



IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.3257 of 2023
Date of Decision: 24.11.2025

Seema Sharma
.....Petitioner
Versus
Dr. Y.S. Parmar University of Horticulture and Forestry and Anr .
.....Respondents

Coram
Hon’ble Mr. Justice Sandeep Sharma, Judge.
Whether approved for reporting?

For the Petitioner: Mr. Sanjev Bhushan, Senior Advocate with Mr. Sparsh Bhushan, Advocate.
For the respondents: Mr. Ramesh Sharma, Advocate, for respondent No.1.
Mr. Dilip Sharma, Senior Advocate with Mr. Manish Sharma, Advocate, for respondent No.2.

Sandeep Sharma, J. *(Oral)*

Precisely the grouse of the petitioner, who at present is working as Guest Faculty in the Department of Forest Products at Dr. Y.S. Parmar University of Horticulture and Forestry (respondent No.1), is that though at the time of her enrollment for Ph.D. Course (Forest Department), she was awarded marks for M.Sc in Botany, but now while considering her candidature for the post of Assistant Professor, Forest Products, she has not been awarded any marks for M.Sc in Botany, as a result thereof, she was not placed in merit prepared by the respondent-University for selection to three posts of Assistant Professors, Forest Products.

2. Precisely, the facts of the case, as emerge from the pleadings adduced on record by the respective parties are that various posts of Assistant Professor/equivalent in different disciplines including three posts of Assistant Professor, Forest Products, (02 for General Category and 01 for SC Category), were advertised vide advertisement dated 9.6.2022 (Annexure P-4). Considering herself to be fully eligible, petitioner applied for the post of Assistant Professor, Forest Products, before expiry of last date of receipt of application forms. A Scrutiny Committee constituted in terms of provisions contained under Statute 4.5 (i) (b) scrutinized the application and found the petitioner alongwith other candidates eligible for the post in question. Interview for the post of Assistant Professor, Forest Products, was held on 19.9.2022, wherein petitioner appeared and produced all the relevant documents. Petitioner being fully eligible was expecting to be appointed against the post in question, but since her name did not figure in final merit list, she made enquires from the department.

3. Besides above, she also procured notified score card, on the basis of which, final selection is made, from where it transpired that petitioner herein was not granted any marks for M.Sc. Further, inquiry revealed that since petitioner has not done Master's degree in Forest Products, same was not considered. In the afore background,

petitioner has approached this Court in the instant proceedings, praying therein for following main reliefs:

“(i) Respondent University may kindly be directed to grant pro rata marks for M.Sc degree of the petitioner for the post of Assistant Professor, Forest Products as advertized vide advertisement dated 9.6.2022 Annexure P-4 with further directions to the respondent University to revise the result for the post in question and to make fresh recommendations and appointments to the post of Assistant Professor, Forest Products.

(ii) The result prepared by the respondent University for the post of Assistant Professor, Forest Products dated 11.10.2022 (Annexure P-5) in furtherance of the interview held on 19.9.2022, which is so annexed along with the petition (Annexure P-9), may kindly be quashed and set aside, qua the post of Assistant Professor (Forest Products).

(iii) Respondent University may kindly be directed to offer appointment to the petitioner for the post of Assistant Professor, Forest Products from the same date when the similarly situated persons were offered appointments, with all consequential benefits, like, pay, arrears, seniority etc. etc.

(iv) Respondent University may kindly be directed to grant marks to the petitioner for her M.Sc degree for the post of Assistant Professor, Forest Products in future also and more particular for the interview which would be conducted in furtherance of Advertisement dated 12.8.2022 Annexure P-8 in the interest of law and justice.”

4. I have heard the learned counsel for the parties and gone through the records of the case.

5. It is admitted case of the parties that at present petitioner is working as Guest Faculty with the Department of Forest Products.

It is also not in dispute that after her having done M.Sc in Botany, petitioner herein was enrolled for PhD in the subject of Forest Products. As per reply filed by the respondents, petitioner has done her doctorate in the subject of Forestry, Medicinal and Aromatic Plants. As per qualification prescribed for post of Assistant Professor, Forest Products, petitioner is fully eligible and she was called for the interview.

6. The question which needs to be determined in the case at hand is “*whether marks, if any, could have been awarded by the Interview Committee to the petitioner for M.Sc (Botany)?*”

7. Mr. Sanjeev Bhushan, learned Senior Advocate, representing the petitioner vehemently argued that once petitioner has done her doctorate in Forestry, Medicinal and Aromatic Plants coupled with the fact that on the basis of her having done M.Sc in the subject of Botany, she was enrolled for PhD in the afore subject, there was no occasion, if any, for the Interview Committee not to award marks to the petitioner for M.Sc in botany. While making this Court peruse advertisement issued for the post in question, Mr. Bhushan, learned Senior Counsel, submitted that for enrollment in the PhD course in the subject of Forestry, Medicinal and Aromatic Plants, a candidate should possess M.Sc Degree in the concerned/allied discipline with research thesis. He submitted that since Botany was considered as allied discipline and petitioner thereafter was enrolled in PHD, which

she completed well within time, there was no occasion, if any for the Interview Committee to deny marks for M.Sc (Botany) on the premises that Botany is not the concerned subject. While referring to the advertisement, he also invited attention of this court to eligibility criteria provided for the post in question, wherein it has been clearly provided that a person desirous of being appointed against the post of Assistant Professor should possess PhD Degree in the concerned subject with consistently good academic record i.e. 55% marks at Master's level.

8. Though in the case at hand, petitioner has done PhD degree in the concerned subject, but since she was not awarded any marks for her having done M.Sc in the subject concerned, she was unable to find place in the final merit list.

9. Mr. Ramesh Sharma, learned counsel for the respondent-University, though fairly admitted factum of petitioner's having done PhD in the concerned subject, but he submitted that since in terms of scheme provided under the Common Score Card, marks were to be allotted on the basis of various educational qualifications possessed by the candidates concerned, no illegality can be said to have been committed by the respondents by not awarding marks to the petitioner for her having done M.Sc Botany, which is not the allied subject.

10. This Court having perused material available on record, especially qualification for the post in question as provided in the

advertisement, is persuaded to agree with Mr. Sanjeev Bhushan, learned Senior counsel, appearing for the petitioner, that once respondents themselves considered M.Sc Degree (Botany) of the petitioner for her being enrolled as a candidate for PhD in the subject of Forestry, Medicinal and Aromatic Plants, there was no occasion for the Interview Committee to not grant marks to the petitioner for her having done M.Sc in Botany.

11. Interestingly, pleadings adduced on record by the respective parties reveal that respondent-University while appointing petitioner as Guest Faculty in the Department of Forest Products, granted her marks for having done M.Sc. in the subject of Botany, if it is so, respondent-University could not have adopted different approach while considering M.Sc degree of the petitioner for the post of Assistant Professor in the subject of Botany. Leaving everything aside, once M.Sc in the subject of Botany was considered as “allied subject” for Ph.D., respondents could not have ignored the same while considering afore qualification for the purposes of selection to the post of Assistant Professor.

12. Though, as per advertisement, it has been mentioned that ‘25’ marks are to be awarded for M.Sc. in concerned subject, but there is no material before this court that how the ‘concerned’ subject is to be ascertained by the interview committee or the competent authority, however, taking cue from the fact that M.Sc. (Botany) was considered

as an 'allied/concerned' subject for admission of the petitioner to Ph.D. course by the respondent-University itself, an inference can be safely drawn that 'Botany' is a concerned subject for the post of Assistant Professor (Forest Products) and therefore, the respondent-University could not have denied marks for M.Sc. Botany. Otherwise also, respondents are estopped from adopting different yardstick while considering M.Sc. (Botany) as 'concerned' subject for Ph.D. and ignoring the same, for the post of Assistant Professor (Forest Products), especially when she has done Ph.D. in relevant subject, on the basis of her M.Sc. Botany and Ph.D. in (Forestry, Medicinal and Aromatic Plants) is essential qualification for the post in question

13. During the proceedings of the case, Mr. Bhushan, learned senior counsel made available communication dated 7.10.2023, containing therein certain documents received by the petitioner under RTI Act, to state that same common score card was applied for making appointment as a Guest Faculty, but at the relevant time, no objection, if any, with regard to M.Sc in a particular subject was raised however, while considering her candidature against the post of Assistant Professor, petitioner has been denied marks on the premise that she does not possess Master's degree in the concerned subject. This Court is of the view that when Master's degree done by the petitioner in the subject of Botany was considered for enrollment of the petitioner for Ph.D. in Forestry, Medicinal and Aromatic Plants,

coupled with the fact that M.Sc. and Ph.D. in Forest Subject is one of the eligibility conditions for the post in question, Interview committee could not have ignored M.Sc done by the petitioner in the subject of Botany.

14. Admittedly, in the case at hand, two posts of Assistant Professor in the subject concerned were initially advertised on 9.6.2022, but subsequently one more post in the same subject was advertised on 12.8.2022, but same could not be filled up on account of pendency of the present petition. Having taken note of the fact that two posts advertised on 9.6.2022 stand filled up and there is one vacancy available, this Court vide order dated 11.11.2025, directed Mr. Ramesh Sharma, learned counsel for the respondent-University, to have instructions whether petitioner can be adjusted against the vacant post without disturbing the private respondent, who at present is working as Assistant Professor in the department of Forest Products.

15. In terms of aforesaid directions, Mr. Sharma has placed on record instructions issued under the signature of Registrar of the University, which reads as under:

“BRIEF INSTRUCTIONS IN THE MATTER OF CWP NO. 3257 OF 2023 TITLED AS "SEEMA SHARMA VERSUS DR. Y.S. PARMAR UNIVERSITY FORESTRY AND OF HORTICULTURE ANOTHER" AND ARE AS FOLLOWS:

In compliance to orders passed by this Hon'ble Court in CWP No. 3257 of 2023 on 11.11.2025. it is respectfully submitted

that out of the sanctioned 16 posts of Assistant Professor in the department/discipline of Forest Products, 13 posts are presently filled up and 03 posts are lying vacant. Needless to say, Section 39-A of "The Himachal Pradesh Universities of Agriculture, Horticulture & Forestry Act, 1986 (Act No.4 of 1987)" (Annexure-I) provides that "No post, position and assignment created by the University shall have any effect unless approved by the State Government". Accordingly, the petitioner can only be adjusted against the post of Assistant Professor (Forest Products) without disturbing the private respondent in case the approval is accorded by the State Government of Himachal Pradesh in the matter, please."

16. As per aforesaid instructions, out of sanctioned 16 posts of Assistant Professor in the department of Forest Products, 13 posts are presently filled up and 03 posts are lying vacant, but same can only be filled up with the approval of the State of Himachal Pradesh.

17. Since prima-facie, this court is convinced that petitioner was eligible to be awarded marks for her having done M.Sc in the allied subject i.e. Botany, coupled with the fact that one post of Assistant Professor is lying vacant, this Court without disturbing the appointment of the private respondent to the post in question, deems it fit to dispose of the present petition with the direction to the respondent-University to consider the candidature of the petitioner against third post after considering her M.Sc in the subject of Botany as a concerned subject and grant marks on pro rata basis, Ordered accordingly. It is clarified that in case total marks of the petitioner

become more than the private respondent No.2 after her being granted marks of M.Sc Botany, she shall not claim seniority over selected candidate i.e. respondent No.2. Ordered accordingly. Needful be done within four weeks.

18. In the aforesaid terms, present petition is disposed of alongwith pending applications, if any.

November 24, 2025
(manjit)

(Sandeep Sharma),
Judge