

**IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR**

BEFORE

**HON'BLE SHRI JUSTICE VIVEK KUMAR SINGH
ON THE 30th OF SEPTEMBER, 2026**

WRIT PETITION No.41728 of 2025

Kartikeya Tiwari

Versus

State of Madhya Pradesh & others

Appearance:

Shri Abhishek Dubey - Advocate for the petitioner.

Shri Hitendra Singh– Government Advocate for the respondent/State.

WITH

WRIT PETITION No.41893 of 2025

Kashmi Sharma

Versus

State of Madhya Pradesh & others

Appearance:

Shri Amit Mishra - Advocate for the petitioner.

Shri Hitendra Singh – Government Advocate for the respondent/State.

WITH

WRIT PETITION No.50241 of 2025*Gauri Shankar**Versus**State of Madhya Pradesh & others*

Appearance:*Shri Brindavan Tiwari - Advocate for the petitioner.**Shri Hitendra Singh – Government Advocate for the respondent/State.*

WITH**WRIT PETITION No.44910 of 2025***Dr. Kailash Prasad Jaiswal**Versus**State of Madhya Pradesh & others*

Appearance:*Shri Brindavan Tiwari - Advocate for the petitioner.**Shri Hitendra Singh – Government Advocate for the respondent/State.*

Reserved on : 17.08.2026**Delivered on : 30.09.2026**

ORDER

By this common judgment, this Court proceeds to adjudicate connected writ petitions involving common questions of law and analogous factual

matrices touching upon the interpretation of essential qualifications, the concept of “allied/relevant subjects”, the operational scope of UGC Regulations and the permissible boundaries of administrative scrutiny exercised by the Madhya Pradesh Public Service Commission (for short, “MPPSC”) and the Higher Education Department, State of Madhya Pradesh..

2. The petitioners in all four writ petitions were aspirants for the post of Assistant Professor in their respective disciplines, namely Zoology and Music, pursuant to recruitment advertisements issued by the MPPSC under the aegis of the Higher Education Department, Government of Madhya Pradesh. Having successfully participated in the competitive written examination and having been placed in the respective provisional merit/shortlists, each of the petitioners was disqualified at the threshold of the interview stage during the process of document scrutiny. Aggrieved by the summary rejection of their candidatures, the petitioners have approached this Court under Article 226 of the Constitution of India.

I. W.P. No. 41728 of 2025 (Kartikeya Tiwari v. State of M.P. & Ors.)

3. The petitioner, Kartikeya Tiwari, responded to advertisement No. 51/2022 dated 30.12.2022 for recruitment to 115 posts of Assistant Professor (Zoology). The petitioner holds a Bachelor’s degree in Biotechnology, a Master of Technology (M.Tech) degree in Biotechnology from Rajiv Gandhi Pradyogiki Vishwavidyalaya and a Ph.D. in Biosciences and Bioengineering

awarded by the Indian Institute of Technology (IIT), Guwahati in June, 2018. Additionally, the petitioner cleared the Joint CSIR-UGC NET examination in Life Sciences (December 2024 session) securing All India Rank 50.

4. The petitioner appeared in the written examination held on 04.08.2024 under roll No. 282105 and was declared qualified in the written results declared on 20.11.2024. However, vide impugned notification dated 08.09.2025, confirmed upon rejection of objections on 14.10.2025, the petitioner's candidature was rejected at serial No. 05 of the Main (87%) list on the sole ground that his postgraduate degree is in Biotechnology from the Faculty of Technology, which allegedly does not satisfy the academic qualification for Zoology under the Faculty of Science.

II. W.P. No. 41893 of 2025 (Kashmi Sharma v. State of M.P. & Ors.)

5. The petitioner, Kashmi Sharma, applied for the post of Assistant Professor (Zoology) pursuant to advertisement No. 51/2022. She possesses a Bachelor of Science (CBZ) and a Master of Science (M.Sc.) in Zoology from Rani Durgavati Vishwavidyalaya, Jabalpur, securing 86.28% marks. She qualified the National Eligibility Test conducted by the UGC in "Environmental Science" in December 2019.

6. At the time of submitting her online application, the MPPSC web portal restricted the candidate to a single selectable drop-down menu for NET in the

science discipline, namely “Life Sciences”, without providing any option to record allied disciplines. The petitioner accordingly selected “Life Sciences” and promptly lodged written representations via email on 03.09.2023 and 01.10.2023 apprising the MPPSC of the technical constraint. The petitioner appeared in the written examination under roll No. 281340 and was declared successful on 20.11.2024 (serial No. 211 of the Main list). During document scrutiny, vide notifications dated 08.09.2025 and 14.10.2025, her candidature was cancelled at serial No. 15 for the reason:

“नेट लाइफ साइंस विषय में नहीं होने से विज्ञापन अनुसार अमान्य। नेट पर्यावरण विज्ञान में है।”.

III. W.P. No. 44910 of 2025 (Dr. Kailash Prasad Jaiswal v. State of M.P. & Ors.)

7. The petitioner, Dr. Kailash Prasad Jaiswal, an applicant under the OBC and Locomotor Disability categories, applied for the post of Assistant Professor (Zoology) under advertisement No. 51/2022. He holds a B.Sc. in Biotechnology, an M.Sc. in “Animal Biotechnology” from the National Dairy Research Institute (NDRI, Deemed University), Karnal (awarded in 2013) and a Ph.D. in Biotechnology from Barkatullah University, Bhopal (awarded in 2020).

8. The petitioner appeared in the written examination under roll No. 281467 and qualified in the merit list at serial No. 226. Vide impugned order dated 08.09.2025, reaffirmed on 14.10.2025 and communicated on 06.11.2025, his candidature was rejected at serial No. 12 on the ground:

“स्नातकोत्तर पशु जैव प्रौद्योगिकी में होने से विषय/सहविषय में शामिल नहीं होने से अमान्य।”

The petitioner relies upon an equivalence certificate dated 10.09.2025 issued by NDRI certifying that M.Sc. (Animal Biotechnology) is equivalent to M.Sc. (Biotechnology).

IV. W.P. No. 50241 of 2025 (Gauri Shankar v. State of M.P. & Ors.)

9. The petitioner, Gauri Shankar, a person suffering from 40% permanent locomotor disability belonging to the Scheduled Caste category, applied for the post of Assistant Professor (Music) pursuant to advertisement No. 36/2024 dated 30.12.2024 issued for 2 posts (1 post reserved for SC/LD). The petitioner holds a B.A. (Honours) degree in Sociology with subsidiary Music, an M.A. in Music (Vocal) with 70.81% (First Division) from Awadhesh Pratap Singh University, Rewa and an M.Phil. in Music (Vocal/Instrument). He qualified the MP-SET in 2017 in the subject “Music” and cleared the UGC-NET in December, 2019 in the subject “Music”.

10. He appeared in the written examination on 27.07.2025 under roll No. 750045 and was shortlisted at serial No. 5 of the 7 qualified candidates on 04.09.2025. Vide orders dated 12.12.2025 and 22.12.2025, his candidature was cancelled on the ground:

*“विज्ञापन अनुसार शैक्षणिक अर्हता धारित नहीं होने से उम्मीदवारी निरस्त।
(स्नातकोत्तर उपाधि संगीत के स्थान पर संगीत वोकल में धारित)”*

SUBMISSIONS OF THE PARTIES:-

11. Ld. counsel appearing for Kartikeya Tiwari contends that the Higher Education Department, vide its statutory executive instruction dated 22.12.2022 incorporated into the advertisement itself as Note 02, expressly identified 11 allied subjects for the discipline of Zoology, wherein “Bio-Technology” is listed at serial No. 6. Hence, disqualifying the petitioner merely because his postgraduate degree was conferred under the nomenclature of M.Tech (Biotechnology) instead of M.Sc. violates the State’s own declared policy, given that M.Tech is an undisputed postgraduate degree in the notified allied discipline.

12. Ld. counsel for Kashmi Sharma argues that the petitioner possesses an M.Sc. in the core subject of Zoology itself. The State has expressly conceded in paragraph 5 of its reply that “Environmental Science is an allied subject of Zoology”. The UGC does not conduct a separate NET titled “Zoology”. Once

the candidate holds the Master's degree in the principal subject and possesses a NET certificate in an admitted allied discipline, disqualifying her violates UGC Regulations, 2018 and is a manifest display of administrative non-application of mind.

13. Ld. counsel for Dr. Kailash Prasad Jaiswal submits that Animal Biotechnology is a recognized sub-discipline of Biotechnology, which in turn is an approved allied subject. Reliance is placed on the certificate issued by the parent institute (NDRI) certifying curricular identity.

14. Ld. counsel for Gauri Shankar argues that "Music" is a composite generic discipline which practically and academically exists only through its expressive branches, Vocal, Instrumental and Dance. MP Universities do not award an abstract postgraduate degree in "Music" without indicating the practical branch. He highlights that in the previous recruitment of 2017, the State itself treated candidates with NET in Music as eligible for Assistant Professor (Music Vocal) and candidates with PG in Music were appointed to Music Vocal posts. Relying on the maxim *lex non cogit ad impossibilia*, he submits that demanding a generic degree which universities do not confer is an impossible condition.

15. Ld. counsel for the petitioners placed heavy reliance on a recent Division Bench judgment of this Court in ***Tileshwar Sahare and Others v. State of Madhya Pradesh and Others***, W.P. No. 28972 of 2023. It was

contended that the Division Bench, while dealing with the identical 2022 Assistant Professor recruitment process, categorically held that the exclusion of an allied subject (Biochemistry) from the 2022 advertisement despite it being historically recognized in 2017 and subsequently recognized in 2025 was discriminatory and violative of Article 14 of the Constitution. The petitioners argue that the Division Bench, relying on the Hon'ble Supreme Court's decision in *Tej Prakash Pathak v. Rajasthan High Court*, established that midway corrections to eligibility criteria are permissible to cure arbitrariness and meet the constitutional mandate of equality. The petitioners pray that the same relief be extended to them as their exclusions are similarly hyper-technical and arbitrary.

16. *Per contra*, Ld. Government Advocate and Ld. counsel for the MPPSC vigorously oppose the writ petitions. It is submitted that the MPPSC is purely an examination-conducting body governed strictly by the requisition and terms framed by the Higher Education Department. The respondents place reliance upon the judgment of a coordinate Bench of this Court rendered on 01.07.2026 in *Dr. Rahul Patidar v. State of M.P. & Others*, W.P. No. **42965/2025**, wherein it was held that determining academic equivalence and prescribing recruitment qualifications falls exclusively within the employer's domain. Citing *Zahoor Ahmad Rathor v. Sheikh Imtiyaz Ahmad*, (2019) 2

SCC 404, the respondents argue that courts cannot rewrite advertisements or expand qualifications.

17. Regarding Kashmi Sharma, the State argues that Note 1 of advertisement No. 51/2022 mapped Zoology strictly to CSIR-UGC NET in “Life Sciences” and NET in Environmental Science cannot be accepted for teaching Zoology.

18. Regarding Dr. Kailash Prasad Jaiswal, the State argues that “Animal Biotechnology” does not find mention in the 11 notified allied subjects.

19. Regarding Gauri Shankar, the State contends that Note 2 to advertisement No. 36/2024 specifically stipulated that Music had no allied subjects and thus only candidates holding an exact PG degree in “Music” could be considered.

20. Heard the respective counsel.

21. The bedrock of the State’s defense is that ***Dr. Rahul Patidar (supra)*** forecloses any judicial enquiry into subject qualifications. We must examine the true import of that judgment. In ***Dr. Rahul Patidar (supra)***, the petitioners possessed M.Sc. (Agriculture) in Entomology and NET in Agriculture Entomology, awarded under the Faculty of Agriculture. They sought equivalence with the pure science stream of Zoology (Faculty of Science). An independent committee of subject experts scrutinised their credentials and

concluded that an agricultural degree in Entomology could not be treated as equivalent to Zoology or its pure science allied disciplines. The coordinate Bench rightly declined to interfere, observing that the Court cannot substitute its view for that of an expert committee on degree equivalence where the qualification originates from an entirely foreign faculty.

22. However, there is a fundamental and jurisprudential distinction between judicial creation of equivalence which is prohibited by ***Dr. Rahul Patidar (supra)*** and the enforcement of the State's own recognized equivalence to prevent discrimination, a principle robustly affirmed by the Division Bench in ***Tileshwar Sahare (supra)***. In ***Tileshwar Sahare***, the Division Bench intervened to protect candidates holding degrees in Biochemistry because the State's failure to recognize an established, logical allied subject constituted arbitrary discrimination under Article 14. Where the employer has itself formally notified an allied subject through an executive order or where the exclusion of a core qualification is founded upon sheer perversity or an administrative impossibility, judicial review is not only permissible but necessary to prevent injustice as held by the Division Bench.

A. Adjudication of W.P. No. 41728 of 2025 (Kartikeya Tiwari):-

23. The undisputed facts demonstrate that the Higher Education Department issued Order dated 22.12.2022, which was explicitly made an

integral part of advertisement No. 51/2022 as Note 02. Under this order, the State identified 11 allied subjects for the main discipline of Zoology:

- (1) *Fisheries,*
- (2) *Aquaculture,*
- (3) *Environmental Science,*
- (4) *Limnology,*
- (5) *Entomology,*
- (6) ***Bio-Technology,***
- (7) *Bio Science,*
- (8) *Genetics,*
- (9) *Bio-Informatics,*
- (10) *Life Science, and*
- (11) *Genetic Engineering.*

24. The petitioner, Kartikeya Tiwari, holds an M.Tech in Bio-Technology and a Ph.D. in Biosciences. The impugned notice rejects his candidature on the ground that his qualification pertains to the “Faculty of Technology” and not the “Faculty of Science”. This distinction is entirely artificial. The notification dated 22.12.2022 does not say “M.Sc. in Bio-Technology to the exclusion of M.Tech in Bio-Technology”; it broadly, clearly and purposefully lists the subject: “Bio-Technology”. An M.Tech in Bio-Technology is an accredited postgraduate degree in the exact discipline notified by the State. Where the administrative department has formally designated “Bio-Technology” as an approved allied subject, neither the Scrutiny Committee nor the MPPSC has the jurisdiction to narrow the scope of the State’s policy

by adding unadvertised riders. The rejection of Kartikeya Tiwari's candidature is arbitrary, contrary to Annexure P/3 and cannot be sustained.

B. Adjudication of W.P. No. 41893 of 2025 (Kashmi Sharma):-

25. The case of Kashmi Sharma exposes a hyper-technical application of recruitment rules. The essential qualification under the UGC Regulations, 2018 and the advertisement comprises:

1. A Master's degree with 55% marks in a concerned/relevant/allied subject;
and
2. Clearing the National Eligibility Test (NET) or accredited SET.

26. The petitioner, Kashmi Sharma, does not even require an "allied subject" gateway for her Master's degree. She holds an M.Sc. in Zoology itself with 86.28% marks. She satisfies the primary academic qualification in the core subject. Her disqualification rests entirely on the fact that her NET qualification is in "Environmental Science" rather than "Life Sciences". The absurdity of this disqualification is exposed by two admitted facts: *First*, the UGC and CSIR do not conduct an independent NET exam titled "Zoology". *Second*, in Paragraph 5 of the State's formal reply, the State unequivocally concedes: "*It is submitted that Environment Science is an allied subject of Zoology*".

27. Under the State's own statutory circular dated 22.12.2022, Environmental Science is Item No. 3 in the approved allied subjects of Zoology. Consequently, a candidate holding an M.Sc. in Environmental Science is legally entitled to apply for and teach the post of Assistant Professor (Zoology). If a candidate holding a Master's degree in Environmental Science is deemed competent to teach Zoology, it is legally impermissible and irrational to hold that a candidate who holds a Master's degree in Zoology itself is incompetent to teach Zoology merely because her research eligibility (NET) was attained in Environmental Science. The State cannot blow hot and cold. The judgment in ***Dr. Rahul Patidar (supra)*** has no application here, because in *Dr. Rahul Patidar*, the petitioners therein lacked the core qualification and lacked an approved allied qualification. Kashmi Sharma possesses both. Her disqualification is arbitrary and violative of Articles 14 and 16 of the Constitution.

C. Adjudication of W.P. No. 50241 of 2025 (Gauri Shankar):-

28. The petitioner, Gauri Shankar, a disabled candidate who cleared written exams was disqualified for holding an M.A. in "Music (Vocal)" on the ground that the advertisement sought "Music" and specified that Music has "no allied subjects". This Court cannot remain oblivious to academic reality. The discipline of Music is universally recognized as encompassing Vocal, Instrumental and Dance. Marksheets and certificates placed on record from

multiple Universities across Madhya Pradesh and neighboring States unequivocally establish that universities do not grant degrees in abstract, undifferentiated “Music”; postgraduate degrees are invariably conferred with specialization in Vocal or Instrumental music.

29. The principle of *lex non cogit ad impossibilia* (the law does not compel the impossible) applies squarely. The respondents cannot demand an abstract degree of “Music simpliciter” which universities do not confer.

30. Furthermore, the petitioner has placed on record the advertisement and appointment orders of the 2017 recruitment cycle proving that the State treated NET in “Music” as the benchmark for appointing candidates to the post of Assistant Professor (Music Vocal). Both UGC-NET and MP-SET conduct examinations solely under the broad subject heading “Music”. Disqualifying the petitioner because his Master’s degree certifies his practical specialization within the discipline of Music is arbitrary, perverse and an unsustainable exercise of administrative pedantry.

D. Adjudication of W.P. No. 44910 of 2025 (Dr. Kailash Prasad Jaiswal):-

31. The claim of Dr. Kailash Prasad Jaiswal stands on a completely different legal footing. Unlike Kartikeya Tiwari whose subject “Bio-Technology” is explicitly listed in the circular and Kashmi Sharma who holds

the core M.Sc. in Zoology, Dr. Jaiswal holds an M.Sc. in “Animal Biotechnology”.

32. A perusal of the Higher Education Department’s notification dated 22.12.2022 reveals that the State exercised its administrative and policy discretion to enumerate an exhaustive list of 11 allied subjects for Zoology. While “Bio-Technology” is included at Serial No. 6, “Animal Biotechnology” is not included.

33. The petitioner relies upon an equivalence certificate issued by NDRI, Karnal, certifying that Animal Biotechnology shares an identical syllabus with Biotechnology. However, this is precisely where the binding precedent of the Supreme Court in *Zahoor Ahmad Rathor (supra)* and the coordinate Bench decision in *Dr. Rahul Patidar (supra)* directly apply.

34. Equivalence of academic qualifications is not a matter for judicial declaration. When the recruiting authority and the parent department consciously frame a specific list of allied subjects, it is not open to this Court under Article 226 to add another nomenclature to that list by evaluating the institutional syllabus of NDRI. Determining whether “Animal Biotechnology” should be assimilated into “Biotechnology” requires expert academic evaluation which falls squarely within the executive domain. The scrutiny committee having found that the petitioner’s degree was not among the

notified allied subjects, this Court cannot issue a writ of mandamus to compel the State to grant equivalence. Consequently, the petition filed by Dr. Kailash Prasad Jaiswal must fail.

35. During the pendency of these writ petitions, this Court vide interim orders had permitted the petitioners to provisionally participate in the interview process, directing that their final selection and appointments would remain subject to the final outcome of these petitions. In light of the comprehensive analysis and findings recorded hereinabove, the connected writ petitions are disposed of with the following directions:

- i. W.P. No. 41728 of 2025 (Kartikeya Tiwari v. State of M.P. & Ors.) is **allowed**. The impugned notification dated 14.10.2025 disqualifying the petitioner is hereby quashed and set aside. The respondents are directed to treat the petitioner's M.Tech in Bio-Technology as a valid allied qualification strictly in terms of the Higher Education Department's circular dated 22.12.2022.
- ii. Writ Petition No. 41893 of 2025 (Kashmi Sharma v. State of M.P. & Ors.) is **allowed**. The impugned disqualification notifications dated 08.09.2025 and 14.10.2025 qua the petitioner are hereby quashed. The respondents are directed to treat the petitioner as fully qualified in terms of her M.Sc. in Zoology and NET in Environmental Science.

- iii. Writ Petition No. 50241 of 2025 (Gauri Shankar v. State of M.P. & Ors.) is **allowed**. The impugned rejection orders dated 12.12.2025 and 22.12.2025 qua the petitioner are hereby quashed. The respondents are directed to treat the petitioner's Master's degree in Music (Vocal) as fulfilling the academic requirement for the post of Assistant Professor (Music).
- iv. Writ Petition No. 44910 of 2025 (Dr. Kailash Prasad Jaiswal v. State of M.P. & Ors.) is **dismissed**. The rejection of the petitioner's candidature for holding an unlisted degree in Animal Biotechnology is affirmed as this Court declines to judicially determine academic equivalence.

36. Accordingly, writ petitions stands disposed of.

37. There shall be no order as to costs.

(VIVEK KUMAR SINGH)
JUDGE