

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.3636 of 2019**

Kunal Kaushal

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

with

**Civil Writ Jurisdiction Case No. 9455 of 2021**

Syed Arif Quli @ Syed Arif Tuli

... .. Petitioner/s

Versus

Patliputra University

... .. Respondents

**Appearance :**

(In Civil Writ Jurisdiction Case No. 3636 of 2019)

For the Petitioner/s : Mr. Dinu Kumar, Advocate  
Mr. Arvind Kumar Sharma, Advocate  
For the Respondent No. 6: Mr. Rana Vikram Singh, Advocate  
For the Respondent No. 16: Mrs. Rasika, Advocate  
(Patliputra University)

For Purnea University : Mr. Rakesh Kumar Samrendra, Advocate  
For UGC : Mr. Deepak Kumar, Advocate

(In Civil Writ Jurisdiction Case No. 9455 of 2021)

For the Petitioner/s : Mr. Shivjee Singh, Advocate  
For the Respondent No. 1 to 3: Mr. Rana Vikram Singh, Advocate  
(Patliputra University) Mrs. Rasika, Advocate

**CORAM: HONOURABLE THE ACTING CHIEF JUSTICE**  
**and**  
**HONOURABLE MR. JUSTICE MADHURESH PRASAD**  
**ORAL ORDER**

**(Per: HONOURABLE THE ACTING CHIEF JUSTICE)**

35    13-03-2023                      Heard learned counsel appearing on behalf of the petitioner, learned counsel for the Bar Council of India, learned counsel for the University Grants Commission and learned counsel representing the office of the Chancellor, Universities of Bihar.



Learned counsel representing various universities in the State of Bihar have also assisted this Court when the matter was heard on 21.02.2023, a question had arisen, as to whether the provisions under University Grants Commission (minimum qualification for appointment of teachers and other academic staffs in the universities and colleges and other measures for the maintenance of standards in higher education) regulations, 2018, apply to the institutions in imparting professional law education or not.

Mr. Dinu Kumar, learned counsel appearing on behalf of the petitioner has drawn our attention to regulation 3.12 & 4 of the said regulations, relevant portion of which reads as under:-

***"3.12 Qualifications:***

*No person shall be appointed to the post of University and College teacher, Librarian or Director of Physical Education and Sports, in any university or in any of institutions including constituent or affiliated colleges recognised under clause (f) of Section 2 of the University Grants commission Act, 1956 or in an institution deemed to be a University under Section 3 of the said Act if such person does not fulfil the requirements as to the qualifications for the appropriate post as provided in the Schedule 1 of these Regulations.*

*4.0 Direct Recruitment. 4.1 For the Disciplines of Arts, Commerce. Humanities, Education, Law, Social Sciences, Sciences, Languages, Library Science. Physical Education, and Journalism & Mass Communication.*

*1. Assistant Professor: Eligibility (A or B):*



*A. (1) A Master's degree with 55% marks (or an equivalent grade in a point- scale wherever the grading system is followed) in a concerned/relevant/allied subject from an Indian University, or an equivalent degree from an accredited foreign university.*

*(ii) Besides fulfilling the above qualifications, the candidate must have cleared the National Eligibility Test (NET) conducted by the UGC or the CSIR, or a similar test accredited by the UCC, like SLET/SET or who are or 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) Regulations, 2009 or 2016 and their amendments from time to time as the case may be exempted from NET/SLET/ SET:*

*Provided, the candidates registered for the Ph.D. programme prior to July 11, 2009, shall be governed by the provisions of the then existing Ordinances/Bye laws/Regulations of the Institution awarding the degree and 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 a regular*
- (b) The Ph.D. thesis has been evaluated 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 fulfilment of these conditions is to be certified by the Registrar or the Dean (Academic Affairs) of the University concerned. Note: NET/SLET/SET shall also not be required for such Masters Programmes in disciplines for which NET/SLET/SET is not conducted by the UCC, CSIR or similar test accredited by the UGC, like SLET/SET.*



OR

*B. The Ph.D degree has been obtained from a foreign university/institution with a ranking among top 500 in the World University Ranking (at any time) by any one of the following: (i) Quacquarelli Symonds (QS) (ii) the Times Higher Education (THE) or (iii) the Academic Ranking of World Universities (ARWU) of the Shanghai Jiao Tong University (Shanghai).*

*Note: The Academic score as specified in Appendix II (Table 3A) for Universities, and Appendix II (Table 3B) for Colleges, shall be considered for short-listing of the candidates for interview only, and the selections shall be based only on the performance in the interview.*

*II. Associate Professor:*

*Eligibility:*

*(i) A 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 the 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 with a minimum of seven publications in the peer-reviewed or UCC listed journals and a total research score of Seventy five (75) as per the criteria given in Appendix II. Table 2.*

*III. Professor: Eligibility (A or B):*

*A. (1) An eminent scholar having a Ph.D. degree in the concerned/allied/ relevant discipline, and published work of high quality, actively engaged in research with evidence of published work with, a minimum of 10 research publications in the peer-reviewed or UGC-listed journals and a total research score of 120 as per the criteria given in*



*Appendix II. Table 2.*

*(ii) A minimum of ten years of teaching experience in university/college as Assistant Professor/Associate Professor/Professor, and/or research experience at equivalent level at the University/National Level Institutions with evidence of having successfully guided doctoral candidate.*

*OR*

*B. An outstanding professional, having a Ph.D. degree in the relevant/allied/*

*applied disciplines, from any academic institutions (not included in A above) /*

*industry, who has made significant contribution to the knowledge in the concerned/ allied/relevant discipline, supported by documentary evidence provided he/she has ten years' experience. IV. Senior Professor in Universities. Up to 10 percent of the existing*

*sanctioned strength of Professors in the university may be appointed as Senior Professor in the universities, through direct recruitment. Eligibility:*

*(i) An eminent scholar with good track record of high-quality research publications in Peer-reviewed or UGC listed journals, significant research contribution to the discipline, and engaged in research supervision.*

*(ii) A minimum of ten years of teaching/research experience as Professor or an equivalent grade in a University, College or an institute of national level.*

*(iii) The selection shall be based on academic achievements, favourable review from three eminent subject experts who are not less than the rank of Senior Professor or a Professor of at least ten years experience.*

*(iv) The selection shall be based on ten best publications in the Peer-reviewed or UGC-listed journals and award of Ph.D degrees to at least two candidates under his/her supervision during the last 10 years and interaction with the Selection Committee constituted as per the UGC*



*Regulations.*

*V. College Principal and Professor (Professor's Grade)*

*A. Eligibility:*

*(i) Ph.D. degree*

*(ii) Professor/Associate Professor with a total service/experience of at least fifteen years of teaching/research in Universities, Colleges and other institutions of higher education.*

*journals.*

*(iii) A minimum of 10 research publications in peer-reviewed or UGC-listed*

*(iv) A minimum of 110 Research Score as per Appendix II. Table 2*

*B. Tenure*

*(1) A College Principal shall be appointed for a period of five years, extendable for another term of five years on the basis of performance assessment by a Committee*

*appointed by the University, constituted as per these regulations. (ii) After the completion of his/her term as Principal, the incumbent shall join back his/her parent organization with the designation as Professor and in the grade of the Professor.*

*VI. Vice Principal. An existing senior faculty member may be designated as Vice-Principal by the Governing Body of the College on the recommendation of the Principal, for a tenure of two years, who can be assigned specific activities, in addition to his/her existing responsibilities. During the absence of the Principal, for any reason, the Vice Principal shall exercise the powers of the Principal*

*4.2. Music, Performing Arts, Visual Arts and Other Traditional Indian Art*

*Forms like Sculpture, etc.*



*I. Assistant Professor: Eligibility (A or B):*

*A. (1) Master's Degree with 55% marks (or an equivalent grade in a point scale wherever grading system is followed) in the relevant subject or an equivalent degree from an Indian/foreign University.*

*(ii) Besides fulfilling the above qualifications, the candidate must have cleared the National Eligibility Test (NET) conducted by the UGC, CSIR or similar test accredited by the UGC like SLET/SET or who are or 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) Regulations, 2009 or 2016 and their amendments from time to time as the case may be. Provided further, candidates registered for the 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 and 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 fulfilment of the following conditions:*

*(a) Ph.D. degree has been awarded to the candidate in a regular mode*

*(b) The Ph.D. thesis has been evaluated by at least two external examiners:*

*(c) An open Ph.D. viva voce of the candidate had been conducted:*

*(d) 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 research papers based on his/ her Ph.D. work in conferences/seminars supported/funded/sponsored by the UGC/AICTE/ICSSR or any other similar agency.*

*Note 1. The fulfilment of these conditions is to be certified by the Registrar or the Dean (Academic Affair) of the University concerned. Note 2. The clearance of NET/SLET/SET shall also not be required for such*

*Masters Programmes in disciplines for which*



*NET/SLET/SET is not conducted by the UCC. CSIR or similar test accredited by the UGC (like SLET/SET).*

*B. A traditional or a professional artist with highly commendable professional achievement in the subject concerned having a Bachelor's degree, who has:*

*(i) studied under a noted/reputed traditional Master(s)/Artist(s) (ii) Has been A grade artist of AIR/Doordarshan; (iii) Has the ability to explain, with logical reasoning the subject concerned:*

*and (iv) Has adequate knowledge to teach theory with illustrations in the discipline concerned.*

*II. Associate Professor:*

*Eligibility (A or B):*

*A. (i) Good academic record, with a doctoral degree.*

*(ii) Performing ability of a high professional standard.*

*(iii) Eight year's experience of teaching in a University or College and/or of research in a University/national level institution, equal to that of Assistant Professor in a University/College.*

*(iv) Has made a significant contribution to knowledge in the subject concerned, as evidenced by quality publications.*

*OR*

*B. A traditional or a professional artist with highly-commendable professional*

*achievement having Master's degree in the subject concerned, who has:*

*(i) been A-grade artist of AIR/Doordarshan:*

*(ii) eight years' experience of outstanding performing achievement in the field of specialisation:*

*(iii) experience in designing of new courses and/or curricula:*

*(iv) participated in National level Seminars/Conferences/Concerts in reputed institutions and*

*(v) ability to explain, with logical reasoning, the subject concerned and adequate knowledge to teach theory with illustrations in the said discipline.*





*III. Professor:*

*Eligibility (A or B):*

*A. (1) An eminent scholar having a doctoral degree*

*(ii) Have been actively engaged in research with at least ten years of experience in teaching in University/College and/or research at the University/National level institutions*

*(iii) Minimum of 6 research publications in the peer-reviewed or UGC-listed journals.*

*(iv) Has a total research score of 120, as per Appendix II. Table 2.*

*OR*

*B. A traditional or a professional artist, with highly-commendable professional achievement, in the subject concerned.*

*(i) Having Masters degree, in the relevant subject*

*(ii) Has been 'A'-grade artist of AIR/Doordarsha*

*(iii) Has Ten years of outstanding performing achievements in the field of specialisation*

*(iv) Has made significant contributions in the field of specialisations and ability to guide research;*

*(v) Has participated in National/ International Seminars/ Conferences/Workshops/Concerts and/ or recipient of National/International Awards/Fellowships:*

*(vi) Has the ability to explain with logical reasoning the subject concerned.*

*and (vii) Has adequate knowledge to teach theory with illustrations in the said discipline.*

*4.3 Drama Discipline: 1. Assistant Professor:*

*Eligibility (A or B)*

*A. (1) Master's Degree with 55% marks (or an equivalent grade in a point scale wherever grading system is followed) in the relevant subject or an equivalent degree from an*



*Indian/foreign University.*

*(ii) Besides fulfilling the above qualifications, the candidate must have cleared the National Eligibility Test (NET) conducted by the UGC or the CSIR or a similar test accredited by the UGC, like SLET/SET or who are or 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) Regulations, 2009, or 2016, and their amendments from time to time as the case may be.*

*Provided further, candidates registered for the 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 and 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 the regular mode:*

*(b) The Ph.D. thesis has been evaluated 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 must be in a refereed journal:*

*(e) The candidate has presented at least two research papers based on his/ her Ph.D. work in conferences/seminars supported/funded/ sponsored by the UGC/CSIR/ICSSR or any other similar agency. Note: 1. The fulfilment of these conditions is to be certified by the Registrar or the Dean (Academic Affairs) of the University concerned.*

*Part I*

*2.NET/SLET/SET shall also not be required for such Masters Programmes in disciplines for which the NET/SLET/SET is not conducted by the UGC, CSIR or similar test accredited by the UGC, like SLET/SET.*



OR

*B. A traditional or a professional artist with highly commendable professional achievement in the concerned subject, who has:*

*(1) been a professional artist with three years' Bachelor degree/Post Graduate Diploma, with 55% marks (or an equivalent grade in a point- scale wherever the grading system is followed), from the National School of Drama, or any other such Institution in India or abroad;*

*(ii) five years of regular acclaimed performance at regional/national/ international stage, supported by evidence; and*

*iii) the ability to explain. with logical reasoning, the subject concerned and adequate knowledge to teach theory with illustrations in the discipline concerned.*

*II. Associate Professor:*

*Eligibility (A or B):*

*A. (i) A good academic record, having a Ph.D degree with performing ability of high professional standard as certified by an Expert Committee constituted by the University concerned for the said purpose.*

*(ii) Eight years experience of teaching in a University/College and/or research in a University/national level institutions equal to that of Assistant Professor in a University/College.*

*(iii) A significant contribution to knowledge in the subject concerned, as evidenced by the quality publications.*

OR

*B. A traditional or a professional artist, having highly commendable professional achievement in the subject concerned, has a Master's degree, who has*

*(i) Been recognised artist of Stage/Radio/TV:*

*(ii) Eight years of outstanding performance in the field of specialisation:*

*(iii) Experience of designing new courses and/or curricula*



- (iv) Participated in Seminars/Conferences in reputed institutions; and*
- (v) The ability to explain with logical reasoning the subject concerned and adequate knowledge to teach theory with illustrations in the said discipline.*

*III. Professor: Eligibility (A or B):*

*A. An eminent scholar, having a doctoral degree, actively engaged in research with ten years of experience in teaching and/or research at a University/National- level institution, including experience of guiding research at the doctoral level, with outstanding performing achievement in the field of specialisation, with a minimum of 6 research publications in the peer-reviewed or UCC listed journals, and a total research score of 120, as per Appendix II. Table 2.*

*OR*

*B. A traditional and a professional artist, having highly commendable professional achievement in the subject concerned, who has:*

- (i) Master's degree, in the relevant subject;*
- (ii) Ten years of outstanding performing achievements in the field of specialisation;*
- (iii) Made significant contribution in the field of specialisation*
- (iv) Guided research;*
- (v) Participated in National/International Seminars/Conferences/Workshops and /or recipient of National /International Awards/ Fellowships;*
- (vi) Ability to explain with logical reasoning the subject concerned.*
- (vii) Adequate knowledge to teach theory, with illustrations in the said discipline.*

*4.4 Yoga Discipline:*

*I. Assistant Professor: Eligibility (A or B):*

*A. Good academic record, with at least 55% marks (or an equivalent grade in a point-scale wherever the grading system is followed) at the Master's degree in Yoga or any other relevant subject, or an equivalent degree from an*



*Indian/foreign University.*

*Besides fulfilling the above qualifications, the candidate must have cleared the*

*National Eligibility Test (NET) conducted by the UGC, CSIR or a similar test accredited by the UGC like SLET/SET or who are or 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) Regulations, 2009 or 2016 and their amendments from time to time.*

OR

*B. A Master's degree in any discipline with at least 55% marks (or an equivalent grade in a point-scale wherever the grading system is followed) and a Ph.D. Degree in Yoga in accordance with the University Grants Commission (Minimum Standards and Procedure for Award of M.Phil/Ph.D. Degree) Regulations, 2009 or 2016 and their amendments from time to time as the case may be.*

*\*Note: Considering the paucity of teachers in the newly-emerging field of Yoga. this alternative has been provided and shall be valid only for five years from the date of notification of these Regulations II. Associate Professor:*

*(i) A good academic record, with a Ph.D. degree in the subject concerned or in a relevant discipline.*

*(ii) A Master's degree with at least 55% marks (or an equivalent grade in a point-scale, wherever the grading system is followed)*

*(iii) A minimum of eight years' experience of teaching and/or research in an academic/research position equivalent to that of Assistant Professor in a University. College or Accredited Research Institutions/Industry with evidence of published work and a minimum of 7 publications as books and/or research/policy papers in peerreviewed or UGC listed journals and a total research score of at least Seventy five (75), as per the criteria given in Appendix II. Table 2.*

*III. Professor: Eligibility (A or B):*



*A. (1) An eminent scholar with Ph. D. degree in the subject concerned or in an allied/relevant subject and published work of high quality, actively engaged in research with evidence of published work, with a minimum of 10 publications as books and/or research/policy papers in the peer-reviewed or UGC listed journals and a total research score of at least 120 as per the criteria given in Appendix II. Table 2.*

*(ii) A minimum of ten years of teaching experience in a University/College and /or experience in research at the university/National level institution/Industries, with evidence of having successfully guided doctoral candidate.*

*Or*

*B. An outstanding professional, with established reputation in the relevant*

*field, who has made significant contribution to the knowledge in the concerned/*

*allied/relevant discipline, to be substantiated by credentials.*

#### *4.5 Qualifications. Experience and Other Eligibility Requirements for Appointment of Occupational Therapy Teachers*

*I. Assistant Professor. A Bachelor's Degree in Occupational Therapy (B.O.T./ B. Th.O./B.O.Th.), Masters in Occupational Therapy (M.O.Th/M.Th.O./ M.Sc. O.T/ M.OT.), with at least 55% marks (or an equivalent grade in a point-scale wherever the grading system is followed), from a recognised University*

#### *II Associate Professor.*

*(I) Essential: A Master's Degree in Occupational Therapy (M.OT/M.O Th./M.Sc. O.T.), with eight years' experience as Assistant Professor*

*(ii) Desirable: Higher Qualification, including a Ph. D. degree in any discipline of occupational therapy recognised by the UGC, and published work of high standard in peer-reviewed or UGC-listed journals,*

#### *III. Professor*

*(I) Essential: Master's Degree in Occupational Therapy (M.O.T/ M.O.Th./M.Th.O./M.Sc. O.T.), with Ten years of*



*total experience in Occupational Therapy.*

*(ii) Desirable: Higher Qualification, such as Ph.D. degree in any discipline of occupational therapy recognised by the UGC, and published work of high standard in peer-reviewed or UGC-listed journals.*

*IV. PRINCIPAL/DIRECTOR/DEAN. Essential: Master's Degree in Occupational Therapy (M.O.T./M.Th.O./M.Oth./M.Sc. O.T.), with fifteen years experience, which shall include five years' experience as Professor (Occupational Therapy).*

*Note: (I) The senior-most Professor in the institution shall be designated as the Principal/Director/Dean..*

*(ii) Desirable: Higher qualification, like a Ph. D. degree in any discipline of occupational therapy recognized by the UGC and published work of high standard in peer reviewed or UGC listed journals.*

*4.6 Qualifications. Experience and Other Eligibility Requirements for Appointment of Physiotherapy Teachers I. Assistant Professor. Bachelor's Degree in Physiotherapy (B.P./T./B. Th/*

*P./B.P.Th.) Master's Degree in Physiotherapy (M.&P.Th/M.Th P./M.Sc. PT/MPT) with at least 55% marks (or an equivalent grade in a point scale wherever the grading system is followed) from a recognized University.*

*II. Associate Professor.*

*(I) Essential: A Master's Degree in Physiotherapy*

*(M.P.T./M.P.Th./M.Th.P/M.Sc. PT.) with eight years' experience as Assistant Professor.*

*(II) Desirable: Higher Qualification, such as Ph.D. degree in any discipline of*

*Physiotherapy recognised by the U.G.C. and published work of high standard in peer-reviewed or UGC-listed journals.*

*III. Professor. Essential: Master's Degree in Physiotherapy (M.PT/MP Th/ M.Th.P./M.Sc. PT), with ten years experience. Desirable:*

*(I) Higher Qualification like Ph. D. in any subject of Physiotherapy recognised by U.G.C, and*



*(II) Published work of high standard in peer-reviewed or UGC-listed journals.*

*IV. PRINCIPAL/DIRECTOR/DEAN. Essential: Master's Degree in Physiotherapy (M.P.T/M.Th.P./M.Pth./M.Sc. P.T) with fifteen years total experience, including five years experience as Professor (Physiotherapy).*

*Note: (I) Senior most Professor shall be designated as the Principal/Director/Dean.*

*(II) Desirable: Higher qualification like Ph.D. in any subject of Physiotherapy recognized by the UGC and published work of high standard in peer reviewed or UGC listed journals, 4.7 Minimum Qualifications for Direct Recruitment to the Posts of University Assistant Librarian/College Librarian, University Deputy Librarian and University*

*Librarian:*

*I. University Assistant Librarian/College Librarian*

*(I) A Master's Degree in Library Science. Information Science or Documentation Science or an equivalent professional degree, with at least 55% marks (or an equivalent grade in a point -scale, wherever the grading system is followed) (1) A consistently good academic record, with knowledge of computerization of a library.*

*(ii) Besides fulfilling the above qualifications, the candidate must have cleared the National Eligibility Test (NET) conducted by the UGC, CSIR or similar test accredited by the UGC like SLET/SET or who are or 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) Regulations, 2009 or 2016 and their amendments from time to time as the case may be:*

*Provided that the, candidates registered for the Ph.D. degree prior to July 11. 2009, shall be governed by the provisions of the then existing Ordinances/ Bye laws/Regulations of the Institution awarding the degree, and 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 the regular mode*

*(b) The Ph.D. thesis has been evaluated by at least two external examiners:*

*(c) 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.*

*Note: (i) The fulfilment of these conditions is to be certified by the Registrar or the Dean (Academic Affairs) of the University concerned.*

*(ii) NET/SLET/SET shall also not be required for candidates in such Master's Programmes for which NET/SLET/SET is not conducted by the UGC. CSIR or similar test accredited by the UGC like SLET/SET*

## *II. University Deputy Librarian*

*(i) A Master's Degree in library science/information science/documentation science, with at least 55% marks or an equivalent grade in a point scale, wherever grading system is followed.*

*(ii) Eight years experience as an Assistant University Librarian/College Librarian.*

*(iii) Evidence of innovative library services including integration of ICT in library.*

*(iv) A Ph.D. Degree in library science/ Information science / Documentation Science/Archives and manuscript keeping/computerization of library.*

## *III. University Librarian*

*(i) A Master's Degree in Library Science/Information*



*Science/Documentation Science with at least 55% marks or an equivalent grade in a point-scale wherever the grading system is followed.*

*(ii) At least ten years as a Librarian at any level in University Library or ten years of teaching as Assistant/Associate Professor in Library Science or ten years experience as a College Librarian..*

*(iii) Evidence of innovative library services, including the integration of ICT in a library.*

*(iv) A Ph.D. Degree in library science/information science/documentation/ archives and manuscript-keeping*

*4.8 Minimum Qualifications for the Posts of Assistant Directors of Physical Education and Sports. Deputy Director of Physical Education and Sports and Director of Physical Education and Sports (Dpes)*

*1. University Assistant Director of Physical Education and Sports / College Director of Physical Education and Sports*

*Eligibility (A or B):*

*A. (i) A Master's Degree in Physical Education and Sports or Physical Education or Sports Science with 55% marks (or an equivalent grade in a point-scale, wherever the grading system is followed)*

*(ii) Record of having represented the university/college at the inter-university /inter-collegiate competitions or the State and/or national championships.*

*(iii) Besides fulfilling the above qualifications, the candidate must have cleared the National Eligibility Test (NET), conducted by the UGC or CSIR, or a similar test accredited by the UGC, like SLET/SET, or who are or have been awarded a Ph.D. Degree in Physical Education or Physical Education and Sports or Sports Science, in accordance with the University Grants Commission (Minimum Standards and Procedure for Award of M.Phil/Ph.D. Degree) Regulations, 2009 or 2016 their amendments from time to time, as the case may be:*

*Provided that, candidates registered for the Ph.D. degree 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 and such Ph.D. degree holders 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:*

*(b) The Ph.D. thesis has been evaluated by at least two external examiners;*

*(c) 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 research papers in conference/ seminar, based on his/her Ph.D work.*

*Note: The fulfilment of these conditions (a) to (e) is to be certified by the Registrar or the Dean (Academic Affairs) of the University concerned (iv) NET/SLET/SET shall also not be required for such Masters Programmes in disciplines for which NET/SLET/SET is not conducted by the UGC, CSIR or similar test accredited by the UGC like SLET/SET (v) Passed the physical fitness test conducted in accordance with these Regulations.*

OR

*B. An Asian game or commonwealth games medal winner who has a degree at*

*least at Post-Graduation level.*

*II. University Deputy Director of Physical Education and Sports Eligibility (A or B):*

*A. (i) A Ph.D. in Physical Education or Physical Education and Sports or Sports Science. Candidates from outside the university system, in addition, shall also- possess at least 55% marks (or an equivalent grade in a point scale wherever grading system is followed) at the Master's Degree level by the university concerned.*

*(ii) Eight years experience as University Assistant DPES/College DPES.*

*(iii) Evidence of organizing competitions and conducting coaching camps of at least two weeks duration.*

*(iv) Evidence of having produced good performance of teams/athletes for competitions like state/national/inter-university/combined university, etc.*



*(v) Passed the physical fitness test in accordance with these Regulations.*

OR

*B. An Olympic games/world cup/world Championship medal winner who has a degree at least at the Post-Graduation Level.*

*III University Director of Physical Education and Sports Science*

- (i) A Ph.D. in Physical Education or Physical Education and Sports or Sports*
- (ii) Experience of at least ten years in Physical Education and Sports as University Assistant/Deputy DPES or ten years as College DPES or teaching for ten years in Physical Education and Sports or Sports Science as Assistant/Associate Professor.*
- (iii) Evidence of organising competitions and coaching camps of at least two weeks' duration.*

*(iv) Evidence of having produced good performance of teams/athletes for competitions like state/national/inter-university/combined university, etc.*

*IV. Physical Fitness Test Norms*

- (a) Subject to the provisions of these Regulations, all candidates who are required to undertake the physical fitness test are required to produce a medical certificate certifying that he/she is medically fit before undertaking such tests.*
- (b) On the production of such certificate mentioned in sub-clause (a) above, the candidate would be required to undertake the physical fitness test in accordance with the following norms:*

NORMS FOR MEN			
12 MINUTES RUN/WALK TEST			
Upto 30 years	Upto 40 years	Upto 45 years	Upto 50 years
1800 metres	1500 metres	1200 metres	800 metres



NORMS FOR WOMEN			
8 MINUTES RUN/WALK TEST			
Upto 30 years	Upto 40 years	Upto 45 years	Upto 50 years
1000 metres	800 metres	600 metres	400 metres

It has, however, been submitted on behalf of the Bar Council of India, with reference to Rule 20 of the Rules of Legal Education, 2008 that LLM degree is the minimum educational qualification for full time faculty members including for a Principal of a Centre of Legal Education. According to him the qualification of having NET etc as laid down by the UGC are not mandatory eligibility conditions for appointment as a teacher of law in a Centre of Legal Education. There are several issues which have been raised in the present writ petition filed in the nature of Public Interest Litigation as regards the lack of infrastructure in various law colleges in the State of Bihar including dearth of faculties in such colleges. It has been pointed out by learned counsel appearing on behalf of the various universities in the State of Bihar that many of the law colleges under their jurisdiction have been de-affiliated for various reasons noticing deficiencies in terms of infrastructure. It has however been pointed out that one Shiv Nandan Prasad Law College, Madhepura has been granted affiliation by B.N. Mandal University, Bihar.



Let an affidavit be filed on behalf of the office of the Chancellor of the Universities of Bihar stating as to what steps have so far been taken to streamline law education in the State of Bihar, particularly in view of the nature of materials available on record which demonstrate that most of the law colleges do not possess the requisite infrastructure and do not have qualified teachers. The Court will also expect from the office of the Chancellor of Universities of Bihar to take a clear stand as to whether NET/Ph.D qualification in accordance with 2018 regulations is an essential qualification for appointment as teachers in affiliated colleges under various Universities of the State of Bihar or not.

The affidavits must be filed by 27.03.2023.

List these cases on 27.03.2023, to be taken up at 02:15 pm.

**(Chakradhari Sharan Singh, ACJ)**

**(Madhuresh Prasad, J)**

Ranjan/Nishant-

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