



2025:DHC:7903



\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% Judgment reserved on: 30.08.2025  
Judgment pronounced on: 10.09.2025

+ W.P.(C) 8717/2007 & CM APPL. 10906/2025

DR. AZRA ABIDI ..... Petitioner

versus

JAMIA MILIA ISLAMIA & ORS ..... Respondents

**Advocates who appeared in this case:**

For the Petitioner : Mr. Mahmood Pracha, Mr. Javed Ahmed,  
Mr. SGS Kazmi, Ms. Aakriti Aditya and Mr.  
Adnan Khan, Advocates.

For the Respondents : Mr. Pritish Sabharwal, Standing Counsel for  
JMI/R-1. Mr. Manoj Ranjan Sinha and Mr.  
Vishal Agrawal, Advocates for R-3/UGC.  
Ms. Manika Tripathy, Mr. Ashutosh  
Kaushik, Mr. Gautam Yadav and Mr. Akash  
Mahor, Advocates for R-5.

**CORAM:**

**HON'BLE MR. JUSTICE TUSHAR RAO GEDELA**

**J U D G M E N T**

**TUSHAR RAO GEDELA, J.**

1. Present petition has been filed under Article 226 of the Constitution of India, 1950 seeking quashing of the illegal selection of the respondent no.5, who is not eligible for the post of Reader and further seeks to direct the respondent nos. 1 and 2 to hold the selection procedure afresh for the post of Reader properly by following the procedure in accordance with law



and also prays that the petitioner to appointed on the post of the Reader with retrospective effect.

2. The primordial question which confronts this Court in the present writ petition originates from clause 1.3.2 of the University Grants Commission (Minimum Qualifications Required for the Appointment and Career Advancement of Teachers and Universities and Institutions Affiliated to it) Regulations, 2000 (hereinafter referred to as “*the Regulations*”) dated March, 2000 and its interpretation. In order to appreciate the contours of clause 1.3.2 of the Regulations, it would be apposite to extract the same hereunder:-

*“1.3.2 Reader*

*Good academic record with a doctoral degree or equivalent published work. In addition to these, candidates who join from outside the university system, shall also possess at least 55% of the marks or an equivalent grade of B in the point scale with latter grades O,A,B,C,D,E and F at the Master's degree level.*

*Five years of experience of teaching and/or research excluding the period spent for obtaining the research degrees and has made some mark in the areas of scholarship as evidenced by quality of publications, contribution to educational innovation, design of new courses and curricula.”*

(emphasis supplied)

3. Clause 1.3.2 of the Regulations is segregated in two parts. Part 1 of the said clause is in respect of the academic record regarding a Doctoral Degree or equivalent published work, in addition to which certain criteria are prescribed in respect of those candidates who join from outside the University system. Such additional criteria may not be relevant to decide the present *lis* and hence not being considered.



4. What is relevant for the consideration of this Court is Part 2 of clause 1.3.2 of the Regulations where it is observed that the words “*and/or*” has been employed. It is these words which gather significance in order to interpret the purport of part 2 of the aforesaid clause. Part 2 states that a candidate who may be an aspirant for the post of Reader in a University or a College is required to have “*5 years of experience of teaching and/or research excluding the period spent for obtaining the research degree and has made some mark in the areas of scholarship as evidenced by quality of publications, contribution to educational innovation, design of new courses and curricular*”. The words “*and/or*” greatly impact the manner in which part 2 of the aforesaid clause is to be interpreted and applied while evaluating the eligibility criteria of a candidate aspiring for the post of Reader.

5. The golden rule of interpretation mandates assigning a plain and simple meaning to the language as employed in a Statute or an enactment without the need to add or deduct any word therein. In other words, the plain and simple language, if unambiguous and neither absurd nor repugnant, has to be given effect, as it is, to the fullest. In the present case, when this Court interprets the aforesaid words, two things emerge; (i) part 2 of the said clause can be read as, “*5 years of experience of teaching and research*” and; (ii) “*5 years of experience of teaching or research*”. Before this Court interprets and clarifies this point further, it is well settled that Courts while interpreting a particular provision of a Statute or an enactment will give due regard to the fact that legislature or the enacting authority has, in its wisdom, employed each and every word with due care and caution as



also willfully, deliberately and being aware of the import and purport for which they have been employed. In other words, the expression “*and/or*” is neither surplusage nor a mistake. Read in that background, there can be two possibilities which may arise in the use of the expression “*and/or*” in the present case, namely (1) an aspirant for the post of Reader may have 5 years of experience in either teaching or in research, independent of each other and (2) an aspirant for the post of Reader may have a cumulative experience of 5 years, partly in “*teaching*” and partly in “*research*”.

6. Therefore, as a sequitur it is apparent that an aspirant for the post of Reader has a choice of demonstrating or evidencing eligibility of experience of either 5 years of teaching or 5 years of research and in the alternate, a cumulative experience of 5 years in teaching as well as research.

7. Clause 1.3.2 of the Regulations having been interpreted as above, this Court would now advert to the facts arising in the present case.

8. Briefly and shorn off all unnecessary multitude of details, the case of the petitioner is that as on the date of the publication of the notification issued by respondent no.1/University, the petitioner was a fully qualified candidate having the requisite educational qualifications as also the appropriate teaching experience to be selected to the post of Reader by Direct Recruitment mode and qualifying within clause 1.3.2 of the Regulations. Whereas, according to the petitioner, the respondent no.5, who was finally selected, fell short of the 5 years experience as mandated in part 2 of clause 1.3.2 of the Regulations apart from the allegation that respondent no.5 had submitted forged and fabricated documents to the



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respondent no.1/university in order to obtain, (i) the Lecturership in respondent no.1/university and (ii) apply for the post of Reader under the notification published referred to above.

9. Before traversing through the facts it would be relevant to note that the dispute pertains to the year 2008 in respect of selection to the post of Reader in respondent no.1/university by direct recruitment mode. It is not disputed that petitioner has been rendering services as a Lecturer against a regular post from the year 2003 till the date of the notification and respondent no.5 was rendering services as Lecturer from the year 2003 in respondent no.1/university. The controversy revolves around the eligibility of respondent no.5 to the post of Reader in terms of the notification/advertisement dated 12.05.2005. According to the petitioner, respondent no.5 falls short of the 5 years Teaching experience premised on the fact that the experience of 2 years claimed to have been obtained by respondent no.5 in Indian Institute of Youth Welfare, Nagpur (hereafter referred to as "*the IYW*"), Kanpur cannot be counted towards such experience as the experience certificate is fake and fabricated. It is further contended that fraud has been played by the respondent no.5 upon respondent no.1/university by using the fake experience certificate issued by IYW in selection process. The petitioner had relied upon the RTI replies sought by the petitioner as also the respondent no.1/university from the IYW to show that at the first instance the said institute had categorically informed that no person by the name of respondent no.5 was ever rendering services with it, yet, for some unknown but perhaps, oblique reasons, acknowledged respondent no.5 to be their faculty previously and



accordingly supported the experience certificate. This was the mainstay of the petitioner and the entire petition was predicated thereon. Resultantly, it was also hotly contested that fraud vitiates all and consequently, the selection of respondent no.5 to the post of Reader ought to be quashed and petitioner ought to be offered such post after proper procedure.

10. On the other hand, it is the claim of respondent no.5 that IYW is a genuine and existing Educational Institution and respondent no.5 had indeed imparted proper classes in the said institution which had, in recognition of her services, rightly given the experience certificate. It was asserted that the said Institution still exists and some latest brochures and prospectus appear to have been placed on record in support thereof. Alternatively, it was vehemently also contended on behalf of respondent no.5 that, even if the experience of teaching at IYW is not taken into consideration, though without prejudice to such claim, the 2 years Research experience gained by respondent no.5 during the years 1995-1997 in respect of *Intensive Research on: "Concept of Ethnicity: A Study of Indian Social Dynamics"*, could be counted towards the shortfall by relying upon clause 1.3.2 of the Regulations. According to respondent no.5, clause 1.3.2 of the Regulations permits cumulative experience of both teaching and research in order to reckon the 5 years eligibility criteria as specified therein. If reckoned so, the 4.4 years of teaching experience when considered cumulatively with 2 years research experience would be more than sufficient to meet the 5 years experience criteria.

11. Respondent no.1/university had generally supported the case of respondent no.5 to submit that applying clause 1.3.2 of the Regulations



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read with the vast research experience that respondent no.5 possessed, the Selection Committee had, after due and proper application of mind, selected respondent no.5 to the post of Reader. The respondent no.1/university asserted that in matters of selection to a post, the decision of the Selection Committee is seldom interfered with by Courts and that this issue is trite law. Even otherwise it was contended that respondent no.5 had far greater and wider experience and was also rendering services in the respondent no.1/university and therefore, the Selection Committee had the benefit of evaluating both, the petitioner as well as respondent no.5, dispassionately and non discriminately with the pure intention of selecting the best candidate to the post of Reader. It was stoutly contended that as per settled law, while exercising powers of judicial review, a writ Court, though may critically examine the decision making process but is circumscribed in upsetting the decision itself.

12. While the petitioner, respondent no.1/university and respondent no.5 maintained their stands consistent all throughout, however, respondent no.3/University Grants Commission (hereinafter referred to as “UGC”) committed flip-flop while submitting its counter affidavit. In the counter affidavit dated 29.04.2008, respondent no.3/UGC took a stand that the teaching experience of respondent no.5 in IIYW cannot be reckoned towards the requisite teaching experience as per clause 1.3.2 of the Regulations, whereas in the additional affidavit dated 12.10.2009, it committed a *volte face* by insinuating that such experience gained can and may be reckoned towards the requisite teaching experience. And to complicate and confound issues further, by the affidavit dated 05.01.2016,



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it resiled from the view presented in additional affidavit dated 12.10.2009 to reiterate its earlier stand taken in counter affidavit dated 29.04.2008.

13. Be that as it may, it is informed that in the interregnum, both the petitioner as well as respondent no.5 had been promoted/selected as Professors of their department; both have completed their assignment and tenure as Head of the same Department; both have received their financial upgradations as per the Career Advancement Schemes and that except such financial upgradations in future according to policy, they have reached the pinnacle of their respective careers. Of course, there may be other assignments but no further promotions. In other words, barring the *inter se* seniority, it appears that there is no remaining dispute.

14. Mr. Pracha, learned counsel for the petitioner, apart from the submissions noted above laid great emphasis on the RTI replies received by petitioner from IYW, Nagpur to create doubt about (i) the existence and authenticity of the IYW itself; (ii) as to whether respondent no.5 was ever employed in any form to impart classes/lectures; (iii) the authenticity, veracity and genuineness of the Experience Certificate issued by IYW and (iv) whether such purported experience could be reckoned towards 5 years teaching experience required in clause 1.3.2 of the Regulations.

15. That apart, learned counsel also invited attention to the Inquiry got conducted by respondent no.1/university on 10.10.2007 comprising two Professors to inquire into whether the Experience Certificate issued by IYW was genuine and as to whether the experience claimed therein could be claimed by the respondent no.5 under clause 1.3.2 of the Regulations. His further forceful submission in this regard was also that the said Inquiry



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Report dated 10.10.2007 could not have been ignored by respondent no.1/university while considering the application of respondent no.5 for the post of Reader. Coupled with that, learned counsel also vehemently objected to the fact that the said Inquiry Report was brushed aside by the Legal Counsel/Advisor of the respondent no.1/university on the premise that it was a mere opinion and the Selection Committee was not bound by the same. He strongly urged that the Legal Counsel/Advisor was not an Official of the respondent no.1/university and had no right, authority or jurisdiction under any law to override and brush aside the Inquiry Report and that the said Report, if not binding, yet was a finding of fact. He contended that the findings of fact, if applied to respondent no.5, would render her ineligible to even submit her application since the inquiry had clearly concluded that the Experience Certificate of IYW was doubtful and such experience could not be reckoned under clause 1.3.2 of the Regulations and simultaneously also expressed its reservations regarding purported teaching experience in respect of other institutions as well.

16. This Court has heard the learned counsel for parties at length on many dates of hearing, minutely scrutinized the records and considered the paramount nature of the dispute.

17. Precisely, four (4) questions arise for consideration of this Court, namely, (i) what is the interpretation and effect of clause 1.3.2 of the Regulations of the Regulations; (ii) whether the experience of 2 years claimed by respondent no.5 under the Experience Certificate issued by IYW can be counted towards the 5 years teaching experience required under clause 1.3.2 of the Regulations for the post of Reader in respondent



no.1/university; (iii) whether respondent no.5 can be said to be eligible for consideration to the post of Reader in case clause 1.3.2 of the Regulations can be read to mean the cumulative experience of 5 years stated to be gained by respondent no.5 by reckoning 4.4 years of teaching and 2 years of research experience gained in the year 1995-97 and lastly, (iv) what would be the effect and impact of the Inquiry Report dated 10.10.2007 ?

18. Barring question/issue no (i), the remaining questions/issues being intertwined, this Court is rendering its combined opinion thereon. So far as question no. (i) is concerned, this Court has already rendered its opinion in para 5 above and thus not repeating the same for the sake of brevity.

19. Since this Court has interpreted clause 1.3.2 of the Regulations in para 5 above to mean that an aspirant for the post of Reader has a choice of demonstrating or evidencing eligibility of experience of either 5 years of teaching or 5 years of research and alternatively, a cumulative experience of 5 years in teaching as well as research, the same needs to be applied to the facts of the case. In order to appreciate and apply clause 1.3.2 of the Regulations to the claim of respondent no.5, it would be apposite to extract the experience *qua* teaching and research claimed by her and as furnished in the application made to respondent no.1/university which reads thus:-

*“TEACHING EXPERIENCE*

- *At present teaching at Department of Sociology. Jamia Millia Islamia. New Delhi.*
- *Taught Sociology at Institute of Home Economics, University of Delhi from 16th July 2002 to 19th November 2003.*
- *Taught Sociology at graduation and post-graduation levels at Lady Irwin College, University of Delhi from August 2000 to January 2002*
- *Guest faculty at Ahiliabai College of Nursing. Lok Nayak Hospital. Delhi.*



- Taken lectures as a guest faculty in-Regional Training Institute (I.A d A.D), Nagpur.
- Delivered lectures to Social Workers at Indian Institute of Youth Welfare (a reputed NGO). Nagpur.

#### RESEARCH EXPERIENCE

- Conducted fieldwork in Nagpur and Patna for doctoral thesis. (July 1997-July 1999).
- Submitted the thesis titled "Impact of the New Economic Policy on the Urban
- Middle Class:, A Comparative study of selected urban centres of Maharashtra and Bihar (1984-1996) as part of the Ph.D). programme (under publication).
- Written a Dissertation with two years of intensive research on "Concept of Ethnicity: A Study of Indian Social Dynamics" (July 1995).
- Project undertaken on "Kashmiri Refugees in Delhi" with the objective of analysing their problems and prospects (Feb. 1994).

#### PAPERS PRESENTED - National/ International

- Strategies of Political Mobilisation: The Mandir and Mandal Campaigns.
- Sociology as an Art Form as spun by Kobert Nishel.
- People's Participation for Maintenance of Geological Balance: A Study of Nature and Pattern of Societal Response in Urban Delhi.
- Religion, Magic and Science. "

(emphasis supplied)

Coupled with the above it would also be imperative to consider the teaching experience of respondent no.5 as furnished in a tabular form at page 193 of the paperbook. The said table is extracted hereunder:

Sr.No.	Name of the Institutions	Post held	Period of Service	Eligible Period at the time of Advt.
1	Jamila Milia Islamia	Lecturer	Since 20.11.2003	1 year 7 months
2	Institute of Home Economics	Lecturer	16.7.02 to 19.11.03	1 year 4 months
3	Ahiliabai College of Nursing, D.U.	Guest Faculty	16.7.01 to April 2002	3 months only due to overlap



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4	<i>Lady Irwin College, D.U.</i>	<i>Lecturer</i>	<i>1.8.2000 to 7.1.2002</i>	<i>1 year 5 months</i>
5	<i>Indian Institute of Youth Welfare, Nagpur</i>	<i>Teaching Faculty</i>	<i>July 1998 to July 2000</i>	<i>2 years</i>
6	<i>Regional Training Institute, Govt. of India, Nagpur</i>	<i>Guest Faculty</i>	<i>During 1999 and 2000</i>	<i>---</i>

A perusal of the above information discloses that respondent no.5 claims to have gained 2 years research experience on a Dissertation on “*Concept of Ethnicity: A Study of Indian Social Dynamics*” between the years 1995-97. As per the table above, she also claims a total teaching experience of 6.4 months (Sl. No.1 + 2 + 4 +5). If this Court were to eschew the 2 years experience claimed to have gained at IYW, Nagpur, in case the arguments of learned counsel for the petitioner were to be acceded to, then respondent no.5 would be left with a total teaching experience of 4 years and 4 months only. Such duration would not entitle respondent no.5 to fall within the zone of consideration for the post of Reader. However, applying the interpretation arrived at by this Court to clause 1.3.2 of the Regulations, the cumulative reckoning of the experience gained in teaching and research put together (4 years and 4 months + 2 years = 6 years 4 months), would render respondent no.5 eligible to be considered for the post of Reader.

20. In view of the above, it is held that respondent no.5 had requisite experience as per clause 1.3.2 of the Regulations and was eligible to be considered for the post of Reader. In view of the clear application of the interpretation of the provisions of clause 1.3.2 of the Regulations, the



requirement to render a finding as to whether the Experience Certificate issued by IYW is genuine/authentic or not, is rendered otiose.

21. Though not directly in issue, however, it would be a relevant consideration that respondent no.5 was appointed as Lecturer on the basis of the very same testimonials and credentials on 20.11.2003 by the respondent no.1/university. Thus, what were good and fit testimonials and experience at the time of initial selection of respondent no.5 as Lecturer cannot be deemed to be unworthy of consideration for the post of Reader.

22. The only other controversy is as to whether the Inquiry Report dated 10.10.2007 could have been overlooked by the Selection Committee or be brusquely brushed aside by the Legal Counsel/Advisor for the respondent no.1/university. A perusal of the Report reveals that the Inquiry Committee did not agree with the stand taken by respondent no.5 in respect of her teaching experience between July 1998 till January 2002 while pursuing her Ph.D. It found the Experience Certificate of IYW to be fake on the basis of the initial letter of the Institute which denied knowledge of a Dr. Manisha Pandey. However, when respondent no.5 sought clarification, the same Institute vide letter dated 25.04.2007 gave further clarification stating that respondent no.5 was indeed serving on purely *ad hoc* basis and supported the Experience Certificate issued by it. This was not at all considered by the Inquiry Committee. Moreover, it is on record that by the letter dated 17.05.2007 the respondent no.3/UGC clarified that the period spent on teaching could be counted towards teaching experience even if the candidate was not holding Ph.D degree during the said period but was eligible for the appointment as Lecturer as per UGC guidelines. It is



claimed by respondent no.5 that she had cleared National Eligibility Test (hereafter “the *NET*”) which is an essential requirement to be eligible for appointment as Lecturer. Thus, going by the stand of the respondent no.3/UGC in the clarificatory letter dated 17.05.2007, the teaching experience at Lady Irwin College, Delhi University between 01.08.2000 to 07.01.2002 could be reckoned towards teaching experience for the post of Reader even if the teaching experience at IYW of 2 years as claimed may be ignored.

23. Other than that, this Court finds from the records that the Inquiry Report dated 10.10.2007 alongwith the opinion of the Legal Counsel/Advisor and documents pertaining to respondent no.5 were placed before the Executive Council (ie., the Majlis-i-Muntazimah)(hereafter “*the EC*”) on 11.03.2008. After due deliberations and considerations of the material before it, the EC by its resolution bearing EC-2008(I): Reso-16 took a decision to process the confirmation of services of respondent no.5 as Reader in the Department of Sociology. Ostensibly, this decision by way of a Resolution was taken in exercise of powers conferred by Statute 14 of the Statutes of Jamia Milia Islamia/respondent no.1/University. The aforesaid Minutes also reflect that the Vice Chancellor (Shaikh-ul-Jamia) had participated in the deliberations alongwith 10 Members constituting the EC. Consequent thereto, by the office Order dated 25.03.2008, respondent no.1/university through the Vice Chancellor, approved the confirmation of services of respondent no.5 based on the aforestated resolution. Thus, it appears that the necessary Statutes and other formal procedures were fully complied with by the respondent no.1/university. *Ergo*, this Court is unable



to find any infraction or otherwise in the decision making process. Also, from the perusal of the prayer clause, it has come to the notice of this Court that the said resolution of EC has not been challenged by the petitioner.

24. Additionally, it is pertinent to observe that a writ Court while exercising powers of judicial review under Article 226 of the Constitution is concerned with the decision making process and not the decision itself. Particularly, in cases pertaining to decisions rendered by Selection Committees. The issue is no more *res integra* in view of the judgements of the Supreme Court in ***M.V. Thimmaiah vs. UPSC: (2008) 2 SCC 119:-***

*“30. We fail to understand how the Tribunal can sit as an Appellate Authority to call for the personal records and constitute Selection Committee to undertake this exercise. This power is not given to the Tribunal and it should be clearly understood that the assessment of the Selection Committee is not subject to appeal either before the Tribunal or by the courts. One has to give credit to the Selection Committee for making their assessment and it is not subject to appeal. Taking the overall view of ACRs of the candidates, one may be held to be very good and another may be held to be good. If this type of interference is permitted then it would virtually amount that the Tribunals and the High Courts have started sitting as Selection Committee or act as an Appellate Authority over the selection. It is not their domain, it should be clearly understood, as has been clearly held by this Court in a number of decisions...*

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*39. It was also pointed out that in the case of Shri N. Sriraman and Shri K. Ramanna Naik, the Selection Committee downgraded their reports from “outstanding” to “very good” yet they were selected. Similar is the case with Shri K.L. Lokanatha who has not been selected. Likewise the Selection Committee upgraded the assessment for the year 2001-2002 from “very good” to “outstanding” yet he could not be selected. Therefore, this is also the process of selection and the Selection Committee is constituted by the Commission and headed by the member of the Commission, we have to trust their assessment unless it is actuated with malice or apparent mistake committed by them. It is not the case of pick and choose, while selection has been made rationally. The selection by expert bodies unless actuated with malice or there is apparent error should not be interfered with.*



*Lastly, the High Court considered the case of the two candidates who were eliminated by the Selection Committee and their cases were not sent to the Commission for selection to the IAS cadre. The High Court found that this was the selection process by the Screening Committee headed by the Chief Secretary and these persons were not found more meritorious to be recommended for appointment. This assessment of the Screening Committee was found by the High Court to be proper and there was nothing on record to show that the candidates who were shortlisted were not meritorious.”*

The aforesaid ratio in *Thimmiah (supra)* has been authoritatively followed and laid down by the Supreme Court and in *UPSC vs. M. Sathiya Priya: (2018) 15 SCC 796*, the Supreme Court has held that the recommendations of the Selection Committee cannot be challenged except on the ground of mala fides or serious violation of the statutory rules. The Courts cannot sit as an appellate authority or an umpire to examine the recommendations of the Selection Committee like a Court of Appeal. This discretion has been given to the selection committee only, and the courts rarely sits as a Court of Appeal to examine the selection of a candidate; nor is it the business of the Court to examine each candidate and its opinion.

Thus, what has gone into the minds of the Selection Committee Members, at the time of consideration of a candidate’s testimonials and credentials, is not for the Court to examine or re-evaluate, as Courts are not experts. This issue has also been settled by the Supreme Court in *Basavaiah vs. Dr. HL Ramesh & Ors.: (2010) 8 SCC 372*. The relevant paragraph is extracted hereunder:-

*“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 fide has 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 realize and appreciate its constraints and limitations in academic matters.”*

Further in ***Ran Vijay Singh and Others vs. State of Uttar Pradesh & Ors.: (2018) 2 SCC 357***, the Supreme Court had placed reliance on the dictum laid down by it in ***Maharashtra State Board of Secondary and Higher Secondary Education vs. Paritosh Bhupeshkumar Sheth: (1984) 4 SCC 27***. The relevant paragraph of ***Ran Vijay (supra)*** is extracted hereunder:-

*“25. ...This Court then concluded the discussion by observing: (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. It will be wholly wrong for the Court to make a pedantic and purely idealistic approach to the problems of this nature, isolated from the actual realities and grass root problems involved in the working of the system and unmindful of the consequences which would emanate if a purely idealistic view as opposed to a pragmatic one were to be propounded. It is equally important that the Court should also, as far as possible, avoid any decision or interpretation of a statutory provision, rule or bye-law which would bring about the result of rendering the system unworkable in practice. It is unfortunate that this principle has not been adequately kept in mind by the High Court while deciding the instant case.”*

The aforesaid law clearly postulates that a Court is neither an expert nor has any wherewithal or dexterity to re-examine or re-evaluate the decision, muchless supplant its view for the one taken by subject matter



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experts. The ratio laid down in *Thimmaiah (supra)* clearly enunciates this principle and has to be applied here. Whether the testimonials and credentials read with the respective experience of the petitioner in comparison to those of respondent no.5, are better or more credible or not, is not the domain of this Court. These matters are solely within the domain of the Selection Committee. Thus, this Court finds no reason to interfere with the decision making process undertaken by the Selection Committee.

25. So far as the legal opinion of the Legal Counsel/Advisor of the respondent no.1/university is concerned, in view of the above findings on facts and the interpretation of clause 1.3.2 of the Regulations, this Court does not find it relevant to render any opinion one way or the other.

26. In that view of the matter, the writ petition is dismissed, however, without any order as to costs.

**TUSHAR RAO GEDELA, J.**

**SEPTEMBER 9, 2025/rl/aj**