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W.P. No.43709/2025

IN THE HIGH COURT OF MADHYA PRADESH

AT INDORE
BEFORE

HON'BLE SHRI JUSTICE JAI KUMAR PILLAI

WRIT PETITION No.43709 of 2025

DEEPMALA DAWAR

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

Appearance:

Ms. Naina Solanki - Advocate for the petitioner.

***Ms. Bhagyashree Gupta (GA) appearing on behalf
of Advocate General / Respondents No.1 and 2 / State.***

Reserved on : 12/11/2025

Passed on : 21/11/2025

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ORDER

Heard on the question of admission.

The present writ petition has been filed by the petitioner under Article 226 of the Constitution of India



being aggrieved by the action and inaction on the part of respondent No.3 for not accepting the examination form of the petitioner to appear in the interview of M.P. Assistant Professor Examination, 2022 for the post of Assistant Professor (Chemistry).

2. The case of petitioner is that she completed her B.Sc. from Devi Ahilya Vishwavidyalaya (DAVV), Indore in 2013 and M.Sc. from Mata Jijabai Autonomous Post Graduate Girls College, Indore in 2015, both with First Division (Annexure P/1). She subsequently pursued a Ph.D. in Chemistry from Respondent No.4 University, successfully completing her final viva voce on 25.10.2023 (Annexure P/2). Meanwhile, the respondent No.3 issued an advertisement on 30.12.2022 for the Madhya Pradesh Assistant Professor Examination, 2022, inviting applications for Chemistry among other subjects, with the last date for submission extended to October 2023 (Annexure P/3). The petitioner applied, received an E-admit card (Roll No.210250), and appeared in the written examination on 04.08.2024 (Annexure P/4). She also submitted an online representation dated 16.10.2024 requesting her Ph.D. degree be issued (Annexure P/5) and



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was declared successful in the written examination as per result published on 20.11.2024 (Annexure P/6).

3. It is further submitted by the petitioner that as per the advertisement, the petitioner was required to appear for document verification before the interview. Despite repeated assurances, Respondent No.4 University delayed issuance of her Ph.D. degree, preventing submission within the stipulated period (11.12.2024 to 26.01.2025 with applicable late fees). After lodging a complaint on 23.04.2025, the University issued the degree on the same date (Annexures P/7 & P/8). Upon submission to Respondent No.3, her documents were not accepted as the verification period had expired, depriving her of participation in the examination. Additionally, the petitioner faced personal distress due to her father's accident during this period.

4. Subsequently, Respondent No.3 issued another advertisement on 31.10.2025 for the interview commencing from 17.11.2025 (Annexure P/9). The petitioner submitted a representation on 03.11.2025 requesting permission to appear and submit her documents at this stage (Annexure P/10), which remains unaddressed. It has been contended



that the petitioner is a dedicated aspirant of the Madhya Pradesh Assistant Professor Examination, 2022, has thus been denied the opportunity to participate due to the inaction of Respondent No.3, compelling her to approach this Hon'ble Court through the instant petition.

5. The counsel for the petitioner submits that the petitioner has filed the present petition due to inaction on the part of the respondents. The petitioner could not submit her documents for verification before Respondent No.3 by the cut-off date of 11.12.2024, nor during the extended dates notified in the result dated 20.11.2024, because she could not receive her Ph.D. degree from Respondent No.4, despite exercising due diligence, repeated follow-ups, and personal visits, Respondent No.4 failed to provide the degree or a provisional certificate in time.

6. It is further submitted that the petitioner has a meritorious academic record, having cleared the written examination with high merit, and her failure to submit documents on time was bonafide and unintentional. She is fully eligible for the post of Assistant Professor (Chemistry), for the lapse on the part of respondent No.4 she could not submit her Ph.D. degree within time. Further,



as per the advertisement dated 31.10.2025, the interview process is scheduled from 17.11.2025, with admit cards to be issued on 10.11.2025, indicating that the verification process is ongoing and the final list of eligible candidates is not yet published. Therefore, allowing the petitioner an opportunity for document submission would not affect administrative procedures or the legal rights of other candidates.

7. The petitioner further asserted that even after receiving her Ph.D. degree on 23.04.2025, the petitioner visited Respondent No.3 with all required documents but was denied submission. The delay was entirely due to Respondent No.4's inaction, and established law holds that a candidate should not be denied consideration for appointment due to procedural delays beyond her control. Moreover, there is no legal bar preventing Respondent No.3 from granting an exceptional opportunity for document verification. The petitioner also seeks leave to make further submissions at the time of hearing.

8. The counsel for the respondents/State opposed the petition, vehemently denying all the claims made by the petitioner. It was submitted before this Court that the



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educational qualification documents, which form a mandatory prerequisite for consideration for the said post, were submitted by the petitioner only after the cut-off date expressly stipulated in the advertisement. The respondent contended that adherence to the prescribed timeline for submission of such documents is a condition precedent for eligibility and that failure to comply with this requirement disentitles the petitioner from claiming appointment to the post. Consequently, the petitioner cannot be held to have fulfilled the essential criteria for eligibility, and no relief can be granted in respect of the claim for appointment.

9. I have considered the submissions presented by both parties.

10. This Court is of considered opinion that on bare perusal of Advertisement dated 30/12/2022 annexed as P/3, the educational qualifications for the post of Assistant Professor (Chemistry) are given as –

“(I) Master's degree in Arts, Commerce, Humanities, Law, Social Sciences, Sciences, Languages, Streams with 55% marks (or equivalent grade in a point scale wherever grading system is applicable) in the concerned/relevant/allied subject from an



Indian University or an equivalent degree from an accredited foreign University.

(II) In addition to fulfilling the above eligibility criteria, candidates must have cleared the National Eligibility Test (NET) conducted by the University Grants Commission or CSIR or any equivalent test accredited by the UGC such as SLET/SET etc.

Note: Only successful candidates of SET exam conducted by the Government of Madhya Pradesh will be eligible. SET/SLET successful candidates of other states will not be eligible.

(III) Notwithstanding anything contained in sub-sections (I) and (II) above, candidates who have been awarded a Ph.D. degree in accordance with the UGC Regulations, 2009 or such regulations as may be notified later by the University Grants Commission (Minimum Standards and Procedure for Award of Ph.D.), shall be exempted from the mandatory eligibility conditions of NET/SLET/SET for recruitment and appointment of Assistant Professors or equivalent positions in Universities and Colleges. However, the award of degrees to candidates registered for M.Phil./Ph.D. courses before 11th July, 2009 shall be governed by the rules made by the awarding body. The Institute will be governed by the provisions of the then existing Ordinances/Bye-laws/Regulations and the candidates holding Ph.D. degree will be eligible for recruitment and appointment to the



post of Assistant Professor or equivalent in the Universities/Colleges/Institutions subject to their fulfilling the following conditions:

(a) The Ph.D. degree will be awarded to the candidate only through the regular process.

(b) The Ph.D. dissertation should have been evaluated by at least two external examiners.

(c) An open oral examination of the candidate for Ph.D.

(d) The candidate should have published two research papers from his/her Ph.D. work, at least one of which should have been published in a refereed journal.

(e) The candidate should have presented at least two papers based on his/her Ph.D. work in conferences/symposia sponsored/funded/aided by the UGC/ICSSR/CSIR or any similar agency.

(a) to (g) above should be certified by the Vice-Chancellor/Pro-Vice-Chancellor/Dean of Faculty (Academic Affairs)/Dean of Faculty (University Teaching). Note: The Madhya Pradesh Government, Higher Education Department, has clarified in its letter No. F1-118/2012/38-1, dated December 5, 2017, that the qualifications above will also be valid for candidates registered before July 11, 2009, and those who obtained their Ph.Ds after July 11, 2009, up to the date of the regulations'



implementation. In this regard, the certificate issued by the University will be valid.

(IV) NET/SLET/SET will not be mandatory for those subjects in which similar postgraduate programmes are not conducted for NET/SLET/SET.

(V) As per the UGC Gazette Notification dated July 18, 2018, a 5% relaxation in marks at the undergraduate and postgraduate levels may be provided to persons belonging to the Scheduled Castes/Scheduled Tribes/Differently Abled categories (Physically and Visually Impaired) for the purpose of determining eligibility and excellent academic record in the recruitment process for teaching positions/posts. The eligibility requirement is 55% marks (or equivalent grade in any point scale in cases where the ranking system is followed) and the 5% relaxation allowed to the above categories will be based on the qualifying marks and will not be applicable to the same.

(VI) Also, for those Ph.D. holders who have obtained their postgraduate degree before 19th September 1991, a relaxation of 5% in their marks should be made from 55% to 50%. ”

11. Furthermore, it is evident from the above clause 2(h)(i) of the advertisement that Candidates must possess the above qualifications as on the last date of online application i.e. 14/03/2023 further the Candidates acquiring



the above qualifications on any date after the last date of application will not be eligible for consideration for the advertised posts.

12. In the present case, the petitioner has filed her Ph.D. degree as Annexure P/8, and the said document clearly reflects that the Ph.D. degree was issued to her on 23/04/2025. This Court finds it significant that the last date for submission of online applications, as prescribed in the advertisement, was 14/03/2023. The requirement that all educational qualifications, including the Ph.D. degree in cases where exemption from NET/SET is claimed, must be possessed on or before that cut-off date is explicit and unambiguous. The purpose of such a cut-off date is to ensure fairness, uniformity, and certainty in the recruitment process, and to prevent candidates from acquiring or improving their qualifications after the prescribed deadline. Since the petitioner obtained her Ph.D. degree more than two years after the cut-off date, she clearly did not fulfill the essential qualification requirement at the relevant time. Even if the petitioner now possess a valid Ph.D. degree, her present qualification cannot retrospectively confer eligibility for the recruitment process the prerequisites of which she did not satisfy on the crucial date.



13. This Court is of the considered opinion that, the principles enunciated by the Apex Court regarding the essential qualifications and the proper submission of records for an examination was enumerated by the Hon,ble Apex Court in the case of **Ashok Kumar Sonkar v. Union of India, (2007) 4 SCC 54 : (2007) 2 SCC (L&S) 19 : 2007 SCC OnLine SC 267** which reads as follows:-

“18. Yet again in Shankar K. Mandal v. State of Bihar [(2003) 9 SCC 519 : 2003 SCC (L&S) 1145] this Court held that the following principles could be culled out from the aforementioned decisions: (SCC p. 523, para 5)

“(1) The cut-off date by reference to which the eligibility requirement must be satisfied by the candidate seeking a public employment is the date appointed by the relevant service rules.

(2) If there is no cut-off date appointed by the rules then such date shall be as appointed for the purpose in the advertisement calling for applications.

(3) If there is no such date appointed then the eligibility criteria shall be applied by reference to the last date appointed by which the applications were to be received by the competent authority.”

20. Possession of requisite educational qualification is mandatory. The same should not



be uncertain. If an uncertainty is allowed to prevail, the employer would be flooded with applications of ineligible candidates. A cut-off date for the purpose of determining the eligibility of the candidates concerned must, therefore, be fixed. In absence of any rule or any specific date having been fixed in the advertisement, the law, therefore, as held by this Court would be the last date for filing the application.”

14. Moreover, this court has also considered the case of **Bedanga Talukdar v. Saifudaullah Khan, (2011) 12 SCC 85 : (2011) 2 SCC (L&S) 635 : 2011 SCC OnLine SC 1325.** which reads as follows:-

“29. We have considered the entire matter in detail. In our opinion, it is too well settled to need any further reiteration that all appointments to public office have to be made in conformity with Article 14 of the Constitution of India. In other words, there must be no arbitrariness resulting from any undue favour being shown to any candidate. Therefore, the selection process has to be conducted strictly in accordance with the stipulated selection procedure. Consequently, when a particular schedule is mentioned in an advertisement, the same has to be scrupulously maintained. There cannot be any relaxation in the terms and conditions of the advertisement unless such a power is specifically reserved. Such a power could be reserved in the relevant statutory rules. Even if power of relaxation is provided in the rules, it must still be mentioned in the



advertisement. In the absence of such power in the rules, it could still be provided in the advertisement. However, the power of relaxation, if exercised, has to be given due publicity. This would be necessary to ensure that those candidates who become eligible due to the relaxation, are afforded an equal opportunity to apply and compete. Relaxation of any condition in advertisement without due publication would be contrary to the mandate of equality contained in Articles 14 and 16 of the Constitution of India.”

15. In view of these clear and undisputed facts, this Court is of the considered opinion that the petitioner’s prayer for being granted an opportunity for document verification or for being treated as eligible for consideration for the post of Assistant Professor is wholly untenable. The recruitment authority has strictly prescribed the educational qualifications and the timeline for possessing such qualifications. The advertisement constitutes the governing rules of the selection process, and neither the petitioner nor the Court can seek relaxation, modification, or dilute the mandatory eligibility conditions. Permitting the petitioner to participate in the process or to be considered when she did not hold the requisite qualification on the specified date would not only violate the terms of the advertisement but would also unfairly prejudice candidates who complied with



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all conditions within time. Such deviation would undermine the principles of equal opportunity, transparency, and fairness that are foundational to public recruitment.

16. Accordingly, this Court concludes that the claim of the petitioner is without merit and cannot be entertained. The petitioner has failed to establish that she met the prescribed qualifications within the stipulated cut-off date. The rules set forth in the advertisement are binding and cannot be relaxed at the instance of an individual candidate, particularly when such relaxation would amount to altering the eligibility norms after the commencement of the selection process.

17. Therefore, the petition fails being devoid of merit and is hereby **dismissed**.

18. Pending applications shall be **disposed off**.

(Jai Kumar Pillai)
Judge

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