



2026:UHC:2669-DB

Judgment Reserved on: 11.03.2026

Judgment Delivered on : 15.04.2026

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

THE HON'BLE CHIEF JUSTICE MR. MANOJ KUMAR GUPTA

AND

THE HON'BLE JUSTICE MR. SUBHASH UPADHYAY

Writ Petition (PIL) No.209 of 2025

Dr. Naveen Prakash Nautiyal

-----Petitioner

Versus

HNB Garhwal University and Others ----Respondents

Presence:-

Mr. Anurag Tiwary, learned counsel for the petitioner through V.C.

Dr. K.H. Gupta, learned counsel for H.N.B. Garhwal University/ respondent no.1.

Mr. Lalit Sharma, learned Deputy Solicitor General of India along with Mr. Manoj Kumar, learned Standing Counsel for the Union of India/ respondent no.2.

Ms. Anjali Bhargwa, learned counsel for respondent no.3.

Mr. Mohinder Rupral, learned counsel with Mr. K.S. Jagati, learned counsel for respondent no.4.

JUDGMENT : (per Mr. Subhash Upadhyay J.)

1. The present public interest litigation has been filed with a prayer to issue a writ of Quo-warranto for quashing the notification dated 18.06.2025 whereby private respondent no.4 has been appointed as Vice-Chancellor of the H.N.B. Garhwal Central University (hereinafter referred to as "HNBG University").

2. The petitioner who had earlier worked as an Assistant Professor (Guest Faculty) in the Department



of Sociology and Social Work at the HNBG University resigned from the said post on 25.03.2021.

3. The petitioner, who claims to be an academician turned social activist has challenged the appointment of Prof. Shri Prakash Singh (respondent no.4) to the post of Vice-Chancellor of the HNBG University on the ground that the said appointment is in violation of the provisions of the Central Universities Act, 2009 and the University Grants Commission (Minimum Qualification for Appointment of Teachers and other Academic Staff in Universities and Colleges and other Measures for Maintenance of Standards in Higher Education Regulations, 2018 (hereinafter referred to as "UGC Regulations 2018").

4. Learned counsel for the petitioner in support of his contention has made the following submissions:

i) HNBG University was originally a State University but w.e.f. 15.01.2009, the said University became a Central University and as per Central Universities Act, 2009, the appointment of Vice-Chancellor has to be made by the Visitor in such manner as prescribed by the Statutes.

ii) As per Clause 7.3(i) of the UGC Regulations 2018 notified on 18.07.2018, a



person possessing the highest level of competence, integrity, morals and institutional commitment is to be appointed as Vice-Chancellor. The person to be appointed as a Vice-Chancellor should be a distinguished academician, with a minimum of ten years' of experience as Professor in a University or ten years' of experience in a reputed research and / or academic administrative organisation with proof of having demonstrated academic leadership.

iii) An advertisement was issued by the Ministry of Education (Department of Higher Education), Government of India (respondent no.2) for appointment to the post of Vice-Chancellor in the HNBG University wherein the eligibility criteria prescribed for the post was akin to the eligibility criteria prescribed under Section 7(3) (i) of the UGC Regulations 2018.

iv) On the last date of submission of the applications form i.e. 26.06.2024, respondent no.4 was not having the minimum 10 years of experience as a Professor in a University.



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v) As per curriculum vitae (CV) of respondent no.4, enclosed as Annexure No.5 to the writ petition and details of which have been provided in paragraph no.12 of the writ petition, respondent no.4 possessed the following qualification:

S.No.	Tenure	Position Held
1.	24.07.2015 onwards	Professor, Department of Political Science, University of Delhi
2.	29.05.2014 to 23.07.2015	Chair Professor, Dr. Ambedkar Chair in Social Justice, Indian Institute of Public Administration (IIPA), New Delhi
3.	15.12.1995 to 28.05.2014	Associate Professor, Department of Political Science, Sri Aurobindo College (University of Delhi)
4.	01.05.2002 to 01.01.2006	Reader, Department of Political Science, Sri Aurobindo College (University of Delhi)
5.	15.12.1995 to 30.04.2002	Lecturer/Sr. Lecturer, Department of Political Science, Sri Aurobindo College (University of Delhi)
6.	17.07.1992 to 13.12.1995	Ad-hoc Lecturer, Department of Political Science, Sri Aurobindo College (University of Delhi)

vi) Respondent no.4 is having 8 years and 11 months experience as Professor in a University and the position held by him



outside the University system as Chair Professor, Dr. Ambedkar Chair in Social Justice Department, Indian Institute of Public Administration (IIPA), New Delhi cannot be counted towards the experience as a Professor in a University as IIPA is not a university and does not fall within the purview of the UGC Act or UGC Regulations 2018.

5. Thus, in sum and substance, the contention of the petitioner is that, as respondent no.4 has the experience of only 8 years 11 months as Professor in a University on the last date of submission of application form, as such appointment of respondent no.4 is dehors the statutory rules and the same is liable to be struck down by the Court by issuance of a writ of quo-warranto.

6. Learned counsel for the petitioner has placed reliance on the judgment passed by the Hon'ble Apex Court in the case of Professor Narendra Singh Bhandari Vs. Ravindra Jugran and Others (2022) 17 SCC 679 wherein the Hon'ble Apex Court also considered the judgment in Gambhirdan K. Gadhvi Vs. State of Gujarat and Others (2022) 5 SCC 179.



7. Learned counsel for the official respondents no.1 to 3 and private respondent no.4 have filed their counter affidavits and have refuted the contentions of the petitioner.

8. Learned counsel for respondent no.2 made the following submissions:

i) As per the provisions of the Central Universities Act, 2009, statutes framed thereunder and the UGC Regulations, 2018, a search-cum-selection committee was constituted for making recommendations for appointment to the post of Vice-Chancellor. Constitution of the Selection Committee was as follows:

*“(a) Dr. Shekhar C. Mande, Former Secretary, DSIR and Director General, Council of Scientific & Industrial Research (CSIR), New Delhi-**(Convenor)***

*(b) Prof. Anil Kumar Tripathi, Director, Indian Institute of Science Education & Research (IISER) Mohali-**(Member)***

*(c) Prof. Anand Bhalerao, Vice-Chancellor, CU Rajasthan-**(Member)***

*(d) Prof. Shri Prakash Mani Tripathi, Vice-Chancellor, IGNTU Amarkantak (M.P.)-**(Member)***

*(e) Prof. N.C. Gautam, Former Vice-Chancellor, MGCGV, Chitrakoot, Satna (M.P.)-**(Member)**”*



ii) The Selection Committee held its meeting on 05.11.2024 and after going through all the applications submitted by the candidates, shortlisted 32 candidates for interaction. The interaction with the shortlisted candidates was held on 16th and 17th December, 2024 and the committee recommended names of 5 candidates including the name of respondent no.4.

iii) The panel of 5 names recommended by the committee along with recommendation of Hon'ble Minister of Education was placed before the Hon'ble President of India in her capacity as Visitor of the HNBG University and respondent no.4 was appointed as Vice-Chancellor of HNBG University on 18.06.2025 and he assumed office w.e.f. 21.06.2025.

iv) The Selection Committee comprising of experts considered the qualification of respondent no.4 as appropriate. The counsel for respondent no.2 relies on the submission made in paragraph no.15 and 16 of the counter affidavit, which reads as under:

"15. That the contents of paragraph No. 8 to 10 of the Writ Petition are not correct hence denied. It is submitted



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that the advertisement for the post included a condition that for the post of VC a person should be a distinguished academician, with a minimum of 10 years' experience as Professor in a University or 10 years' experience in reputed research and/or academic administrative organization with proof of having demonstrated academic leadership. The reading of this condition brings clearly out that the 10 years' experience is not exclusive for professorship only. The condition is inclusive of the research and administrative experience. The Vice Chancellor happens to be the chief executive authority of the University and in performance of his duty, he has to undertake administrative work while guiding and monitoring the academic work of the University. Therefore, the condition for appointment for the Vice Chancellor includes both the academic and administrative experience. In para 9 of the petition, the petitioner has mis-interpreted and mis-represented the condition by hiding the administrative experience while describing the requirement for the post of Vice Chancellor.

16. That the contents of paragraph No. 11 to 15 of the Writ Petition are not correct hence denied it is submitted that Prof Shri Prakash Singh was appointed as Chair Professor at Dr. Ambedkar Chair, in Indian Institute of Public Administration (IIPA), New Delhi w.e.f 29.05.2014. His nature of duty at IIPA involved academic research, teaching and guiding research scholars and monitoring administrative work. At IIPA, he drew the pay of Rs 37,400-67,000+AGP Rs 10,000 which is drawn by a professor. A true copy of Service Details of Shri Prakash Singh is being filed herewith and marked as Annexure No.-CA-2 of this affidavit. Subsequently, Prof Shri Prakash Singh was appointed



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as professor in University of Delhi w.e.f 24.07.2015 in the pay of Rs 37,400-67,000+AGP Rs 10,000. The total experience of Prof Shri Prakash Singh as Professor at IIPA and University of Delhi as on 26.06.2024 (ie the last date for submission of application) exceeds 10 Years Apart from this academic experience, Prof Shri Prakash Singh has administrative experience of 03 Years 06 Months as Director, South Campus, University of Delhi during the overlapping period 17.12.2021 to 20.06.2025. The contention of the Petitioner as made in para-15 of the Writ Petition that IIPA is not a university and does not fall within the purview of the UGC regulation and by that implication the term as professor at IIPA may not be taken into consideration is baseless because there are many institutions within the purview of this Ministry itself which carry out academic and/or research activity and employ professors for that purpose but do not come under the purview of University Grants Commission. For example, institutions such as Indian Institute of Technology (IIT), National Institute of Technology (NIT), Indian Institute of Science Education & Research (IISER), Indian Institute of Information Technology (IIIT), Indian Institute of Management (IIM); undertake academic and research activity and for that purpose recruit Professors but these institutes are not covered under the UGC regulations. Apart from these, several other Ministries have also established their domain specific institutes to undertake academic and research activities and for that purpose recruit Professors but these institutions do not come under the purview of UGC. For example, Ministry of Agriculture and Farmers Welfare has established Agricultural Universities such as Rani Lakshmi Bai Central Agricultural University at Jhansi, Madhya Pradesh



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and Rajendra Prasad Central Agricultural University at Samastipur, Bihar. The Ministry of External Affairs has established Nalanda University in Bihar. Ministry of Civil Aviation has established Rajiv Gandhi National Civil Aviation University, Amethi Uttar Pradesh. Ministry Ports Shipping and Waterways has established Indian Maritime University headquartered at Chennai. All Law Institutions are governed by Bar Council of India. These institutions although do not come under the purview of UGC but they recruit Professors. It doesn't mean these professors are not eligible for appointment to the post of Vice Chancellor. Moreover, the advertisement for the post of Vice Chancellor in a Central University does not prescribe that professor should come from only UGC regulated institutions; nor does it proscribe a professor or researcher or a personnel of an academic administrative institution having demonstrated academic leadership from being eligible for applying for the post of VC in a Central University. IIPA, though established by DoPT, also carries out research and engages/employs professors as its faculty members. Therefore, the petitioner has again mis-interpreted the condition that professor should be in a UGC regulated institutions and that such an institution should be a university only; whereas the advertisement does not impose any such restrictions. It is also submitted that Prof Shri Prakash Singh has good academic and administrative experience for holding the post of Vice Chancellor as per the requirement published in the advertisement. The Selection Committee for appointment for the post of Vice Chancellor in HNBGU which was constituted as per the provision of the Central Universities Act, 2009 consisted of five distinguished academicians which included (i) Dr. Shekhar C. Mande,



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Former Secretary, DSIR and Director General, Council of Scientific & Industrial Research (CSIR), New Delhi- (Convener) (ii) Prof. Anil Kumar Tripathi, Director, Indian Institute of Science Education & Research (IISER) Mohali- (Member) (iii) Prof. Anand Bhalerao, Vice-Chancellor, CU Rajasthan- (Member) (iv) Prof. Shri Prakash Mani Tripathi, Vice-Chancellor, IGNTU Amarkantak (M.P) -(Member) and (v) Prof. N.C. Gautam, Former Vice-Chancellor, MGCGV, Chitrakoot, Satna (M.P). The Committee has recommended the suitability of Prof Shri Prakash Singh by scrutinizing his application form and by holding personal interaction with him. On the recommendation of the Committee, Hon'ble Visitor of the University (the President of India) appointed Shri Prakash Singh Vice-Chancellor of the University."

9. Learned counsel for the HNBG University and the UGC also adopted the same argument. Learned counsel for respondent no.4, apart from adopting the submissions made by respondent no.2, made the following submissions:

i) The post of Vice-Chancellor is an important post in the Central University and is subject to rigorous scrutiny and selection process, and as per Clause 7.3 of the UGC Regulation 2018, the eligibility is reckoned on the yardstick of both academic and administrative leadership.



ii) The search-cum-selection committee comprised of persons of eminence in the sphere of higher education /academics and were not connected in any manner with HNBG University or the constituent colleges, which prepared a panel of the eligible meritorious candidates and respondent no.4 was included in the panel of 5 meritorious candidates owing to his qualification and academic experience.

iii) IIPA is a reputed research and academic organization and the eligibility criteria and selection procedure for appointing Chair Professor, Dr. Ambedkar Chair at IIPA is same as appointment of a professor under the UGC regulations.

iv) Respondent no.4 was promoted as Senior Professor (Academic Level 15) w.e.f. 29.05.2024 by the University of Delhi under the Career Advancement Scheme (CAS) prescribed by the UGC Regulations, 2018. Under the CAS for promotion to the post of Senior Professor, the eligibility prescribed is 10 years of service as a Professor. The experience of the respondent no.4 as Chair



Professor at IIPA was taken into consideration for granting promotion to the post of Senior Professor.

v) The search-cum-selection committee considered the entire qualification / experience of respondent no.4 and there is no allegation of malafide, corruption or bias and the decision of the expert committee as such is not liable to be interfered.

10. Learned counsel for respondent no.4 placed reliance on the decision of the Hon'ble Apex Court in the case of Basavaiah Vs. Dr. H.L. Ramesh (2010) 8 SCC 372.

11. We have heard learned counsel for the parties and perused the record.

12. For issuance of a writ of quo-warranto, court has to consider the following aspects:

i) As to whether, person against whom writ of quo-warranto is sought is holding a public office.

ii) As to whether the said person fulfills the eligibility criteria prescribed to be appointed to such an office.

iii) As to whether appointment is in conformity with the statutory rules.



13. In the present case, respondent no.4 is holding post of Vice-Chancellor of the HNBBG University, as such, there is no dispute that the said respondent is holding a public office.

14. The next question for consideration before the Court is as to whether respondent no.4 fulfills the eligibility criteria as prescribed by the UGC regulation and as to whether the appointment was made in accordance with the provisions of Central Universities Act, 2009 and the statute framed therein.

15. The appointment to the post of Vice-Chancellor of the HNBBG University is governed by the Central Universities Act, 2009 and Section 11(i) of the said Act reads as under: -

"11. Vice-Chancellor.—(1) The Vice-Chancellor shall be appointed by the Visitor in such manner as may be prescribed by the Statutes"

16. The statute framed under Section 27 of the Central Universities Act, 2009 lays down the procedure for appointment of Vice-Chancellor, which is as follows:

"2. Vice-Chancellor—(1) The Vice-Chancellor shall be appointed by the Visitor from out of a panel commended by a Committee as constituted under clause (2):

Provided that if the Visitor does not approve any of the persons included in the panel, he may call for extended fresh panel.

2) The Committee referred to in clause (1) shall consist of five persons, out of whom three shall be nominated by the Executive



Council and two by the Visitor, and one of the nominees of the Visitor shall be the convener of the Committee:

Provided that none of the members of the Committee shall be an employee of the University or a College or an Institution maintained by the University or a member of any authority of the University."

17. Essential qualification and the mode of selection to the post of Vice-Chancellor is provided under Clause 7.3 of the UGC Regulations 2018, which reads as under:

"7.3. VICE CHANCELLOR:

i. A person possessing the highest level of competence, integrity, morals and institutional commitment is to be appointed as Vice-Chancellor. The person to be appointed as a Vice-Chancellor should be a distinguished academician, with a minimum of ten years of experience as Professor in a University or ten years of experience in a reputed research and / or academic administrative organisation with proof of having demonstrated academic leadership.

ii. The selection for the post of Vice-Chancellor should be through proper identification by a Panel of 3-5 persons by a Search-cum-Selection-Committee, through a public notification or nomination or a talent search process or a combination thereof. The members of such Search-cum-Selection Committee shall be persons of eminence in the sphere of higher education and shall not be connected in any manner with the University concerned or its colleges. While preparing the panel, the Search cum-Selection Committee shall give proper weightage to the academic excellence, exposure to the higher education system in the country and abroad, and adequate experience in academic and administrative governance, to be given in writing along with the panel to be submitted to the



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Visitor/Chancellor. One member of the Search cum-Selection Committee shall be nominated by the Chairman, University Grants Commission, for selection of Vice Chancellors of State, Private and Deemed to be Universities.

iii. The Visitor/Chancellor shall appoint the Vice Chancellor out of the Panel of names recommended by the Search-cum-Selection Committee."

18. Thus, a person to be appointed as Vice-Chancellor should be a distinguished academician, with a minimum of 10 years of experience as Professor in a University or ten years of experience in a reputed research and / or academic administrative organisation with proof of having demonstrated academic leadership. The question, therefore, is whether the service rendered by respondent no.4 at IIPA of 1 year 55 days would qualify for the prescribed 10 years experience.

19. A perusal of the record reveals that the Indian Institute of Public Administration (IIPA) is a premier Research and Training Institute under Department of Personnel & Training (DoPT), Govt. of India, catering to the needs of Central and State Governments and other Govt. organizations. It was established in 1954 as an Autonomous Society under the Society Registration Act, 1860, to spread the study and awareness of Public Administration and Governance



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and to change the colonial mindset of the nascent Indian Civil Services post-Independence. Hon'ble Vice President of India is the *ex-Officio* President and Hon'ble Minister of State in charge of DoPT is the *ex-Officio* Chairman of IIPA Executive Council.

It provides mid-career Capacity Building Programmes to Officers of Central and State Governments as well as Corporate Sector and conducts applied research and evaluation work for Central Ministries and State Governments.

IIPA conducts Research Studies for various Ministries/Departments as well as undertakes Evaluation of several Schemes of Central and State Governments. IIPA completed 24 research and evaluation studies in 2024-25. Some of the notable ones are Restructuring of DRDO, Evaluation of BADP, Border Infrastructure Management (BIM) and other Schemes of MHA, Evaluation of PM USHA, Evaluation of PM UNNAT Scheme, NLM, various Social Impact Assessment (SIA) studies, Evaluation of MeitY, Govt. of India schemes, Ministry of Panchayati Raj schemes etc.

20. A MoU was signed between the Director, Dr. B.R. Ambedkar Foundation (an autonomous body) under the jurisdiction of Social Justice and Empowerment, Government of India and IIPA for



setting up Dr. B.R. Ambedkar Chair under the IIPA. The post of Professor to be filled up carried the pay-scale of ₹37,400-67000 + Grade pay of ₹10,000/- which is the pay-scale of the post of Professor.

21. The procedure of appointment prescribes that the appointment would be made on the basis of the UGC guidelines issued for the said purpose. Respondent no.4 was selected and appointed to the post of Chair Professor on deputation basis and thereafter was promoted as Senior Professor (Academic Level-15) w.e.f. 29.05.2024 by the University of Delhi by counting the aforesaid period spent by him as Professor at IIPA.

22. There is no dispute that in pursuance to an advertisement for the post of Vice-Chancellor, a selection committee, as provided under law, was constituted which short-listed 32 candidates and thereafter recommended the name of 5 meritorious candidates after interaction with them.

23. The name of respondent no.4 was included in the panel of 5 candidates and there is no allegation of malafide or bias against the constitution of selection committee and its recommendation. The qualification and the experience of the respondent no.4 and other candidates was considered by the expert search committee which consisted of eminent academicians.



The committee after going through the experience of respondent no.4 at IIPA, being satisfied that it was experience gained in a reputed research and/ or academic organization, included his name in the panel of 5 meritorious candidates. The Court under judicial review of the decision of the expert body cannot sit as an appellate authority and question the recommendation made by the expert committee.

24. As discussed above, in the present case in pursuance to an advertisement issued and on the recommendation of the duly constituted search-cum-selection committee, appointment of respondent no.4 was made on the post of Vice-Chancellor. Clause 7.3 (i) of the UGC Regulations also lays down the condition that the said experience should be 10 years at a university or a reputed research institute. As to whether the decision of the duly constituted body can be interfered by the Court in absence of any malafide against the expert committee was considered by the Hon'ble Apex Court in the case of Basavaiah Vs. Dr. H.L. Ramesh (2010) 8 SCC 372 wherein the Hon'ble Apex court, while considering the judgment of the Constitutional Bench in the case of University of Mysore Vs. C.D. Govinda Rao AIR 1965 SC 491 in paragraph nos.20 to 38, has held as under:



"20. It is abundantly clear from the affidavit filed by the University that the Expert Committee had carefully examined and scrutinised the qualification, experience and published work of the appellants before selecting them for the posts of Readers in Sericulture. In our considered opinion, the Division Bench was not justified in sitting in appeal over the unanimous recommendations of the Expert Committee consisting of five experts. The Expert Committee had in fact scrutinised the merits and demerits of each candidate including qualification and the equivalent published work and its recommendations were sent to the University for appointment which were accepted by the University.

21. It is the settled legal position that the courts have to show deference and consideration to the recommendation of an Expert Committee consisting of distinguished experts in the field. In the instant case, the experts had evaluated the qualification, experience and published work of the appellants and thereafter recommendations for their appointments were made. The Division Bench of the High Court ought not to have sat as an appellate court on the recommendations made by the country's leading experts in the field of Sericulture.

22. A similar controversy arose about 45 years ago regarding appointment of Anniah Gowda to the post of Research Reader in English in Central College, Bangalore in University of Mysore v. C.D. Govinda Rao [AIR 1965 SC 491] in which the Constitution Bench unanimously held that normally the courts should be slow to interfere with the opinions expressed by the experts particularly in a case when there is no allegation of mala fides against the experts who had constituted the Selection Board. The Court further observed that it would normally be wise and safe for the courts to leave the decisions of academic matters to the experts who are more familiar with the problems they face than the courts generally can be.

23. We have been called upon to adjudicate a similar matter of the same University almost after half a century. In a judicial system



governed by precedents, the judgments delivered by the Constitution Bench and other Benches must be respected and relied on with meticulous care and sincerity. The ratio of the Constitution Bench has not been properly appreciated by the learned Judges in the impugned judgment.

24. *In M.C. Gupta (Dr.) v. Dr. Arun Kumar Gupta [(1979) 2 SCC 339 : 1979 SCC (L&S) 168] , somewhat similar controversy arose for adjudication, in which the State Public Service Commission invited applications for two posts of Professors of Medicine in the State Medical Colleges. The two appellants as well as Respondents 1, 2 and 3 applied for the said post. Appellant 1 had teaching experience of about 6 years and 6 months as a Lecturer in Cardiology in the Department of Medicine and about 3 years and 2 months as Reader in Medicine in S.N. Medical College, Agra. Since there was no separate Department of Cardiology in that College, Cardiology formed part of General Medicine and as such he was required to teach General Medicine to undergraduate students and to some postgraduate students in addition to Cardiology. Similarly, Appellant 2 had one year's experience as post-doctoral teaching fellow in the Department of Medicine, State University of New York, Buffalo, one year's teaching experience as Lecturer while posted as a Pool Officer and 15 months' teaching experience as post-doctoral research fellow in the Department of Medicine in G.S.V.M. Medical College, Kanpur and about 4 years and 6 months' teaching experience as Assistant Professor of Medicine, State University of New York, Buffalo. Cardiology is a part of Medicine and the teaching experience acquired while holding the post of Lecturer in Cardiology was teaching experience in a subject which substantially formed part of General Medicine over and above the same. The Commission was amply justified in reaching to the conclusion that he had the requisite teaching experience. The High Court was, therefore, in error in quashing its selection of the appellant in this case.*

25. *The teaching experience of foreign teaching institutions can be taken into*



consideration if it is from a recognised institution of repute. It cannot be said that State University of New York at Buffalo, where Appellant 2 served as an Assistant Professor would not be an institution of repute. The experts aiding and advising the Commission must be quite aware of institutions in which the teaching experience was acquired by him and this one is a reputed University. According to the experts of the Selection Board, both the appellants had requisite qualification and were eligible for appointment. If they were selected by the Commission and appointed by the Government, no fault can be found with the same. The High Court interfered and set aside the selections made by the Expert Committee. This Court while setting aside the judgment of the High Court reminded the High Court that it would normally be prudent and safe for the courts to leave the decision of academic matters to experts. The Court observed as under: [M.C. Gupta (Dr.) case [(1979) 2 SCC 339 : 1979 SCC (L&S) 168] , SCC pp. 344-45, para 7]

"7. ... When selection is made by the Commission aided and advised by experts having technical experience and high academic qualifications in the specialist field, probing teaching/research experience in technical subjects, the courts should be slow to interfere with the opinion expressed by experts unless there are allegations of mala fides against them. It would normally be prudent and safe for the courts to leave the decision of academic matters to experts who are more familiar with the problems they face than the courts generally can be."

26. *In J.P. Kulshrestha (Dr.) v. Allahabad University [(1980) 3 SCC 418 : 1980 SCC (L&S) 436] the Court observed that the court should not substitute its judgment for that of academicians: (SCC p. 426, para 17)*

"17. Rulings of this Court were cited before us to hammer home the point that the court should not substitute its judgment for that of academicians when the dispute relates to educational affairs. While there is no absolute ban, it is a rule of prudence that courts should hesitate to dislodge decisions of academic bodies."



27. In *Maharashtra State Board of Secondary and Higher Secondary Education v. Paritosh Bhupeshkumar Sheth* [(1984) 4 SCC 27] the Court observed thus: (SCC pp. 56-57, para 29)

"29. ... As has been repeatedly pointed out by this Court, the Court should be extremely reluctant to substitute its own views as to what is wise, prudent and proper in relation to academic matters in preference to those formulated by professional men possessing technical expertise and rich experience of actual day-to-day working of educational institutions and the departments controlling them."

28. In *Neelima Misra v. Harinder Kaur Paintal* [(1990) 2 SCC 746 : 1990 SCC (L&S) 395 : (1990) 13 ATC 732] the Court relied on the judgment in *University of Mysore* [AIR 1965 SC 491] and observed that in the matter of appointments in the academic field, the court generally does not interfere. The Court further observed that the High Court should show due regard to the opinion expressed by the experts constituting the Selection Committee and its recommendation on which the Chancellor had acted.

29. In *Bhushan Uttam Khare v. B.J. Medical College* [(1992) 2 SCC 220 : 1992 SCC (L&S) 554 : (1992) 20 ATC 223] the Court placed reliance on the Constitution Bench decision in *University of Mysore* [AIR 1965 SC 491] and reiterated the same legal position and observed as under: (*Bhushan Uttam case* [(1992) 2 SCC 220 : 1992 SCC (L&S) 554 : (1992) 20 ATC 223] , SCC p. 223, para 8)

"8. ... the Court should normally be very slow to pass orders in its jurisdiction because matters falling within the jurisdiction of educational authorities should normally be left to their decision and the Court should interfere with them only when it thinks it must do so in the interest of justice."

30. In *Dalpat Abasaheb Solunke v. Dr. B.S. Mahajan* [(1990) 1 SCC 305 : 1990 SCC (L&S) 80 : (1991) 16 ATC 528] the Court in somewhat similar matter observed thus: (SCC pp. 309-10, para 12)

"12. ... It is needless to emphasise that it is not the function of the court to hear appeals



over the decisions of the Selection Committees and to scrutinise the relative merits of the candidates. Whether a candidate is fit for a particular post or not has to be decided by the duly constituted Selection Committee which has the expertise on the subject. The court has no such expertise. The decision of the Selection Committee can be interfered with only on limited grounds, such as illegality or patent material irregularity in the constitution of the Committee or its procedure vitiating the selection, or proved mala fides affecting the selection, etc. It is not disputed that in the present case the University had constituted the Committee in due compliance with the relevant statutes. The Committee consisted of experts and it selected the candidates after going through all the relevant material before it. In sitting in appeal over the selection so made and in setting it aside on the ground of the so-called comparative merits of the candidates as assessed by the court, the High Court went wrong and exceeded its jurisdiction.

31. In *Chancellor v. Dr. Bijayananda Kar* [(1994) 1 SCC 169 : 1994 SCC (L&S) 296 : (1994) 26 ATC 570] the Court observed thus: (SCC pp. 174-75, para 9)

"9. This Court has repeatedly held that the decisions of the academic authorities should not ordinarily be interfered with by the courts. Whether a candidate fulfils the requisite qualifications or not is a matter which should be entirely left to be decided by the academic bodies and the Selection Committees concerned which invariably consist of experts on the subjects relevant to the selection."

32. In *J&K State Board of Education v. Feyaz Ahmed Malik* [(2000) 3 SCC 59] the Court while stressing on the importance of the functions of the expert body observed that the expert body consisted of persons coming from different walks of life who were engaged in or interested in the field of education and had wide experience and were entrusted with the duty of maintaining higher standards of education. The



decision of such an expert body should be given due weightage by courts.

33. *In Dental Council of India v. Subharti K.K.B. Charitable Trust [(2001) 5 SCC 486] the Court reminded the High Courts that the Court's jurisdiction to interfere with the discretion exercised by the expert body is extremely limited.*

34. *In Medical Council of India v. Sarang [(2001) 8 SCC 427] the Court again reiterated the legal principle that the court should not normally interfere or interpret the rules and should instead leave the matter to the experts in the field.*

35. *In B.C. Mylarappa v. Dr. R. Venkatasubbaiah [(2008) 14 SCC 306 : (2009) 2 SCC (L&S) 148] the Court again reiterated the legal principles and observed regarding importance of the recommendations made by the expert committees.*

36. *In Rajbir Singh Dalal (Dr.) v. Chaudhari Devi Lal University [(2008) 9 SCC 284 : (2008) 2 SCC (L&S) 887] the Court reminded that it is not appropriate for the Supreme Court to sit in appeal over the opinion of the experts.*

37. *In All India Council for Technical Education v. Surinder Kumar Dhawan [(2009) 11 SCC 726] again the legal position has been reiterated that it is a rule of prudence that courts should hesitate to dislodge decisions of academic bodies.*

38. *We have dealt with the aforesaid judgments to reiterate and reaffirm the legal position that in the academic matters, the courts have a very limited role particularly when no mala fides have been alleged against the experts constituting the Selection Committee. It would normally be prudent, wholesome and safe for the courts to leave the decisions to the academicians and experts. As a matter of principle, the courts should never make an endeavour to sit in appeal over the decisions of the experts. The courts must realise and appreciate its constraints and limitations in academic matters."*



25. Learned counsel for the petitioner has placed reliance in the case of Professor N.S. Bhandari (*supra*) and has referred to paragraph nos.18 to 20, 22, 23, 25, 28, 29 of the said judgment to contend that the selection of respondent no.4 was illegal. Paragraph nos.18 to 20, 22, 23, 25, 28, 29 of the said judgment read as under:

"18. Regulation 7.3.0 of the UGC Regulations, 2018 prescribes that the person to be appointed as a Vice-Chancellor should be a distinguished academician, with a minimum of ten years' teaching experience as Professor in a university. As per the UGC Regulations, 2018, the selection for the post of Vice-Chancellor should be through proper identification by a panel of 3-5 persons by a Search-cum-Selection Committee, through a public notification or nomination or a talent search process or a combination thereof. Regulation 7.3(ii) provides for constitution of a Search Committee. As per Regulation 7.3(iii), the Visitor/Chancellor shall appoint the Vice-Chancellor out of the panel of names recommended by the Search-cum-Selection Committee.

19. Thus, on conjoint reading of Section 10 of the University Act, 2019 and Regulation 7.3.0 of the UGC Regulations, 2018, a person to be appointed as Vice-Chancellor shall have a minimum of 10 years' teaching experience as Professor in a university or ten years of experience in a reputed research and/or academic administrative organisation with proof of having demonstrated academic leadership. On conjoint reading of the aforesaid provisions, the selection for the post of Vice-Chancellor should be through proper identification by a panel of 3-5 persons by a Search-cum-Selection Committee and the Vice-Chancellor shall be appointed out of the panel of the names



recommended by the Search-cum-Selection Committee.

20. In the present case, the appointment of the appellant as Vice-Chancellor cannot be said to be as per the requirement of Section 10 of the University Act, 2019 read with Regulation 7.3.0 of the UGC Regulations, 2018. It is an admitted position that no advertisement was issued before appointing the appellant as Vice-Chancellor. The name of the appellant was not recommended by the Search-cum-Selection Committee. The selection of the appellant for the post of Vice-Chancellor was not by a panel of persons by Search-cum-Selection Committee and therefore he was not appointed as Vice-Chancellor out of the panel of the names recommended by Search-cum-Selection Committee.

22. At this stage, it is required to be noted that the post of Vice-Chancellor of the University, as observed by this Court in a catena of decisions, more particularly in *Gambhirdan K. Gadhvi* [*Gambhirdan K. Gadhvi v. State of Gujarat*, (2022) 5 SCC 179 : (2022) 1 SCC (L&S) 813] ; *Anindya Sundar Das* [*State of W.B. v. Anindya Sundar Das*, (2022) 16 SCC 318] ; and *Rajasree M.S.* [*Sreejith P.S. v. Rajasree M.S.*, (2023) 17 SCC 338 : 2022 SCC OnLine SC 1473] , is a very important post and therefore the most meritorious person should be appointed as Vice-Chancellor of the University from and amongst the other eligible meritorious candidates out of the panel of the names recommended by the Search-cum-Selection Committee.

23. On the importance of the post of Vice-Chancellor, this Court in *Gambhirdan K. Gadhvi* [*Gambhirdan K. Gadhvi v. State of Gujarat*, (2022) 5 SCC 179 : (2022) 1 SCC (L&S) 813] , in paras 53 to 56, has observed as under : (SCC pp. 207-09)

53. It is to be noted that the post of Vice-Chancellor of the university is a very important post so far as the university is concerned. Being a leader and head of the institution, the Vice-Chancellor of the university has to play a very important



role. While academic qualifications, administrative experience, research credentials and track record could be considered as basic eligibility requirements, the greater qualities of a Vice-Chancellor would be one who is a true leader and a passionate visionary. A Vice-Chancellor needs to be one who understands and handles the affairs of the university as ethical business and maintains a pellucidity in his conduct towards the betterment of the university as well as the students therein. A Vice-Chancellor should be one who can inspire students and guarantee entry of high quality teachers into the university system. A Vice-Chancellor functions as a bridge between the executive and academic wings of a university as he is the head of both a "teacher" and an "administrator".

54. We may refer to some of the significant Commission Reports concerning the personality and role of a Vice-Chancellor of a university as under:

54.1. The 1949 Radhakrishnan Commission stated that originally, the Vice-Chancellorship of an Indian university was regarded as an honorary post to be filled by a prominent man in his leisure time. But now the position has changed, there is enough work to justify a full-time appointment and the universities should have full-time paid Vice-Chancellors. While discussing the duties of a Vice-Chancellor, the Commission stated that a Vice-Chancellor must be the chief liaison between the university and the public and must be a keeper of the university's conscience, both setting the highest standard by example and dealing firmly and promptly with indiscipline and malpractice of any kind. He/she must have the strength of character to resist unflinchingly the many forms of pressure. Being a full-time task, it needs an exceptional man (or woman) to undertake it. The Commission rejected the proposal of selecting the Vice-Chancellor by an external body and recommended that the



Chancellor should appoint the Vice-Chancellor upon the recommendation of the executive.

54.2. The 1971 Report of the Committee on Governance of Universities and Colleges by the University Grants Commission chaired by Dr P.B. Gajendragadkar, former Chief Justice of India while reiterating the recommendations and observations made by the aforesaid commissions also stated that the selection of a Vice-Chancellor is the single most important decision that the governing body of the university may be called upon to make. While the Chancellor of a university may be a high dignitary of the State or the Union of India or an eminent scholar or eminent person in public life of the State, the appointment of Vice-Chancellor, being the important functionary of the university is most strategic. The powers of proper maintenance of discipline and a healthy environment for both teachers and students in the university is vested with the Vice-Chancellor along with all the other powers vested in him/her by various Statutes, Ordinances or Regulations. The Commission also stated that appointment of a Vice-Chancellor is made in most of the universities out of a panel of at least three names by the Chancellor in case of State Universities and by the Visitor in case of Central Universities. The panel of names is prepared by a Search Committee constituted in accordance with the provision of the Act/Statute. Since it was difficult to have a uniform system of forming a committee in all the States, the alternatives to constitute the Search Committee were also provided in the Report.

54.3. The 1990 Report of the UGC Committee towards New Educational Management by Professor A. Gnanam (also called as the Gnanam Committee Report, 1990) accentuated the role of a Vice-Chancellor, stating that the Vice-Chancellor should be a person with vision and qualities of academic leadership and with a



flair for administration because what the universities need is a sensitive, efficient, fair and bold administrator. The Vice-Chancellor should be a distinguished educationist from the higher education system having highest level of competence, integrity, morals and self-respect.

54.4. The Ramlal Parikh Committee 1993 accented that the universities need distinguished and dignified persons as Vice-Chancellors and it is necessary to ensure that they are treated with dignity and regard, which the office merits.

54.5. The University Grants Commission in its handbook titled Governance in Higher Education : Handbook for Vice-Chancellors published in 2019 has penned down the role of Vice-Chancellor of Indian universities having gained a paramount importance in the recent times. In the words of Prof. D.P. Singh, the then Chairman of University Grants Commission and former Director of National Assessment and Accreditation Council ("NAAC"):

'As Chief Executives and Academic Heads of Universities, the Vice-Chancellors are expected to be efficient and effective in terms of:

(a) Implementation of National Higher Education Policy and programmes,

(b) Institutional change in tune with the national reforms package,

(c) Quality and innovation enhancement and their sustainability,

(d) Productive engagement with "communities of scholars" from within their universities and from national and international domains,

(e) Nurturing of "Research and Innovation Ecosystem" and translation of deliverables to society and economy,

(f) Adoption of international best practices of "Good Governance".'



'The Vice-Chancellor has to evolve as the leader of a symphony of orchestra with the attributes of:

(a) Developing teams and teamwork, building partnerships and collaborations delicately interwoven by collegiality, friendship and intellectual engagement;

(b) Devising a strategy and action plan with defined milestones and deliverables;

(c) Ensuring primary accountabilities of self and the abovementioned university governing bodies; and

(d) Steering an institutional monitoring and evaluation mechanism on university performance built on principles of transparency.'

55. Discussing the situation in the backdrop of principle of governance as quoted by Chanakya in his Nitishastra — "Yatha Raja Tatha Praja", the sense of morality must begin from the door of the leader who preaches it.

56. Thus, universities are autonomous and the Vice-Chancellor is the leader of a higher education institution. As per the norm, he/she should be an eminent academician, excellent administrator and also someone who has a high moral stature. The aforesaid Reports of the Radhakrishnan Commission, Kothari Commission, Gnanam Committee and Ramlal Parikh Committee have highlighted the importance of the role of Vice-Chancellor in maintaining the quality and relevance of universities, in addition to its growth and development, keeping in view, the much needed changes from time to time. Further, these committees have also made suggestions and recommendations for identifying the right person for the said position. At this stage, it is correct to say that a Vice-Chancellor is the kingpin of a university's system and a keeper of the university's conscience."



25. *In the present case, at the time when the appellant was appointed as Vice-Chancellor, even according to the appellant he was having a teaching experience of 8 years and 5 months as Professor in the University. The appellant rendered service as a Professor for the period between 2009 to 2017 till he was appointed as Member of the Uttarakhand Public Service Commission on 7-10-2017. He continued as a Member of the Public Service Commission till 13-8-2020 when he was appointed as Vice-Chancellor of the University. It is the case on behalf of the appellant that while serving as a Member of the Public Service Commission, the appellant was on a long leave and his lien was continued on the post of Professor and therefore the said period between 7-10-2017 to 13-8-2020 may be considered for the purpose of counting the experience cannot be accepted. Merely because his lien was continued on the post of a Professor, it cannot be said that he continued to teach and/or he was having the teaching experience during the period of lien. Even considering Article 319 of the Constitution of India, while working as a Member of the Public Service Commission, he could not have rendered any other work on any other post. Therefore, the contention on behalf of the appellant that the period spent by the appellant from 7-10-2017 to 13-8-2020 as a Member of the Public Service Commission should be added to his teaching experience, holding lien on the substantive post, cannot be accepted. Merely because such lien is held, the period of lien, by no stretch of imagination, can be treated and/or considered as teaching experience.*

28. *Now so far as the submission on behalf of the appellant that the appellant was the most meritorious person and looking to his academic career and having been satisfied that he is the suitable and meritorious person to be appointed as Vice-Chancellor, thereafter he was appointed as Vice-Chancellor by the State Government is concerned, it may be true that the appellant might have a very good/bright academic*



career. However, at the same time, it cannot be said that he was the most meritorious person as his case was not compared with other meritorious persons. Therefore, the State Government had no opportunity to compare his case with other eligible meritorious candidates.

29. As observed hereinabove, and as per the requirement of Regulation 7.3.0 of the UGC Regulations, 2018 and even as per Section 10 of the University Act, 2019, the selection for the post of Vice-Chancellor should be through proper identification by a panel of 3-5 persons by Search-cum-Selection Committee and the members of such Search-cum-Selection Committee shall be the persons of eminence in the sphere of higher education and shall not be connected in any manner with the University concerned or its colleges. While preparing the panel, the Search Committee shall give proper weightage to the academic excellence, etc. and thereafter the Visitor/Chancellor shall appoint the Vice-Chancellor out of the panel of the names recommended by the Search-cum-Selection Committee. The reason behind this seems to be that the person who is ultimately selected and appointed as Vice-Chancellor, his case is compared with other eligible meritorious candidates who were part of the panel recommended by the Search Committee. In the present case, such a procedure has not been followed at all. The merit of the appellant has not at all been compared with other eligible meritorious persons who may be more meritorious than the appellant."

26. The reliance placed by the learned counsel for the petitioner on the judgment of the Hon'ble Apex Court in the case of Professor N.S. Bhandari (*supra*) is misplaced as the facts of the said case are totally different from the present case. In the case of Professor N.S. Bhandari (*supra*), the allegation was that



neither any advertisement was issued for filling the post of Vice-Chancellor nor any selection committee was constituted. Moreover, the issue before the Court was that as to whether the services rendered on a non-academic post claiming lien on an academic post can be counted to the 10 years requisite experience for the post of Vice-Chancellor. However, in the present case not only the post was advertised but a duly constituted search committee after interaction with candidates prepared a panel of meritorious candidates. Thus, there was a compliance of the statutory rules and the said action of the search committee was in consonance with the observations made by the Hon'ble Apex Court in para 29 of the case of Professor N.S. Bhandari (*supra*).

27. In view of the above discussion, we are of the considered view that the selection and appointment of the respondent no.4 as a Vice-Chancellor of the HNBG University is in conformity with the Central Universities Act, 2009, statutes framed thereunder and the UGC Regulations, 2018.

28. The challenge made to the said appointment fails, the writ petition lacks merits and the same is, accordingly, dismissed.

29. No orders as to cost.



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30. Pending application, if any, also stands disposed of.

(MANOJ KUMAR GUPTA, C. J.)

(SUBHASH UPADHYAY, J.)

Dated: 15.04.2026

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