

Reserved On : 16/07/2026

Pronounced On : 24/07/2026

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 9212 of 2026****With****R/SPECIAL CIVIL APPLICATION NO. 9115 of 2026****With****R/SPECIAL CIVIL APPLICATION NO. 9217 of 2026****With****R/SPECIAL CIVIL APPLICATION NO. 9221 of 2026****With****R/SPECIAL CIVIL APPLICATION NO. 9300 of 2026****With****R/SPECIAL CIVIL APPLICATION NO. 9303 of 2026****With****R/SPECIAL CIVIL APPLICATION NO. 9454 of 2026****FOR APPROVAL AND SIGNATURE:****HONOURABLE MR. JUSTICE NIRAL R. MEHTA**

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Approved for Reporting	Yes	No
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SINOJIYA ALPESH DEVSIBHAI**Versus****STATE OF GUJARAT & ORS.**

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Appearance:**MR MEET A SHAH(9933) for the Petitioner(s) No. 1****MR SAHIL TRIVEDI, AGP for the Respondent(s) No. 1,2****MR HRIDAY BUCH(2372) for the Respondent(s) No. 3****MR TARAK DAMANI for the Respondent(s) No. 3 in SCA/9217/2026**

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CORAM:HONOURABLE MR. JUSTICE NIRAL R. MEHTA**CAV JUDGMENT****1. Since all these petitions arise out of**

an identical factual matrix and involve a common issue concerning the non-allotment of marks towards past teaching experience in the process of recruitment to the post of Assistant Professor, they were heard analogously and are being disposed of by this common judgment, treating Special Civil Application No.9212 of 2026 as the lead matter.

2. By way of the present petition, the petitioner has invoked the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India, calling in question the action of the respondent University in denying marks towards past teaching experience while evaluating the petitioner's candidature pursuant to the advertisement dated 12th January, 2026 for recruitment to the post of Assistant Professor (General - Unreserved Category).

3. The relevant facts giving rise to the present petition, stated in brief, are as under:

3.1 The petitioner possesses the academic qualifications of B.A. (Economics), M.A. (Economics), B.Ed. (Education), M.Ed. (Education), M.A. (Education), and has also been awarded the degree of Doctor of Philosophy (Ph.D.).

3.2 The petitioner came to be appointed as an Assistant Professor in Takshshila B.Ed. College, Halvad, a self-financed institution managed by Chanakya Education & Charitable Trust and affiliated with Saurashtra University, on a permanent basis vide appointment order dated 30th April, 2016. As stipulated in the appointment order, the pay scale, allowances and other service benefits were governed by the U.G.C. norms applicable to the post of Assistant Professor.

3.3 Pursuant to the aforesaid appointment, Saurashtra University, by order dated 16th June, 2016, granted conditional approval to the petitioner's appointment as Assistant Professor. Subsequently, vide order dated 28th November, 2019, the University accorded final approval to the petitioner's appointment with effect from 6th December, 2017, recognizing him as a full-time Assistant Professor.

3.4 It is the case of the petitioner that, thereafter, on 10th July, 2025, he was selected and appointed on a permanent basis to the post of Principal of Takshshila B.Ed. College. The said appointment was made after following the selection procedure prescribed under the

regulations framed by the N.C.T.E. and the U.G.C., and the pay scale and allowances attached to the said post were fixed in accordance with the U.G.C. norms applicable to the post of Principal. Saurashtra University, vide its order dated 28th August, 2025, granted approval to the petitioner's appointment as Principal after being satisfied that the same was in conformity with the prevailing recruitment regulations.

3.5 Thereafter, the respondent University issued Employment Notification No.MKBU/ESTA/ADV/954/2025 dated 27th December, 2025 (Advertisement No.T07-12/2025), inviting applications, inter alia, for appointment to the post of Assistant Professor in the subject of Education under the General and S.E.B.C. categories.

3.6 Pursuant to the aforesaid advertisement, the petitioner submitted his online application bearing Form No.CUT-1014 on 12th January, 2026 for appointment to the post of Assistant Professor (Education) under the General (Unreserved) Category, together with all requisite testimonials and supporting documents.

3.7 The petitioner thereafter received an email dated 23rd May, 2026 from the Scrutiny

Committee of the respondent University communicating the marks awarded upon scrutiny and evaluation of his application. Upon perusal thereof, the petitioner came to know that no marks had been awarded towards his past teaching experience on the ground that he was allegedly not drawing salary in accordance with the provisions 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, particularly Regulation 10 thereof.

4. Being aggrieved and dissatisfied with the aforesaid, petitioner has approached this Court for the appropriate writ, order or direction in the interest of justice.

5. Heard Learned Advocate Mr.Meet Shah for the petitioner, learned Assistant Government Pleader Mr.Sahil Trivedi for respondent Nos.1 and 2, Learned Advocate Mr.Hriday Buch and Learned Advocate Mr.Tarak Damani for respondent No.3 in respective petitions, in all the petitions.

6. Since the issue involved in the present petitions lies in the narrow compass but having some significance, with the request and consent

of Learned Advocates appearing for the respective parties, the petitions are taken up for final hearing at the admission stage.

7. Learned Advocate Mr.Meet Shah appearing for the petitioners in all the petitions, while assailing the action of the respondent University, has advanced the following submissions:

7.1 It is submitted that the petitioners were initially appointed as Assistant Professors and, thereafter, as Principals after undergoing the prescribed recruitment process in accordance with the Regulations framed by the N.C.T.E. and the UGC Regulations, 2018. It is further submitted that both the appointments had received due approval and recognition from the concerned statutory University. In such circumstances, the refusal to treat the petitioners' past service rendered as Assistant Professors and Principals as valid teaching experience is wholly arbitrary, contrary to law and, therefore, deserves to be quashed and set aside.

7.2 It is submitted that the impugned action is ex facie contrary to Regulation 10 of the UGC Regulations, 2018, which governs the counting of past teaching experience for the purpose of

direct recruitment. According to the learned counsel, the controversy is squarely governed by Regulation 10(b), which is post-centric in nature. It is contended that once the earlier post held by a candidate is the same or of an equivalent grade, the first limb of Regulation 10(b) mandates counting of such past teaching experience and consequential award of marks. It is submitted that, admittedly, the petitioners had served as Assistant Professors and Principals and, therefore, the Scrutiny Committee was under a statutory obligation to award marks towards such past teaching experience in terms of Regulation 10(b).

7.3 It is further submitted that Regulation 10(b) does not prescribe that a candidate must have been drawing salary strictly in accordance with the UGC pay scales. The Regulation merely refers to the revised pay scale and, therefore, the fact that the petitioners were paid a fixed salary by private self-financed institutions, despite their appointments, approvals and recognitions being in conformity with the University and UGC norms, cannot be treated as a disqualifying factor for the purpose of reckoning past teaching experience. It is submitted that the petitioners had continuously discharged

duties as Assistant Professors and Principals from the year 2016 to 2025 and, merely because they were paid a fixed salary, their experience acquired while serving as regular employees cannot be ignored or discarded.

7.4 It is submitted that a plain reading of Regulation 10 makes it evident that, while counting the past teaching experience of a candidate who was appointed on a regular and permanent basis as an Assistant Professor, the relevant consideration is the equivalence of the grade of the post and not the quantum of salary drawn by such candidate, unlike cases involving ad hoc, temporary or contractual appointments. It is contended that, for determining the experience of a regular appointee, the pay scale bears no rational nexus. The requirement relating to pay scale assumes relevance only in cases falling under Regulation 10(f)(iii), namely where the appointment is on an ad hoc, temporary or contractual basis. Thus, the criterion relating to pay scale or salary constitutes an additional requirement only for candidates serving in such capacities. Since the petitioners were regular and permanent appointees to the post of Assistant Professor, their past teaching experience was required to be considered under Regulation 10(b),

particularly when the posts held by them were of an equivalent grade.

7.5 It is further submitted that the respondent University has been treating the teaching experience acquired by Assistant Professors and Principals serving in Government and grant-in-aid institutions, though appointed on fixed pay, as valid experience, whereas the teaching experience of the petitioners, who were appointed on a regular and permanent basis in self-financed institutions but were paid a fixed salary, has not been accorded similar treatment. Such differential treatment, it is submitted, amounts to hostile discrimination and is violative of Article 14 of the Constitution of India.

7.6 It is further submitted that the petitioners were appointed as Assistant Professors and Principals only after undergoing the prescribed selection process in accordance with the norms framed by the N.C.T.E. and the UGC. During the course of their service, they discharged various academic, administrative and institutional responsibilities, including functioning as Ph.D. guides, participating in the activities of the Board of Studies and performing

other academic functions assigned by the concerned University. It is, therefore, contended that the petitioners' teaching experience ought to be assessed on the basis of their qualifications, the nature of the posts held and the academic duties actually discharged, and not with reference to the salary paid to them by the private self-financed institutions. It is submitted that the respondent University, by rejecting the petitioners' past teaching experience solely on the ground of the salary drawn, has frustrated the very object and purpose underlying Regulation 10, which seeks to recognize and count the teaching experience of all eligible candidates, irrespective of whether they served in Government or non-Government institutions, subject to fulfilment of the prescribed qualifications.

7.7 By making above submissions, learned advocate for the petitioner requested this Court to allow the petitions as prayed for.

8. *Per contra*, learned Advocate Mr. Hriday Buch appearing for the respondent University, while supporting the impugned action, has advanced the following submissions:

8.1 At the outset, it is submitted that the

action of the respondent University in not awarding marks towards the petitioners' past teaching experience is fully in consonance with the provisions of the UGC Regulations, 2018. It is, therefore, submitted that the present petitions, filed under Article 226 of the Constitution of India, are devoid of merits and do not warrant any interference by this Court.

8.2 It is submitted that the benefit of counting past teaching experience for the purpose of direct recruitment under Regulation 10 is available only to those candidates who are in regular service, possess the prescribed essential qualifications, have been appointed after undergoing the due selection process and are drawing salary in the equivalent grade or pay scale. It is contended that although the petitioners were appointed on a regular basis, they were admittedly drawing fixed salary and, therefore, failed to satisfy the requirement relating to the equivalent pay scale. Consequently, their past teaching experience was rightly not taken into consideration.

8.3 It is further submitted that, for determining whether a candidate satisfies the requirements of Regulation 10, the relevant

consideration is the grade or pay scale attached to the post. Since the petitioners were drawing a fixed salary, they do not satisfy the requirements of Regulation 10(b). It is further contended that, having regard to the provisions of Regulation 10(f)(iii), the fixed salary drawn by the petitioners was admittedly lower than the gross monthly emoluments payable to a regularly appointed Assistant Professor and, therefore, the respondent University has rightly declined to count their past teaching experience.

8.4 It is submitted that Regulation 10 contemplates three distinct categories of candidates, namely: (i) candidates appointed on a regular post; (ii) candidates appointed on a regular post and drawing the prescribed or equivalent pay scale; and (iii) candidates appointed on an ad hoc, temporary or contractual basis, provided they are drawing fixed remuneration not less than the total monthly emoluments payable to a regularly appointed Assistant Professor. It is, therefore, contended that although the petitioners were appointed on a regular basis, since they were drawing a fixed salary which was lower than the gross monthly emoluments of a regularly appointed Assistant Professor, their case does not satisfy the

requirements of Regulation 10 and, consequently, their past teaching experience has rightly not been counted.

8.5 Lastly, it is submitted that a harmonious reading of Regulation 10 of the UGC Regulations, 2018 makes it evident that a candidate drawing the prescribed pay scale would be governed by Regulation 10(b), whereas a candidate serving on an ad hoc, temporary or contractual basis would fall within the ambit of Regulation 10(f)(iii), provided such candidate is drawing remuneration not less than the total monthly emoluments payable to a regularly appointed Assistant Professor. In the present case, since the petitioners were neither drawing the prescribed pay scale nor receiving fixed remuneration equivalent to the gross monthly emoluments of a regularly appointed Assistant Professor, their past teaching experience cannot be counted for the purpose of direct recruitment. The petitions, therefore, deserve to be dismissed.

8.6 To substantiate the aforesaid contentions, Learned Advocate relied on the decision of the Apex Court in case of **Allahabad University v. Geetanjali Tiwari (Pandey) [(2024)]**

20 SCC 23] .

8.7 By making above submissions, Learned Advocate Mr.Hriday Buch requested this Court to dismiss the petitions.

9. Learned Advocate Mr.Tarak Damani adopted the submissions canvassed by Learned Advocate Mr.Hriday Buch and reiterated that the case of the petitioner was rightly not considered by true and correct interpretation of Regulation 10 and thereby, the petitions deserve no consideration.

10. Heard Learned Advocates appearing for the respective parties and have gone through the materials produced on record. No other and/or further submissions have been canvassed by Learned Advocates appearing for the respective parties except mentioned hereinabove.

11. Having considered the rival submissions and the material available on record, the principal question that arises for determination is whether Regulation 10 of the UGC Regulations, 2018 permits the respondent University to deny the benefit of counting past teaching experience of a candidate who was regularly appointed to an equivalent teaching post in a recognized private self-financed institution, solely on the ground

that such candidate was paid a fixed salary instead of the prescribed UGC pay scale?

12. So as to understand the aforesaid question, it is relevant to understand the provisions of Regulation 10 of the UGC Regulations, 2018, which can be extracted as under:

"10.0 Counting of Past Services for Direct Recruitment and Promotion under CAS

Previous regular service, whether national or international, as Assistant Professor, Associate Professor or Professor or equivalent in a University, College, National Laboratories or other scientific/professional organisations such as the CSIR, ICAR, DRDO, UGC, ICSSR, ICHR, ICMR and DBT, should count for the direct recruitment and promotion under the CAS of a teacher as Assistant Professor, Associate Professor, Professor or any other nomenclature, provided that:

(a) The essential qualifications of the post held were not lower than the qualifications prescribed by the UGC for Assistant Professor, Associate Professor and Professor, as the case may be.

(b) The post is/was in an equivalent grade of the pre-revised scale of pay as the post of Assistant Professor (Lecturer) Associate Professor (Reader) and Professor.

(c) The concerned Assistant Professor, Associate Professor and Professor should possess the same minimum qualifications as prescribed by the UGC for appointment to the post of Assistant Professor, Associate

Professor and Professor, as the case may be.

(d) The post was filled in accordance with the prescribed selection procedure as laid down in the Regulations of the University/State Government/Central Government/Institutions concerned, for such appointments.

(e) The previous appointment was not as guest lecturer for any duration.

(f) The previous Ad-hoc or Temporary or contractual service (by whatever nomenclature it may be called) shall be counted for direct recruitment and for promotion, provided that:

(i) the essential qualifications of the post held were not lower than the qualifications prescribed by the UGC for Assistant Professor, Associate Professor and Professor, as the case may be,

(ii) the incumbent was appointed on the recommendation of a duly constituted Selection Committee/Selection Committee constituted as per the rules of the respective university,

(iii) the incumbent was drawing total gross emoluments not less than the monthly gross salary of a regularly appointed Assistant Professor, Associate Professor and Professor, as the case may be; and

(g) No distinctions shall be made with reference to the nature of management of the institution where previous service was rendered (private/local body/Government), while counting the past service under this clause."

13. A plain and meaningful reading of Regulation 10, as a whole, would indicate that

the provision is beneficial in nature and has been enacted with an inclusive approach. The underlying legislative intent appears to be to ensure that genuine teaching and research experience acquired by an academician is not excluded merely because such experience was gained outside a Government institution or under a different management. The Regulation seeks to recognize past academic experience for the purpose of direct recruitment as well as promotion under the Career Advancement Scheme, subject to fulfillment of the conditions expressly stipulated therein.

13.1 The scheme of Regulation 10, on a conjoint reading of its various clauses, contemplates two distinct classes of previous service for the purpose of counting past experience, namely: (i) previous regular service; and (ii) previous ad hoc, temporary or contractual service. Irrespective of the category into which a candidate falls, the foundational requirement prescribed under Regulation 10(a) is that the essential qualifications for the post previously held should not be lower than those prescribed by the UGC for the corresponding post of Assistant Professor, Associate Professor or Professor. The requirement of possessing the

prescribed UGC qualifications, therefore, constitutes the primary and indispensable condition applicable uniformly to both categories of candidates.

13.2 Once the requirement relating to qualifications is satisfied, the next stage of inquiry is to ascertain the nature of the previous appointment. Insofar as a candidate who was appointed on a regular basis is concerned, the relevant provision is Regulation 10(b). The emphasis under the said clause is on the nature and status of the post previously held. If the candidate was holding a post equivalent in grade to that of an Assistant Professor, Associate Professor or Professor, or a post carrying the corresponding pre-revised scale of pay, and such appointment was made through the prescribed selection procedure as contemplated under Regulation 10(d), the previous service is liable to be counted. Thus, for a regular appointee, the conditions which assume significance are: (i) possession of the prescribed UGC qualifications; (ii) appointment through a duly prescribed selection process; and (iii) holding a post of an equivalent grade or corresponding pre-revised scale of pay. Significantly, Regulation 10(b) does not stipulate, in express terms, that the

incumbent must have actually drawn salary in accordance with the UGC pay scales. The emphasis of the provision is on the equivalence of the post and the legality of the appointment, rather than the actual salary received by the incumbent.

13.3 The position, however, stands on a different footing in respect of candidates who had rendered service on an ad hoc, temporary or contractual basis. Such category is specifically governed by Regulation 10(f). In addition to satisfying the requirements regarding qualifications and appointment through a duly constituted Selection Committee, Regulation 10(f) (iii) incorporates an additional condition that the incumbent should have been drawing total gross emoluments not less than the monthly gross salary payable to a regularly appointed Assistant Professor, Associate Professor or Professor, as the case may be. Thus, the criterion relating to salary has been consciously introduced only in respect of ad hoc, temporary or contractual appointments. No corresponding stipulation has been incorporated while prescribing the conditions applicable to regular appointments under Regulation 10(b).

13.4 Viewed from the aforesaid perspective,

Regulation 10 draws a clear distinction between regular appointments governed by Regulation 10(b) and ad hoc, temporary or contractual appointments governed by Regulation 10(f). While the latter category is subjected to an additional financial benchmark relating to monthly emoluments, no such requirement has been engrafted in Regulation 10(b). Consequently, in the case of a regular appointee, once the incumbent satisfies the prescribed UGC qualifications, has been appointed through the prescribed selection procedure and has held a post of an equivalent grade or corresponding pre-revised scale of pay, the past teaching experience cannot ordinarily be excluded merely on the ground that the incumbent was paid a fixed salary instead of the UGC pay scale. Any contrary interpretation would amount to importing into Regulation 10(b) a condition which the framers of the Regulations have consciously incorporated only in Regulation 10(f)(iii), a course of interpretation which is impermissible in law.

14. Applying the aforesaid interpretation of Regulation 10 to the facts of the present case, it is not in dispute that the petitioner possessed the educational qualifications prescribed under the UGC Regulations and came to

be appointed on a regular basis after undergoing the prescribed selection process. It is equally undisputed that the petitioner discharged his duties as an Assistant Professor and, thereafter, as a Principal, and that both the appointments were duly recognized and approved by the concerned statutory University. In such circumstances, this Court is of the considered view that the petitioner's claim for counting past teaching experience falls squarely within the ambit of Regulation 10(b). Consequently, his case could not have been rejected by importing the conditions contained in Regulation 10(f) (iii), which, by its very language, is applicable exclusively to candidates who had rendered service on an ad hoc, temporary or contractual basis.

The petitioner having satisfied the prescribed UGC qualifications, having been appointed through a duly constituted selection process and having served against a regular post recognized by the University, cannot be denied the benefit of counting his past teaching experience merely because the private self-financed institution paid him a fixed salary. Such payment of fixed remuneration, if contrary to the applicable UGC norms, is an act

attributable to the employer and cannot be permitted to operate to the detriment of the petitioner.

It also deserves to be noticed that, as per the terms of the appointment, the petitioner was entitled to the pay scale prescribed under the UGC norms and his appointment had been duly recognized by the University. If, despite such entitlement, the management failed to extend the prescribed pay scale and the petitioner nevertheless continued to discharge all academic and administrative responsibilities attached to the post, denial of the benefit of counting such service solely on the ground of the salary actually paid would visit the petitioner with a double disadvantage. First, he was deprived of the salary to which he was otherwise entitled under the applicable norms and, secondly, he is sought to be deprived of the benefit of counting the very service rendered by him for the purpose of direct recruitment. Such a consequence neither advances the object of Regulation 10 nor can it be said to be in consonance with its underlying legislative intent.

14.1 In view of the aforesaid discussion, this Court is of the considered opinion that the

petitioner, having possessed the requisite qualifications prescribed under the UGC Regulations, having been regularly appointed after following the prescribed selection procedure and his appointment having been duly recognized by the statutory University, cannot be denied the benefits flowing from Regulation 10 merely on the ground that he was paid a fixed salary instead of the prescribed UGC pay scale.

15. Insofar as the reliance placed by learned Advocate Mr. Buch on the decision of the Hon'ble Supreme Court in **Allahabad University v. Geetanjali Tiwari (Pandey) (supra)** is concerned, this Court is of the considered view that the said decision is clearly distinguishable on facts and, therefore, does not advance the case of the respondent University.

In the case before the Hon'ble Supreme Court, the candidate seeking appointment to the post of Assistant Professor in Allahabad University had, in her pleadings, specifically averred that she had worked as a contractual faculty during the period from October, 2004 to March, 2010 on a consolidated honorarium of Rs.5,000/- per month. Thereafter, for the period from 2016 to 2021, she had served as a guest

faculty in different colleges on varying honoraria ranging from Rs.25,000/- to Rs.50,000/-. Thus, the previous service rendered by the candidate before the Hon'ble Supreme Court was admittedly in the capacity of a contractual and guest faculty member and, therefore, the controversy before the Apex Court squarely fell within the ambit of Regulation 10(f), particularly Regulation 10(f)(iii), of the UGC Regulations, 2018.

The factual matrix of the present case stands on an entirely different footing. Here, the petitioner was appointed on a regular basis after undergoing the prescribed selection process, possessed the requisite qualifications under the UGC Regulations and his appointment was duly approved and recognized by the statutory University. The mere fact that the petitioner was paid a fixed salary by the private self-financed institution cannot, by itself, justify treating his case as one governed by Regulation 10(f)(iii), which is specifically intended to regulate the counting of service rendered by ad hoc, temporary or contractual appointees.

As already held hereinabove, the petitioner's case is governed by Regulation 10(b). Once an incumbent holds a post equivalent

in grade to that of an Assistant Professor or a post carrying the corresponding pre-revised scale of pay, and satisfies the other conditions prescribed under Regulation 10, the past teaching experience is liable to be counted. The requirement regarding parity of emoluments, which has been specifically incorporated in Regulation 10(f)(iii), cannot be imported into Regulation 10(b) by way of interpretation. Consequently, the decision of the Hon'ble Supreme Court in **Allahabad University v. Geetanjali Tiwari (Pandey) (supra)**, having been rendered in the context of a candidate admittedly serving as a contractual and guest faculty member, has no application to the facts of the present case.

16. In view of the foregoing discussion and for the reasons recorded hereinabove, all the present petitions succeed and are accordingly allowed. The respondent authorities are directed to treat the petitioners in the respective petitions as eligible for the benefit of Regulation 10(b) of the UGC Regulations, 2018 for the purpose of counting their past teaching experience in direct recruitment. The respondent authorities shall accordingly re-evaluate the petitioners' candidature by awarding appropriate marks towards their past teaching experience, in

accordance with law, and revise the merit particulars consequentially.

(NIRAL R. MEHTA, J)

FURTHER ORDER

After the pronouncement of the judgment, Learned Advocate Mr.Hriday Buch and Learned Advocate Mr.Tarak Damani for respondent No.3 in the respective petitions, have requested for stay of the judgment for a period of three weeks so as to enable respondent No.3 to challenge the same in a higher forum.

Considering the question involved and in view of the statement being made that the selection process would not be completed, stay, as prayed for, is granted for three weeks from today.

(NIRAL R. MEHTA, J)

ANUP