

High Court of Karnataka- Principal Bench at Bengaluru

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Daily Status

Principal Bench at Bengaluru

In The Court Of : OTHERS

Case Number : WA/0001578/2024

THE STATE OF KARNATAKA Versus SANJEEVAIAH H

Date : 09-09-2025

Business

1. The State has filed the present intra-court appeal impugning an order dated 05.09.2024 [impugned order] passed by the learned Single Judge of this Court in W.P.No.23600/2023 [S-RES]. Respondent Nos.1 to 4 [Writ Petitioners] had filed the said petition inter-alia impugning a notification dated 24.08.2023 for selection of guest lecturers in Government First Grade Colleges. 2. The writ petitioners were aggrieved by the selection process as set out in the impugned notification inasmuch as it provided for certain weightage (by way of marks) to the qualification of Ph.D Degree and NET/K-SET/SLET examination. According to the writ petitioners, such qualifications are essential qualifications and the candidates not possessing either of the said qualifications are ineligible for being appointed as lecturers. 3. The learned Single judge has partly allowed the petition. The dispositive part of the impugned order is set out below: "ORDER i) This writ petition is allowed in part. ii) The respondent Nos. 1 and 2 are directed to ensure complete compliance of the minimum qualification as prescribed by the UGC/respondent No.3 under the UGC Regulations, 2018 before selecting any candidates for the post of Guest Lecturer. iii) It is made clear that in view of the order passed in W.P No. 3079/2022 and connected cases, the marks prescribed for past service for a maximum period of 16 years at the rate of 3 marks shall continue to be applied. iv) It is also made clear that the respondent Nos.1 and 2 shall not any candidate who does not possess minimum qualification as prescribed in the UGC Regulations, 2018 and shall not any candidate by placing a condition on him/her that he/she shall obtain requisite qualification namely NET/SLET/SET before 13.01.2025, unless he/she is awarded with a doctoral prior to July 2009. In view of the disposal of the petition, pending I.As., if any, do not survive for consideration and the same stand disposed off." 4. After some arguments, learned AAG appearing for the appellants submits that the appellants would follow the decision of the learned Single Judge for the Academic Year 2026-2027. He, however, submits that for the Academic Year 2025-2026, appellants may be permitted to engage persons who are not qualified the NET/SLET/SET or Ph.D for two reasons; first, the requirement of guest lecturers in certain Disciplines far exceeds the number of applicants and second that in certain Disciplines the qualifying examinations have not been conducted. 5. In order to obviate any ambiguity as to the minimum qualifications, we consider it apposite to set out paragraph 3.3 of the "UGC Regulations on Minimum Qualifications for Appointment of Teachers and other Academic Staff in Universities and Colleges and Measures for the Maintenance of Standards in Higher Education, 2018", which reads under: "3.3 I. The National Eligibility Test (NET) or an accredited test (State Level Eligibility Test SLET/SET) shall remain the minimum eligibility for appointment of Assistant Professor and equivalent positions wherever provided in these Regulations. Further, SLET/SET shall be valid as the minimum eligibility for direct recruitment to Universities/Colleges/Institutions in the respective state only: Provided that candidates who 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) Regulation, 2009, or the University Grants Commission (Minimum Standards and Procedure for Award of M.Phil/Ph.D. Degree) Regulation, 2016, and their subsequent 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 or any equivalent position in any University, College or Institution. Provided further that the award of degree to candidates registered for the M.Phil/Ph.D programme 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. All 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 regular mode only b) The Ph.D. thesis has been awarded by at least two external examiners c) An 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. The fulfillment of these conditions is to be certified by the Registrar or the Dean (Academic Affairs) of the University concerned. II. The clearing of NET/SLET/SET shall not be required for candidates in such disciplines for which NET/SLET/SET has not been conducted." 6. Learned AAG submits that with effect from the next academic year only those persons who qualify the eligibility conditions stipulated in "UGC Regulations on Minimum Qualifications for Appointment of Teachers and other Academic Staff in Universities and Colleges and Measures for the Maintenance of Standards in Higher Education, 2018" shall be appointed as Guest Faculty. He, however, submits that there are various disciplines, for which, relevant qualifying exams [NET/SLET/SET] have not been conducted. He also points out that in certain disciplines, the number of qualified candidates available is less than the requirement. He has handed over a Tabular Statement setting out the details of the requirement of Guest Faculties for the Academic Year 2025-26, which is as under: Guest Faculty Details for 2025-26 Sl.No. Subject Guest Faculty Engaged for 2024-25 Application Received for 2025-26

Applicants' Qualification With NET/SLET/PhD	Applicants' Qualification WITHOUT NET/SLET/PhD
1 Arabic	1 2 2 0 2
2 Biochemistry	7 239 90
3 Biotechnology	36 265 93 172 4
4 Botony	118 1164 418 746 5
5 Chemistry	377 2553 845 1708 6
6 Commerce	1434 7663 3343 4320 7
7 Computer Science	1370 3782 560 3222 8
8 Criminology	31 112 54 58 9
9 Drama	2 25 11 14 10
10 Economics	510 3556 1828 1728 11
11 Education	17 411 173 238 12
12 Electronics	7 178 30 148 13
13 English	745 3069 987 2082 14
14 Environmental Science	171 268 110 158 15
15 Fashion Technology	3 1 0 1 16
16 Genetics	1 22 10 12 17
17 Geography	154 459 187 272 18
18 Geology	2 54 38 16 19
19 Hindi	220 709 279 430 20
20 History	681 3426 1986 1440 21
21 Home Science	18 161 95 66 22
22 Journalism	68 314 143 171 23
23 Kannada	973 5021 3456 1565 24
24 Law	9 51 13 38 25
25 Librarian	208 1173 391 782 26
26 Management	492 1363 469 894 27
27 Marati	3 15 9 6 28
28 Mathematics	381 2915 585 2330 29
29 Microbiology	35 282 90 192 30
30 Music	5 21 9 12 31
31 Physical Education	242 1113 461 652 32
32 Physics	338 2302 486 1816 33
33 Political Science	864 2958 1376 1582 34
34 Pscycology	37 184 51 133 35
35 Sanskrit	17 64 20 44 36
36 Sericulture	1 4 0 4 37
37 Social Work	77 541 287 254 38
38 Sociology	416 1846 928 918 39
39 Statistics	4 35 10 25 40
40 Tamil	4 9 5 4 41
41 Telugu	7 9 7 2 42
42 Tulu	1 5 0 5 43
43 Urdu	91 248 98 150 44
44 Women Studies	4 75 57 18 45
45 Zoology	121 987 390 597
Grand Total	10303 49702 20504 29198 7.

7. The said Tabular Statement does indicate that in certain Disciplines, such as, Computer Science, the requirement of guest faculty far exceeds being the number of applicants with the requisite qualifications. 8. In view of the aforesaid submission, we consider it apposite to direct, as an interim measure for the Academic Year 2025-26, that the appellants would be at liberty to engage applicants even though they do not fulfill the qualifications of NET/SLET/Ph.D, as guest faculty in certain disciplines where the number of qualified candidates fall short of the number of persons required to be appointed. 9. Insofar as the appellants' contention that there are Disciplines where the qualifying exams NET/SLET/SET has not been conducted, the learned counsel appearing for respondent No.5 [UGC] has referred to Regulation 3.3 (ii) of the aforesaid regulations, which expressly provides that clearing of the said examination would not be required for candidates in such disciplines, for which, the said examinations have not been conducted. This would address the appellants' apprehension in this regard. 10. This Court is informed that there are certain other persons who claim that there are specific exemptions granted by UGC in respect of the aforesaid qualifications. 11. In this regard it is clarified that of UGC has exempted certain category of persons from the applicability of the aforesaid regulations this interim order would not be read as denying the said exemption. 12. List on 08-10-2025 for further proceedings. 13. The endeavour would also be made to hear the parties seeking impleadment or intervention in the present appeal on the next date of hearing.

Short Order :
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Reason for Adjournment : ADJOURNED
Next Purpose : ORDERS
Next Hearing Date : 08-10-2025

Honorable Chief Justice