
(2025) 12 J&K CK 1701
In the Jammu And Kashmir High Court
Case No : LPA No.155 Of 2018

Rimpy Gupta and another	Vs	APPELLANT
State of J&K and others		RESPONDENT

Date of Decision : 11-12-2025

Acts Referred:

Citation : (2025) 12 J&K CK 1701

Hon'ble Judges : Arun Palli, CJ;Rajnesh Oswal, J

Bench : Division Bench

Advocate : Abhirash Sharma, Ravinder Gupta, F.A.Natnoo, Sheikh Najeeb

Final Decision : Dismissed

Judgement

Rajnesh Oswal, J

1. All these three intra-court appeals arise out of the common judgment dated 26.04.2018 rendered by the learned Writ Court in SWP No. 2424/2016, SWP No. 16/2017, and SWP No. 1543/2016, whereby the writ petitions preferred by the appellants-writ petitioners were dismissed.

2. The learned Writ Court, while adjudicating the writ petitions, framed the following three issues:

i. Whether the UGC Regulations, 2010 are binding on the State Government or the PSC in regard to the manner and procedure for conducting selection to the post of Assistant Professors?

ii. Whether the short-listing criteria fixed by the PSC was bad and arbitrary as no marks have been prescribed for those who had been cleared the NET/SLET/SET test?

iii. Whether Rule 51 of PSC Rules, 1980 is bad to the extent that the said rule does not give equal weightage to those candidates who have acquired Ph.D or have cleared NET/SLET/SET test even when the same are a part of the minimum

qualification as prescribed in the relevant rules and the advertisement notice.

3. The aforesaid issues were decided against the appellants-writ petitioners, leading them to assail the impugned judgment through the medium of present three intra-court appeals.

4. The learned counsel for the appellants-writ petitioners confined his submissions to Issues 2 and 3. He contended that the NET/SLET/SET and the Ph.D. degree, being components of the minimum essential eligibility criteria, ought to have been accorded separate, due weightage not only during shortlisting but also during final selection. He further argued that Clause (viii) of Rule 51 of the J&K Public Service Commission (Business and Procedure) Rules, 1980 (the "PSC Rules, 1980") does not provide for equal weightage to candidates holding a Ph.D. degree or who have qualified NET/SLET/SET, despite these qualifications constituting part of the minimum eligibility conditions prescribed in the Advertisement Notification and the relevant rules.

5. On the other hand, the learned counsel for the respondents has argued that the learned Writ Court has rightly appreciated the controversy and that the impugned judgment is free from any illegality or impropriety warranting interference.

6. Heard learned counsel appearing for the parties and perused the record.

7. The entire controversy hinges upon the validity of Rule 51 of the PSC Rules, 1980. As per the Recruitment Rules, the minimum qualification for the post of Assistant Professor is a Master's Degree or an equivalent degree, along with NET/SLET/SET conducted by the UGC/CSIR/AIU. While a candidate must possess both a Master's Degree and NET/SLET/SET, those who hold a Ph.D. degree awarded under the UGC Regulations, 2009, are exempted from the NET/SLET/SET requirement. It is pertinent to note that NET/SLET/SET is not an additional qualification; rather, it is an essential eligibility criterion enabling candidates with a Master's Degree to apply for the post of Assistant Professor in the relevant discipline.

8. In terms of Rule 51(viii) of the PSC Rules, 1980, weightage for higher qualification is confined to the highest degree possessed by the candidate. Weightage is not granted for other higher qualifications down the line. Where a higher qualification (such as M.Phil./Ph.D.) is consumed to satisfy the eligibility requirement (e.g., in lieu of NET/SLET), the candidate is entitled to weightage equivalent to the difference between the highest degree possessed and the degree considered against eligibility. Crucially, if the highest degree possessed is itself consumed for eligibility, no weightage is granted to the candidate, meaning thereby that if degree of Ph.D. is consumed as eligibility, then no additional marks can be awarded. Regarding the shortlisting criteria, 90% marks are prescribed for the post-graduate qualification, 4 points for M.Phil., and 6 points for Ph.D., with no marks provided for the NET/SLET/SET test.

9. In fact, NET/SLET/SET is a basic eligibility condition, alongside the Master's Degree, and not an additional educational qualification that warrants the award of marks.

10. We have examined the judgment passed by the learned writ Court, which is impugned by the appellants-writ petitioners in these appeals, and we do not find any illegality, infirmity, or impropriety therein. The learned writ Court has rightly adjudicated the controversy, leaving no scope for interference by this Court.

11. In view of the foregoing discussion, the appeals are found to be devoid of merit and are, accordingly, dismissed, along with the connected IA(s), if any.