



2025:DHC:5651



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

Decided on: 14th July 2025

+ W.P.(C) 8257/2021

UMA DEVI

.....Petitioner

Through: Mr. Yudhvir Singh Chauhan,
Advocate.

Versus

UNIVERSITY OF DELHI & ANR.

.....Respondents

Through: Ms. Beenashaw S. Soni, Ms.
Mansi Jain and Ms. Ann Joseph,
Advocates for respondent no. 1.
Mr. Manoj Ranjan Sinha and
Mr. Vishal Agrawal, Advocates for
respondent no. 2/ UGC.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

PRATEEK JALAN, J. (ORAL)

1. The petitioner applied for the post of Associate Professor in the Department of Adult, Continuing Education & Extension of the respondent No. 1-University of Delhi ["the University"] on 21.11.2013. The grievance in this writ petition is that, despite her selection being approved by the Executive Council of the University, she has not been issued a letter of appointment.

2. I have heard Mr. Yudhvir Singh Chauhan, learned counsel for the petitioner, Ms. Beenashaw S. Soni, learned counsel for the University of Delhi, and Mr. Manoj Ranjan Sinha, learned counsel for University



Grants Commission [“UGC”].

3. The UGC has prescribed minimum qualifications for appointment of teachers and other academic staff in universities and colleges. The relevant regulations issued in the year 2010 [“2010 Regulations”], contain the following qualifications for the post of Associate Professor:-

“4.3.0 ASSOCIATE PROFESSOR

- i. *Good academic record with a Ph.D. Degree in the concerned/allied/relevant disciplines.*
- ii. *A Master’s Degree with at least 55% marks (or an equivalent grade in a point scale wherever grading system is followed).*
- iii. **A minimum of eight years of experience of teaching and/or research in an academic/research position equivalent to that of Assistant Professor in a University, College or Accredited Research Institution/industry excluding the period of Ph.D. research with evidence of published work and a minimum of 5 publications as books and/or research/policy papers.**
- iv. *Contribution to educational innovation, design of new curricula and courses, and technology – mediated teaching learning process with evidence of having guided doctoral candidates and research students.*
- v. *A minimum score as stipulated in the Academic Performance Indicator (API) based Performance Based Appraisal System (PBAS), set out in this Regulation in Appendix III.*

The UGC or the respective agency (Central/State Governments) may provide a start-up grant at the level of Rs. 3.0 lakhs in Social Sciences, Humanities and Languages and Rs. 6.0 lakhs in Sciences and Technology to teachers and other non-vocational academic staff to take up research immediately after their appointments.”¹

4. Clause 10 of the 2010 Regulations contains provisions with regard to counting of past service for direct recruitment and promotion, as follows:-

“10.0 COUNTING OF PAST SERVICES FOR DIRECT RECRUITMENT AND PROMOTION UNDER CAS

¹ Emphasis supplied.



10.1. 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 Organizations such as the CSIR, ICAR, DRDO, UGC, ICSSR, ICHR, ICMR, DBT, etc., should be counted for direct recruitment and promotion under CAS of a teacher as Assistant Professor, Associate Professor, Professor or any other nomenclature these posts are described as per Appendix III - Table No. II 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 or of the pre-revised scale of pay as the post of Assistant Professor (Lecturer) Associate Professor (Reader) and Professor.**

(c) The candidate for direct recruitment has applied through proper channel only.

(d) 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.

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

(f) The previous appointment was not as guest lecturer for any duration, or an ad hoc or in a leave vacancy of less than one year duration. Ad hoc or temporary service of more than one year duration can be counted provided that:

(i) the period of service was of more than one year duration;

(ii) the incumbent was appointed on the recommendation of duly constituted Selection Committee: and

(iii) the incumbent was selected to the permanent post in continuation to the ad hoc or temporary service, without any break.

(g) No distinction should be made with reference to the nature of management of the institution where previous service was rendered (private/local body/Government), was considered for counting past



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services under this clause.”²

5. The controversy in the present petition is whether the petitioner possessed the requisite experience of eight years in teaching and/or research in an academic/research position equivalent to that of Assistant Professor, as required under Clause 4.3.0 (iii) of the Regulations.

6. The petitioner’s application form detailed the following teaching experience and research experience in support of her claim for eligibility:-

“Experience							
Full-time Teaching Experience							
Name of University/ College/ Institution	Designation	Status	Level of Class Taught	Course/ Subject	From	To	Experience
<u>DEPARTMENT OF ADULT AND CONTINUING EDUCATION, S.V. UNIVERSITY, TIRUPATI</u>	<u>UGCPTRAW</u>	<u>Temporary</u>	Post Graduation	<u>MA Adult Education</u>	<u>15-04-2004</u>	<u>14-04-2009</u>	<u>5.0 Year</u>
CENTRE FOR THE STUDY OF SOCIAL EXCLUSION AND INCLUSIVE POLICY, SK UNIVERSITY, ANANTAPUR	LECTURER CUM ASSISTANT DIRECTOR	Ad-hoc	Post Graduation	M PHIL	16-08-2011	31-03-2012	0.7 Year
Post Ph.D Research Experience							
Name of University/ College/ Institution	Post held/ Designation			From	To	Experience	
<u>DEPARTMENT OF ADULT AND CONTINUING EDUCATION, S.V. UNIVERSITY, DELHI</u>	<u>UGCPTRAW</u>			<u>15-04-2004</u>	<u>14-04-2009</u>	<u>5.0 Year</u>	
CENTRE FOR THE STUDY OF SOCIAL EXCLUSION AND INCLUSIVE POLICY, SK	LECTURER CUM ASSISTANT DIRECTOR			09-07-2009	31-03-2012	2.8 Year	

² Emphasis supplied.



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UNIVERSITY, ANANTAPUR			
Present Employment Details			
Organization Name	Position Held	Date of Appointment	Present Status
WOMEN'S STUDIES CENTRE, SRI PADMAVATI MAHILA VISVAVIDYALAYAM (WOMEN'S STUDY), TIRUPATI	READER	04-03-2013	Temporary ³

7. It may be seen from the above that, both in the enumeration of her full-time teaching experience and her post Ph.D. research experience, the petitioner has cited her association with the Department of Adult and Continuing Education, S.V. University, Tirupati, during the period 15.04.2004 to 14.04.2009. In both cases, she has mentioned her designation as “UGC PTRAW”. It is not in dispute that the said acronym refers to a scheme established by UGC entitled “UGC Part-Time Research Associateship for Women”.

8. The guidelines for the UGC PTRAW provide *inter-alia* as follows:-

“1. Introduction

*The Part-time Research Associateship scheme for women was part of the Research Associateship (full-time) programme of the UGC. **This scheme was floated with the intention to provide opportunities to unemployed women with Ph.D. degrees, and with an aptitude for research, but unable to pursue the research work on regular basis due to personal or domestic circumstances.***

2. OBJECTIVE

To provide opportunities to women with Ph.D. degrees and having the talent and competence for independent research work. Research may be taken up in any field of humanities and social sciences, including languages and engineering & technology.

3. TARGET GROUP & ELIGIBILITY

Target Group: Unemployed women with Ph.D. degrees and an aptitude for research.

³ Emphasis supplied.



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Eligibility:

• A Ph.D. degree is essential, with good academic record, preferably having independent research/published work. • At least first-class master's degree with 55 per cent at graduate level.

• Age should not be more than 50 years as on 1 July of the year of the award.

4. NATURE OF ASSISTANCE AVAILABLE UNDER THE SCHEME

• The number of slots available under this Scheme are 100 per year.

• The tenure is five years non-extendable.

• No HRA is permissible under the scheme.

The assistance available under the scheme is:

Associateship	@ 6,000/-p.m. (fixed)	Candidates with fresh Ph.D. Degrees
	@ 8,000/- p.m. (fixed)	Candidates having five years experience of research and on the recommendation of the expert committee
Contingency	@ Rs. 10,000/- p.a	Five years
Departmental assistance	10% of the associateship to the host institution for providing infrastructure (stores, purchase, technical and clerical assistance. Repair and supply of electricity, water, gas, etc.)	
Escort's/ reader's allowance	@ Rs. 1,000/- p.m. (fixed)	For physically handicapped blind candidates

Leave:

(a) The awardee shall be entitled to all leave as per the rules of the institution/university/college.



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(b) In special cases, the Commission may allow leave without pay for a period not exceeding one year during the tenure of award on the recommendations of the supervisor and the head of the institution concerned. The period of leave without associateship will be counted towards the tenure of associateship. The candidates are eligible for maternity leave for a period of 135 days once during the tenure of their award with fellowship and such leave period will be in addition to the period of award.”⁴

9. Although, as pointed out by Mr. Chauhan, the petitioner was originally selected for appointment, which was approved by the Executive Council of the University on 09.01.2015, the University’s case is that she could not be appointed, as the part-time research associateship cannot be counted towards her past service, and she was, thus, ineligible for the post of Associate Professor. Mr. Sinha has also supported the University’s position in this regard. He clearly states that UGC part-time research associateship does not fulfil the requirements of Clause 4.3.0 (iii) read with Clause 10.1 of the 2010 Regulations.

10. With the University’s counter-affidavit dated 17.01.2022, the University has placed on record a letter dated 12.01.2015, by which it sought clarification of UGC, as to whether a candidate’s experience under the UGC PTRAW can be considered as equivalent to the experience in the post of Assistant Professor, for the purpose of eligibility for appointment as Associate Professor. UGC’s response dated 27.02.2015 reads as follows:-

*“With reference to your L No. Estab.(T)VI/UGC/2015 dated 12th January, 2015 on the subject cited above, I am directed to inform you that **there is no provision in 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***

⁴ Emphasis supplied.



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Education, 2010 to consider/ count the experience of PTRAW as eligibility for the appointment to the post of Associate Professor.⁵

The same response was reiterated by another communication dated 08.07.2019.

11. Mr. Chauhan, on the other hand, submits that, in response to a representation made by the petitioner before the Centralized Public Grievance Redressal and Monitoring System of the Department of Administrative Reforms and Public Grievances, Government of India, the petitioner was given the following response on 24.03.2017:-

“UGC has reported that as per UGC Guidelines, the Part-time Research Associateship scheme for women was part of the Research is Associateship full-time programme of the UGC.”

12. Noting the somewhat ambiguous position thus taken by UGC, the Court *vide* order dated 06.05.2024, directed UGC to file an affidavit, alongwith relevant rules, circulars and notifications.

13. UGC’s affidavit dated 10.05.2024 places the 2010 Regulations on record, as also the guidelines for the UGC PTRAW. As noted above, Mr. Sinha’s submission is that participation in the PTRAW is not equivalent to time served as an Assistant Professor, within the meaning of Clause 10.0 of the 2010 Regulations.

14. Having heard learned counsel for the parties, I am of the view that the respondents’ position merits acceptance. Clause 4.3.0 (iii) of the 2010 Regulations requires a candidate for the post of Associate Professor to have a minimum of eight years’ experience in teaching and research in a position *“equivalent to that of Assistant Professor in the University,*

⁵ Emphasis supplied.



College or Accredited Research Institution". Under Clause 10.1 of the 2010 Regulations, it has been made clear that what is required is previous "regular service". Clause 10.1 (b) of the 2010 Regulations makes it clear that the post should have been in an equivalent grade of the pre-revised scale of pay as the post of Assistant Professor (Lecturer), Associate Professor (Reader) and Professor. Clause 10.1 further states that the post should have been filled by direct recruitment through proper channel, with the minimum qualifications for the post, as prescribed in the UGC Regulations.

15. PTRAW, on the other hand, was aimed at providing opportunities to unemployed women with Ph.D. degrees and an aptitude for research, but whose personal and domestic circumstances prevented them from pursuing research on regular basis. Both nominally and substantively, the associateship was not intended to be regular service as an Assistant Professor, but to provide part-time opportunity to eligible women candidates. UGC's communication dated 31.03.2004, by which the petitioner was granted PTRAW, has been annexed to the writ petition. The grant of a part-time research associateship was for a specified project, for the period of five years. The remuneration awarded thereunder was also admittedly not equivalent to the remuneration as an Assistant Professor or an equivalent grade.

16. Upon a comparison of the guidelines for the UGC PTRAW and the applicable 2010 Regulations, I, therefore, do not find any arbitrariness in the view taken by the University and UGC.

17. It is not suggested that, even in the absence of the five years spent under the UGC PTRAW, the petitioner would have the requisite



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experience to render her eligible for the post of Associate Professor.

18. In these circumstances, I do not find any ground to interfere with the respondent's decision, in exercise of powers under Article 226 of the Constitution.

19. The writ petition is, consequently, dismissed.

PRATEEK JALAN, J

JULY 14, 2025/Kd/AD/