



**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

**CIVIL APPEAL NOS. ____/2026
[@ SPECIAL LEAVE PETITION (C) NOS.24737-24739/2023]**

ANNU KUMAR & ANR.

...APPELLANTS

VERSUS

**MAHARSHI DAYANAND UNIVERSITY
ROHTAK & ORS.**

...RESPONDENTS

J U D G M E N T

DIPANKAR DATTA, J.

- 1.** Leave granted.
- 2.** A petition¹ under Article 226 of the Constitution seeking a writ of *quo warranto*, instituted by the appellants, failed before a Single Judge of the High Court of Punjab and Haryana at Chandigarh². Upon dismissal of the writ petition by a judgment and order dated 18th November, 2022 of a Single Judge, an intra-court appeal³ carried by the appellants before a Division Bench met the same fate. Aggrieved by dismissal of their appeal

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¹ Civil W.P. No. 34925/2019

² High Court

³ L.P.A. No. 143/2023 (OM)

vide the judgment and order dated 28th February, 2023⁴, the appellants applied for a review⁵ together with an application for condonation of delay⁶. By an order dated 21st July, 2023, both the review petition and the application for condonation of delay stood dismissed. The judgment and order dated 28th February, 2023 and the order dated 21st July, 2023 were subjected to challenge in special leave petitions, out of which these appeals arise.

3. The controversy pertains to the Ph. D. degree allegedly awarded to the sixth respondent by Bundelkhand University, Jhansi, Uttar Pradesh⁷.

4. A vacancy on the post of Assistant Professor of Physical Education was advertised on 14th February, 2018 by Sat Jinda Kalyana College, Rohtak, Haryana⁸, affiliated to Maharshi Dayanand University, Haryana⁹. Appellants, the sixth respondent, and 17 (seventeen) other aspirants had applied for appointment on the said post. After completion of the selection process, the sixth respondent emerged as the most-qualified candidate and was ultimately appointed as Assistant Professor in Physical Education. Appellants did not, however, figure in the merit list that was prepared.

5. Consequent upon such appointment, a query regarding the authenticity of the Ph. D. degree of the sixth respondent was made by the brother of the first appellant through the mechanism provided by the Right

⁴ impugned judgment

⁵ RA-LP-17-2023

⁶ CM-1967-LPA-2023

⁷ Respondent No. 4

⁸ Respondent No. 3

⁹ Respondent No. 1

to Information Act, 2005¹⁰. As per information furnished by Bundelkhand University on 11th July 2018 in response thereto, it was revealed that the sixth respondent never attended any Ph. D. course at the University, as no Ph. D. programme was conducted by the University during the years 2011-2014, when the sixth respondent claimed to have been awarded the degree.

6. Documents on record, *prima facie*, point to lack of authenticity of the Ph. D. degree, which the sixth respondent claimed to have been awarded by Bundelkhand University. At page 34 of the paper book is the first letter dated 24th July, 2018 originating from the fourth respondent that the sixth respondent was not awarded Ph. D. degree. An affidavit, which this Court had called for by its order dated 24th January, 2025 from the Registrar or the Controller of Examinations of Bundelkhand University, is on record. The contents of such affidavit would seemingly leave none in doubt that the degree claimed by the fourth respondent is "fake and farzi". The letter dated 15th September, 2018 (at page 38 of the paper book), which the sixth respondent claimed had been issued by Bundelkhand University and forwarded to Maharshi Dayanand University, is further stated to be a forged document. Also, a certificate (at page 9 of the counter affidavit of the first respondent) has been asserted by Bundelkhand University to be fabricated.

¹⁰ RTI Act

7. In such circumstances, it becomes necessary to examine why the Single Judge and the Division Bench of the High Court dismissed the writ petition and the intra-court appeal.

8. Appellants, while assailing the appointment of the sixth respondent before the High Court, alleged that such appointment had been secured on the strength of a forged Ph. D. degree; and since the sixth respondent had usurped a public office, a writ of *quo warranto* was prayed. The writ petition came to be considered by a Single Judge who, as noticed, dismissed the same. While repelling the challenge to the appointment of the sixth respondent, the Single Judge took note of the stand adopted by Maharishi Dayanand University in its counter affidavit. It was asserted therein that the appellants had founded their case entirely on information purportedly obtained under the RTI Act by one Rajesh Kumar, the authenticity whereof was itself doubtful since the document did not bear any endorsement or authentication from Bundelkhand University. It was further asserted that an independent exercise was carried out to verify the Ph.D. degree of the sixth respondent from Bundelkhand University but such degree was found to be in order. Additionally, the criteria published by the Government of Haryana applicable to the recruitment advertisement prescribed that a candidate should either possess a Ph.D. degree or be qualified in the UGC-NET examination. Since the sixth respondent had, undisputedly, qualified the UGC-NET examination and such qualification was not under challenge, he satisfied the prescribed eligibility criteria irrespective of the controversy surrounding the Ph.D. degree. Upon consideration of the aforesaid

averments, the Single Judge observed that the same had remained uncontroverted. No rejoinder having been filed by the appellants to dispute the factual assertions, the Single Judge found no reason to disbelieve the stand of Maharishi Dayanand University. It was also held that, in any event, the sixth respondent was eligible for appointment by virtue of his UGC-NET qualification, which independently fulfilled the requirements stipulated in the advertisement.

9. The intra-court appeal of the appellants too did not succeed, but on slightly different grounds. The Division Bench held the appeal to be not maintainable. In arriving at such conclusion, the Division Bench adverted to the merit list prepared pursuant to the selection process and noticed that none of the appellants figured amongst the top three candidates who had been recommended for appointment. On such finding, it was held that the appellants lacked the requisite *locus standi* to assail the appointment of the sixth respondent. The Division Bench further held that the appellants could not invoke the extraordinary remedy of a writ of *quo warranto*. Placing reliance on the decisions of this Court in **A.N. Shastri v. State of Punjab**¹¹, **R.K. Jain v. Union of India**¹², **Dr B. Singh v. Union of India**¹³ and **B. Srinivasa Reddy v. Karnataka Urban Water Supply & Drainage Board Employees Association**¹⁴, delineating the scope and ambit of such a writ, the Division Bench observed that the jurisdiction to issue a writ of

¹¹ (1998) Supp SCC 127

¹² (1993) 4 SCC 119

¹³ (2004) 3 SCC 363

¹⁴ (2006) 11 SCC 731

quo warranto cannot be employed as a vehicle for vindication of personal grievances arising out of a selection process in which the appellants are unsuccessful. Since the challenge was, in substance, mounted by candidates who had failed to secure selection on merit and were seeking redress of their individual claims, the essential ingredients for issuance of a writ of *quo warranto* were held to be absent.

10. We have considered the submissions advanced by the parties. For brevity, the same are not noted in detail. Suffice to record, on perusal of the materials on record, we feel it imperative to first ascertain what the minimum qualifications were which every aspirant seeking appointment on the post of Assistant Professor in Physical Education was required to possess or should have possessed.

11. A counter affidavit has been filed in this proceeding by the University Grants Commission¹⁵. Although it has rightly been averred therein that the allegations do not pertain to it and that no relief has been claimed by the appellants against it, such affidavit throws light on resolving the controversy as to minimum qualifications required for appointment on the post of Assistant Professor. The affidavit of the UGC has, as an annexure, the UGC Regulations¹⁶ 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. The UGC Regulations, 2018 were enforced with effect from 18^h July 2018

¹⁵ Respondent No. 5

¹⁶ UGC Regulations, 2018

whereas the advertisement in the present case was published on 14th February 2018. Having regard to the fact that the advertisement preceded the UGC Regulations, 2018, the latter would not apply in this case. What would, however, apply is the earlier regulations of 2010. A comparative study of the two, when made, does not produce any great difference in the mandatory qualifications. Qualifying the National Eligibility Test conducted by the UGC or tests accredited by the UGC like SLET/SET remained the mandatory qualification as per the regulations of 2010 with those acquiring a Ph. D. degree in terms of the University Grants Commission (Minimum Standards and Procedure for Award of Ph.D. Degree) Regulations, 2009¹⁷ being exempted from the requirement of the minimum eligibility condition of NET/SLET/SET for recruitment and appointment of Assistant Professor or equivalent positions in Universities/Colleges/Institutions.

12. It is also pertinent to note that the advertisement dated 14th February, 2018 postulated that qualifications, criteria, experience, reservation, age relaxations and grade, as prescribed by the Government of Haryana/Maharshi Dayanand University would apply. The criteria for selection of Assistant Professor in the Government aided private colleges in the State of Haryana provide that *"UGC/State Government rules/instructions and relevant service rules will be followed in the recruitment process"*. Therefore, even if the regulations of 2010 are considered, *inter alia*, the minimum qualification required for the sixth

¹⁷ UGC Ph. D Regulations, 2009

respondent to be considered for appointment would be the UGC-NET Examination.

13. Having ascertained what the essential qualifications are, we may now focus on whether a case for a writ or in the nature of *quo warranto* was set up by the appellants.

14. To seek and succeed in a proceeding for a writ or in the nature of *quo warranto*, it is absolutely necessary for the writ petitioner, who could even be a stranger, to establish that an appointee, not having the requisite qualification for occupying a public office or suffering from such other disability, thereby attracting a disqualification to hold such office, was appointed and, in the process, has usurped a public office. While questioning an appointment on a public office on the ground of lack of authority of the appointee to occupy the same, the burden of proof has to be discharged by the writ petitioner by producing unimpeachable evidence in support of his assertion. If produced, the onus shifts to the appointer and the appointee to rebut such evidence and convince the Court of there being no illegality, irregularity and/or discrepancy of any nature in the process of such an appointment or lack of any of the essential qualifications of the appointee.

15. What follows from the materials on record is that the post of Assistant Professor on which the sixth respondent aspired for appointment did not require, as an essential qualification, a Ph. D. degree; in fact, it was a desirable qualification. It was only those aspirants seeking appointment, not having qualified the NET/SLET/SET, who were required to possess a Ph.

D. degree awarded in terms of the UGC Ph. D Regulations, 2009. Any aspirant, having acquired a Ph. D. degree apart from qualifying the NET/SLET/SET, would have been entitled to additional marks of 10 over and above the marks allotted under different other heads. Thus, in the absence of a Ph. D. degree, the aspirants were mandatorily required to qualify the UGC-NET examination which the sixth respondent did, in fact, qualify. *Ergo*, by no stretch of reasoning can it be concluded that he lacked a mandatory qualification; although, we hasten to observe that it is quite possible that he stole a march over the second and the third candidates in the merit list by dint of marks being awarded for the questionable Ph. D. degree. Had any or both of them questioned the appointment of the sixth respondent, the situation could have been otherwise.

16. The High Court seems to be right in its appreciation of the legal position.

17. We are, thus, inclined to agree with the views of the Single Judge and the Division Bench that the writ petition and the intra-court appeal did not merit interference.

18. Be that as it may, while upholding the impugned appellate judgment and order of the High Court and not disturbing the appointment of the sixth respondent for the present, resulting in non-grant of any relief to the appellants, we cannot turn a blind eye to what has surfaced in course of the appellate proceedings before this Court. This is a fit case, where exercise of power conferred by Article 142 of the Constitution is warranted. Documentary evidence on record does necessitate an inquiry to be

conducted by Maharshi Dayanand University against the sixth respondent, once again, for verifying his Ph. D. degree in the light of the disclosures made by Bundelkhand University and to reach a satisfaction that the Ph. D. degree is genuine and that the sixth respondent never deceived it by projecting himself as a Ph. D. degree holder. If the sixth respondent has indeed secured an appointment by deceit, at the very inception of the process, mere disposal of these appeals without any positive order as claimed by the appellants will not be a protective shield for such appointment to be sustained.

19. Maharshi Dayanand University is, thus, granted full liberty to undertake an inquiry to sift the grain from the chaff. In the inquiry, the sixth respondent shall be required to produce his Ph. D. degree in original in the presence of the officials of Bundelkhand University who, in turn, shall be required to produce documentary evidence based on which the affidavit before this Court came to be filed. The sixth respondent will be given opportunity to raise effective defence and extended the opportunity to cross-examine witnesses. Depending on the inquiry, which is to be conducted in accordance with principles of natural justice, further steps as permitted in law may be taken. We hasten to add that the inquiry need not be influenced by any observation made in this judgment, which is to be read as one necessary for the purpose of proper disposal of the appeals.

20. It is also made clear that should the outcome of inquiry be unfavourable to the sixth respondent, that is, the Ph. D. degree is found to be a forged document, it shall be open to Maharshi Dayanand University or

Sat Jinda Kalyana College or Bundelkhand University or anyone else to lay information before the police to prosecute the sixth respondent for a criminal offence, in accordance with law.

- 21.** The civil appeals stand disposed of on the aforesaid terms.
- 22.** Connected applications, if any, shall stand closed.
- 23.** Parties shall, however, bear their own costs.

.....J.
(DIPANKAR DATTA)

.....J.
(MANMOHAN)

**NEW DELHI;
SEPTEMBER 08, 2026.**