is also patently contrary to law, being directly violative of the UGC Regulations of 1985. Both in Clause 2(3) and its provisos as well as the clarificatory communication dated



August 17, 2015, the UGC has made it amply clear that the threshold eligibility criterion for entering into the Masters Degree Course is either having a three years course first Degree, or a two years course first Degree coupled with the one-year bridge course. The August 17, 2015 communication merely clarifies the position that the students who were already enrolled in the first Degree Course or completed such Course on the date of coming into force of the 1985 Regulation would be exempted from the rigours of having to undergo an one-year bridge course.

44. In the event any of the existing incumbents come within the exemption given under the August 17, 2015 communication, having either enrolled or completed their first Degree Course before June 04, 1986, there would be no requirement of the Note-3 exemption for them to be permitted to continue in service.

45. Thus, the exemption granted by Note-3 would only benefit candidates who do not have a valid Bachelor's and Master's Degree in Education.

46. The fallout of such exemption would have a cascading effect, since the quality of education, of which the UGC is the best Judge and the governing body, would be totally compromised, adversely affecting students of the Universities in the Islands at large.

47. That apart, the exemption under Note-3 is violative of Article 14 of the Constitution, being discriminatory without any intelligible differentia between valid degrees holders and those having invalid degrees.



48. The UGC, being the pan-India authority to determine the validity and recognition of college/university degrees, is the sole judge of the lawfulness of a University degree. Note-3 effectively violates the regulations framed by the UGC itself, thus partaking the character of being unlawful.

49. If Note-3 is retained, it would give a premium to unlawful Master's Degree holders who would get undue seniority over valid three years course Bachelor's Degree Holders or Holders of two years Course Bachelor Degrees who have done a one-year bridge course, by getting early entry into service and having an edge of at least a year over the valid degree-holders in joining service. This would effectively disturb the seniority of the valid degree holders on the face of it.

50. Insofar as the reliance placed by the petitioners and the beneficiaries of Note-3 on *Shri. Anil Xalxo (supra)*³ is concerned, such reliance is utterly misplaced. In *Shri. Anil Xalxo (supra)*, the Court categorically observed that it did not agree with learned counsel for the Administration and the private respondent for a moment that an illegal act can be made legalized due to passage of time. However, relief was granted to the existing service holders only on the ground that the Court did not want to take away the bread-winning source of such persons and/or of their dependent family members, giving "some value" to their past service of 25 years and the experience of teaching which was,

³ M.A. No. 003 of 2018



however, considered only “to a little extent” as a substitute of the bridge course.

51. Thus, the unlawful Degrees held by the private respondents in the said case were not validated by the judgment but by applying the principle of *factum valet*, the Court ensured merely that they are not thrown out of their jobs and lose their livelihoods.

52. However, such grace of the Court cannot be construed to have conferred on the invalid Masters Degree holders any special right or equity and/or to have rendered valid their otherwise invalid Degrees.

53. Although relief was granted to the said invalid Degree holders as a one-time measure, *Shri. Anil Xalxo (supra)*, in the same breath, categorically observed that the said Degrees were invalid. The relief granted to them was merely to protect their livelihood and services.

54. Thus, such legal fiction created in *Shri. Anil Xalxo (supra)*⁴ cannot be cited by the invalid Degree holders to claim to the further privilege of promotion on the strength of such invalid Degrees.

55. Insofar as *Shri Krishnan (supra)*⁵ is concerned, the dispute therein was between the concerned University and its students, in which context the Hon’ble Supreme Court observed that the students could not be said to have practised fraud for the negligence of the University itself in failing to scrutinize the admission forms in order to find out whether those were in order. The focus of the said judgment was the allegation of fraud

⁴ *M.A. No. 003 of 2018*

⁵ *(1976) 1 SCC 311*



levelled against the students, in which perspective it was held that the students could not be held guilty of fraud due to the callousness of the University itself. However, the said ratio is applicable only *inter se* the University and its students but does not validate the invalidity of the Degrees of the concerned students otherwise.

56. Hence, the said judgment does not come to the aid of the private respondents, who are the beneficiaries of Note-3, in any manner whatsoever.

57. In view of the above discussions, we arrive at the only possible conclusion that the learned Tribunal was perfectly justified in setting aside Note-3 of Serial No.11 of the Recruitment Rules of 2022 and directing the petitioners to issue a fresh notification revising the Recruitment Rules without the provisions as contained in Note-3 of the said Recruitment Rules dated October 04, 2022, as well as directing the present petitioners/authorities to initiate action to withdraw promotion of the candidates to the post of Head Master (Secondary School) and Vice Principal who did not possess the educational qualification required for the posts and were considered for promotion only due to the relaxation granted by the impugned Note-3.

58. Accordingly, WPCT/58/2025 is dismissed on contest, thereby affirming the impugned judgment dated November 1, 2025 passed by the Central Administrative Tribunal, Kolkata Bench, Kolkata in OA/351/0303/2023.



59. There will be no order as to costs.
60. Urgent Photostat certified copies of this judgment, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(SABYASACHI BHATTACHARYYA, J.)

I agree

(SMITA DAS DE, J.)