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WHEN AN ADMINISTRATIVE LETTER CANNOT BECOME LAW

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I. ABSTRACT

The controversy concerning eligibility for appointment to teaching posts raises an important question of legal authority: can an administrative communication override or enlarge a qualification prescribed by statutory Regulations? The issue assumes particular significance in relation to a UGC communication dated 05.03.1992, relied upon in Dr. Rajbir Singh Dalal v. Chaudhari Devi Lal University, (2008) 9 SCC 284, concerning the alleged interchangeability of Political Science and Public Administration. The subsequent decision in Ganapath Singh Gangaram Singh Rajput v. Gulbarga University, decided on 1 November 2013, expressly clarified that the Supreme Court had not held Political Science to be the relevant subject for appointment as Lecturer in Public Administration. The documentary record requires a further distinction. Two different UGC communications bear the date 05.03.1992 and arise from different references. One concerns the alleged interchangeability of Political Science and Public Administration; the other concerns teaching/research experience for appointment as Professor. They must not be conflated. The M.D. University Academic Council, by Resolution No. 32 dated 06.06.1992, considered the proposal of interchangeability and resolved that Political Science and Public Administration were separate departments and that teachers should possess the qualifications of the respective discipline. The central argument of this article is that authentication of an administrative communication is not the same as conferring upon it the force of a statutory Regulation. Section 11 of the UGC Act, 1956 concerns authentication of orders and other instruments of the Commission; it does not, by itself, convert every authenticated communication into delegated legislation. Read with Sant Ram Sharma v. State of Rajasthan, AIR 1967 SC 1910, Dr. Rajinder Singh v. State of Punjab, (2001) 5 SCC 482, and Ganapath Singh, the principle is clear: academic relationship may be relevant academically, but legal eligibility must ultimately be determined by the competent statutory or regulatory instrument.

II. KEYWORDS

UGC Regulations 1991; Administrative Instructions; Statutory Interpretation; Delegated Legislation; University Teaching Appointments.

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III. INTRODUCTION: THE QUESTION IS NOT MERELY ACADEMIC EQUIVALENCE

The controversy concerning Political Science and Public Administration should not be reduced to whether the two disciplines are academically related.

The real question is: Can an administrative communication convert a Master's degree in one discipline into the qualification prescribed for appointment in another discipline without a lawful amendment of the governing Regulation?

Academic relationship and legal equivalence are distinct concepts. An expert academic body may recognise a relationship between disciplines, but that does not necessarily alter the qualification prescribed by statutory Regulations.

The chronology is therefore important. The UGC Regulations, 1991 were notified in the Gazette of India with effect from 19.09.1991, while the disputed communication concerning interchangeability bears the later date of 05.03.1992. The later document can have legal effect only if it possessed lawful authority to alter the earlier regulatory position.

A. Research Objectives

The objective of this paper is to examine whether an administrative communication of the UGC, whether authenticated or disputed, can lawfully enlarge, amend, or override qualifications prescribed under statutory Regulations. The paper further seeks to distinguish the evidentiary question of authenticity from the separate legal question of statutory authority.

It also aims to clarify the precedential scope of *Dr. Rajbir Singh Dalal v. Chaudhari Devi Lal University* in light of the subsequent clarification in *Ganapath Singh Gangaram Singh Rajput v. Gulbarga University*. Finally, the paper evaluates the legal significance of the M.D. University Academic Council Resolution dated 06.06.1992 in determining whether Political Science and Public Administration could be treated as interchangeable for recruitment purposes.

B. Research Questions

1. Whether an administrative communication issued by the UGC can lawfully amend, enlarge, or supersede qualifications prescribed under the UGC Regulations, 1991?
2. Whether authentication under Section 11 of the UGC Act, 1956 is sufficient, by itself, to confer statutory or regulatory force upon a UGC communication?

3. Whether *Dr. Rajbir Singh Dalal v. Chaudhari Devi Lal University* can be read as establishing a general rule of legal interchangeability between Political Science and Public Administration?
4. What legal and evidentiary significance attaches to the M.D. University Academic Council Resolution dated 06.06.1992 in assessing recruitment eligibility for teaching posts?

C. Research Methodology

This paper adopts a doctrinal and analytical research methodology. It is based primarily on the interpretation of statutory and regulatory materials, particularly the UGC Act, 1956 and the UGC Regulations, 1991, read with the relevant Supreme Court decisions in *Sant Ram Sharma*, *Dr. Rajinder Singh*, *Dr. Rajbir Singh Dalal*, and *Ganapath Singh Gangaram Singh Rajput*. The paper also undertakes documentary analysis of the two UGC communications dated 05.03.1992 and the M.D. University Academic Council Resolution dated 06.06.1992, in order to distinguish questions of authenticity, statutory authority, and legal effect.

IV. THE UGC REGULATIONS, 1991 AND THE STATUTORY FRAMEWORK

The supplied record states that the UGC Regulations, 1991 concerning minimum qualifications for appointment of teachers in Universities & Colleges were made under Section 26 of the UGC Act, 1956 and notified in the Gazette of India with effect from 19.09.1991.

The Regulations prescribed qualifications for teaching posts, including requirements concerning academic qualifications and experience, including Lecturer (Senior Scale), Lecturer (Selection Grade)/Reader (Promotion), and Reader (Open Selection).

Their significance lies in their statutory character. Once qualifications have been prescribed through the legally authorised regulatory mechanism, an ordinary administrative communication cannot simply replace them.

The essential question is therefore not merely what a subsequent letter stated, but whether that letter had legal authority to amend the Regulation.

A. Administrative Instructions Cannot Supersede Statutory Rules

The principle was stated in *Sant Ram Sharma v. State of Rajasthan*, AIR 1967 SC 1910. The Supreme Court recognised that administrative instructions may supplement statutory rules where the rules are silent, but they cannot amend or supersede those rules.

The distinction is between:

1. filling a genuine gap in the rules; and

2. altering an express statutory requirement.

The latter cannot ordinarily be achieved through an administrative communication. The principle was reinforced in *Dr. Rajinder Singh v. State of Punjab*, (2001) 5 SCC 482, where the Supreme Court held: “No Government Order, Notification or Circular can be a substitute of the statutory rules framed with the authority of law.” The principle is directly relevant where a letter is relied upon to enlarge a statutory qualification.

B. The Two UGC Communications Dated 05.03.1992 Must Be Separately Identified

The documentary record contains two different UGC communications dated 05.03.1992.

1. The first communication: alleged interchangeability

The first bears UGC Letter No. F.1-13/91 (CPP), dated 05.03.1992, and refers to M.D. University's letter No. CBA/91/133/3586 dated 09.05.1991 i.e. from the College Development Council Branch of the University, in short Colleges Branch of the University.

It concerns the qualifications for the post of Lecturer in Political Science and states, in substance, that Political Science and Public Administration were interrelated and that a Master's degree in either could qualify a candidate for appointment in the other.

This is the communication subsequently relied upon in the controversy concerning interchangeability.

2. The second communication: teaching/research experience

The second communication also bears the same UGC Letter No. F.1-13/91 (CPP), dated 05.03.1992 but refers to an entirely different letter No. of M.D. University, No. ET/2/91/19446 dated 08.08.1991 i.e. from the Establishment (Recruitment) Branch of M.D. University.

It concerns the teaching/research experience required for appointment as Professor and does not concern interchangeability between Political Science and Public Administration.

The two communications must therefore be treated as two separate documents, notwithstanding their identical date.

C. The Academic Council Resolution Dated 06.06.1992 Is Not Merely an “Existing Resolution”

The M.D. University Academic Council Resolution No. 32 dated 06.06.1992 deserves separate consideration. The Council considered the proposal that, because Political Science and Public Administration were interrelated, a Master's degree in either discipline should qualify a candidate for appointment in the other.

The Council resolved instead that: “RESOLVED that the Departments of Public Administration and Pol. Science are separate Departments and for recruitment of teachers, one must possess the qualifications of that very discipline.”

Thus, the proper description is not merely that a resolution “existed”. On the supplied record, the Academic Council made a contemporaneous institutional determination treating the two disciplines as separate for recruitment purposes.

The Resolution dated 06.06.1992 should not itself be presented as overriding the UGC Regulations. Its importance is evidentiary and institutional: it records how M.D. University dealt with the proposition of interchangeability shortly after the disputed communication.

D. Section 11 of the UGC Act: Authentication Is Not Legislation

Section 11 of the UGC Act, 1956 concerns the authentication of orders, decisions and other instruments of the Commission.

A critical distinction must nevertheless be maintained:

Authentication of an instrument does not automatically give that instrument the force of a Regulation. If the 05.03.1992 communication is proved to be an authentic UGC communication, a further question remains: what statutory authority enabled it to amend or enlarge the qualification prescribed by the applicable Regulations?

A Regulation framed under statutory authority and an administrative communication issued in the course of administration is not necessarily instruments of the same legal character.

Accordingly, Section 11 may be relevant to the authenticity or authentication of a document, but it should not be treated, by itself, as a provision converting every authenticated UGC letter into delegated legislation.

E. Original Document, Authenticated Copy and Alleged Copy

The evidentiary controversy should also be kept separate from the question of legal authority.

There is a material distinction between:

1. the original official document;
2. an authenticated copy from the official record;
3. a certified reproduction whose provenance is established; and
4. an alleged or disputed copy.

The supplied material raises questions concerning the availability and provenance of the 05.03.1992 communication in the relevant records.

The appropriate legal submission is therefore not necessarily that the communication is false, unless that has been established by competent evidence.

The safer and stronger submission is: Before a disputed administrative communication is relied upon to determine legal eligibility, its original source, provenance, authenticity and legal character should be established.

Even after authenticity is established, however, the separate question of statutory authority remains.

F. The Judicial Quotation of the 05.03.1992 Letter Does Not Make the Letter a Regulation

The fact that a court reproduces or refers to the contents of an administrative communication does not, by itself, transform that communication into statutory law.

In *Rajbir Singh Dalal*, the 05.03.1992 communication concerning Political Science and Public Administration was considered in the context of the dispute before the Court.

However, *Ganapath Singh* subsequently clarified the scope of that decision.

The Supreme Court expressly stated:

“This Court did not say that Political Science is the relevant subject for appointment as Lecturer in Public Administration.” (01-11-2013)

This clarification is decisive against treating *Rajbir Singh Dalal* (2008) as a universal declaration that the two Master's degrees are legally interchangeable for every teaching appointment.

A judgment must therefore be read for what it actually decided, rather than treating every document quoted or referred to in the judgment as though it were itself a statutory source of law.

G. Ganapath Singh: Academic Relevance Is Not Automatically Legal Eligibility

In *Ganapath Singh Gangaram Singh Rajput v. Gulbarga University*, the Supreme Court considered appointment to the post of Lecturer in MCA, where the requirement was a postgraduate degree in the “relevant subject”.

The selected candidate possessed a Master's degree in Mathematics and argued that Mathematics was relevant because it formed part of the MCA curriculum.

The Supreme Court rejected that approach.

The decision demonstrates that a subject does not become the legally prescribed postgraduate qualification merely because it is academically related to, or taught within, another programme. This principle is directly relevant to the Political Science/Public Administration controversy. If the applicable rule requires a Master's degree in the relevant subject, the first question is:

What is the relevant subject prescribed for the post?

Academic proximity cannot by itself answer that legal question.

H. The Four Instruments Must Not Be Collapsed into One

The controversy becomes clearer when the relevant materials are kept separate:

1. **UGC Regulations:** These constitute the statutory regulatory framework prescribing qualifications.
2. **UGC Communication dated 05.03.1992 concerning interchangeability:** This is the disputed communication concerning Political Science and Public Administration.
3. **UGC Communication dated 05.03.1992 concerning Professor's experience:** This is a separate communication arising from a different reference and dealing with a different subject.
4. **M.D. University Academic Council Resolution dated 06.06.1992:** This records the Academic Council's decision that Political Science and Public Administration were separate departments and that teachers should possess the qualifications of the respective discipline.

These documents have different origins, purposes and legal characteristics. They should not be treated as though they were all sources of statutory law.

I. The Correct Legal Position Regarding the 05.03.1992 Communication

The strongest formulation is not dependent upon proving that the communication was false. The argument should be: Even assuming that the 05.03.1992 communication concerning interchangeability is authentic and properly authenticated, it must still be shown to possess the statutory authority necessary to amend or supersede the applicable UGC Regulation. This produces two separate inquiries:

1. First: Is the document authentic?
2. Second: What legal effect does the authentic document have?

The first question concerns evidence.

The second concerns statutory authority.

The two should not be confused.

J. The Significance of the 06.06.1992 Resolution

The Academic Council Resolution is significant because it provides a contemporaneous institutional record of M.D. University's treatment of the interchangeability proposal.

The Resolution was passed on 06.06.1992, after the disputed UGC communication dated 05.03.1992, and expressly treated the two departments as separate for recruitment

purposes. Its evidentiary significance should therefore be considered alongside, rather than simply discarded in favour of, the 05.03.1992 communication.

At the same time, the Academic Council Resolution cannot, by itself, amend or override the UGC Regulations, 1991. But this does not place the Resolution and the UGC communication dated 05.03.1992 on the same legal footing. The Resolution is relevant insofar as it was consistent with, and operated within, the regulatory framework already prescribed by the UGC Regulations, 1991. The 05.03.1992 communication, on the other hand, cannot acquire the status of a Regulation merely because it emanated from the UGC or was described as an official communication. If its effect was to introduce a substantive rule, qualification, relaxation or equivalence contrary to the applicable UGC Regulations, 1991, such departure could not be achieved through a mere administrative communication. Its legal effect must therefore be tested against the Regulation then in force, rather than against its institutional source or nomenclature.

V. A PROPOSED JUDICIAL TEST

The controversy can be resolved through a simple sequence of questions:

1. What qualification did the applicable UGC Regulation prescribe?
2. Was that Regulation lawfully amended, modified or superseded?
3. If an amendment or modification is alleged, what legally competent instrument effected it?
4. Which of the two UGC communications dated 05.03.1992 is actually being relied upon, and what does each document purport to establish?
5. Has the communication relied upon been produced in its original or duly authenticated form, as required by Section 11 of the UGC Act, 1956?
6. What is the legal character of the particular communication an authenticated order or instrument of the Commission, an administrative clarification, or merely an unauthenticated/unsigned document?
7. What does Section 11 actually accomplish? Does it merely prescribe the authentication of orders, decisions and other instruments of the Commission, or is there some separate statutory source of power authorising the UGC to amend or depart from a Regulation through such a communication?
8. What exactly did *Rajbir Singh Dalal* decide, and upon what document and factual context did the Supreme Court rely?
9. What did *Ganapath Singh Gangaran Singh Rajput* subsequently decide or clarify concerning the scope of *Rajbir Singh Dalal*?

10. What evidentiary and legal significance attaches to the Academic Council Resolution dated 06.06.1992, particularly if it is contemporaneous with the applicable UGC Regulations and consistent with them?

Section 11 of the UGC Act, 1956 should not be understood as placing every document bearing the description of a “UGC communication” on the same legal footing. The provision is concerned with the authentication of orders, decisions and other instruments of the Commission; it does not confer an independent power to amend a Regulation through correspondence.

Consequently, an authenticated instrument issued by the competent authority may be relied upon as an official act or record of the Commission, subject to its actual legal character and statutory source of power. An unsigned or otherwise unauthenticated letter stands on an entirely different footing: it does not satisfy the statutory mode of authentication prescribed by Section 11 merely because it is attributed to the UGC or is subsequently produced before a Court.

This distinction becomes particularly material in relation to the two communications dated 05.03.1992. If the communication relied upon in *Rajbir Singh Dalal* was produced before the Supreme Court pursuant to a clarification sought from the UGC, that circumstance explains why the Court considered the UGC's position on the academic equivalence of Political Science and Public Administration. Indeed, the judgment records that the clarification was sought from the UGC and refers to its letter dated 05.03.1992.

But the fact that a document was placed before the Court in response to a request for clarification does not, by itself, transform an unauthenticated communication into a Regulation, nor does Section 11 convert an unsigned document into an authenticated instrument. The evidentiary use made of a document in judicial proceedings and its statutory status is distinct questions.

Accordingly, the authenticated UGC instrument and the alleged unsigned communication cannot properly be treated as being on the same pedestal. The former may constitute an authenticated official instrument, subject to the scope of the authority under which it was issued; the latter must first satisfy the threshold question of authenticity and authentication before any substantive legal consequence can be attributed to it.

Neither, however, can acquire the force of a statutory Regulation merely by being described as a UGC communication. The further and decisive question is whether the substantive position asserted in the communication was authorised by, and consistent with, the UGC Regulations, 1991 then in force.

This approach keeps documentary proof, academic opinion and statutory authority within their proper legal boundaries.

VI. INTERIM SYNTHESIS: A LETTER DOES NOT BECOME LAW MERELY BECAUSE IT IS QUOTED

The controversy ultimately requires a distinction between authenticity, administrative authority and legislative force. The original statutory Regulation remains the starting point.

An administrative communication, order or notification, even if genuine and duly authenticated, cannot by itself be treated as a rule or regulation, nor can it acquire the force of a statutory Regulation merely by virtue of its issuance by the UGC. Authentication establishes the official provenance of the instrument; it does not transform the instrument into delegated legislation or confer upon it the power to amend, override or create an exception to an existing Regulation. As recognised in *Dr. Rajinder Singh*, an order or notification cannot, merely by its form or issuance, be treated as a rule or regulation. The same distinction is material here: the question whether the 05.03.1992 communication was an authentic UGC communication is analytically distinct from the question whether it possessed the legal character and normative force of a UGC Regulation.

The two UGC communications dated 05.03.1992 must be separately identified. The communication concerning interchangeability cannot be confused with the separate communication concerning teaching/research experience for Professor.

The M.D. University Academic Council Resolution dated 06.06.1992 is also a separate contemporaneous institutional record. On the supplied material, it expressly treated Political Science and Public Administration as separate disciplines for recruitment.

Most importantly, *Ganapath Singh* expressly clarified that the Supreme Court had not held Political Science to be the relevant subject for appointment as Lecturer in Public Administration.

The legal proposition may therefore be stated simply:

A document must first be proved as a document; an authenticated document must then be characterised according to law; and only an instrument possessing the requisite statutory authority can alter a statutory Regulation.

Section 11 of the UGC Act may establish or facilitate authentication. It does not, by itself, transform an administrative letter into a Regulation. Accordingly, the fact that a court has quoted or reproduced the contents of a UGC communication should not be confused with a judicial declaration that the communication itself possesses statutory force.

The distinction is fundamental:

An original is an original; an authenticated administrative communication is an authenticated communication; and a Regulation is a Regulation. They cannot be made

legally interchangeable merely by description. Academic relationship may inform academic policy, but legal eligibility must rest upon the qualification prescribed by the competent legal instrument.

The UGC communication relied upon in *Rajbir Singh Dalal* is inconsistent with, and cannot override or enlarge, the qualifications prescribed under the UGC Regulations, 1991. In contrast, the Resolution of the Academic Council of M.D. University, Rohtak, dated 06.06.1992 passed subsequent to the UGC communication dated 05.03.1992 – was consistent with the regulatory position in treating Political Science and Public Administration as separate disciplines and requiring teachers to possess the qualifications prescribed for the respective discipline.

A. What Exactly Was the Supreme Court Deciding in *Rajbir Singh Dalal*?

The precise question before the Supreme Court in *Rajbir Singh Dalal* must be understood in the context in which the dispute actually arose. The Court was not called upon to decide whether Political Science and Public Administration were, in the abstract, identical or universally interchangeable academic disciplines.

Nor was the Court laying down a general proposition that a Master's degree in one discipline must, for every statutory or regulatory purpose and in relation to every university post, be treated as equivalent to a Master's degree in the other.

The controversy arose in relation to the prescribed qualifications for a particular university post and the effect attributed to the UGC communication dated 05.03.1992. The judgment must therefore be read in the context of the particular post, the qualifications prescribed for that post, and the material placed before the Court concerning the relationship between Political Science and Public Administration.

B. “Interrelated Subjects” Is Not the Same as “Interchangeable Subjects”

A significant distinction must be maintained between the expressions “interrelated subjects” and “interchangeable subjects”. The language attributed to the UGC communication dated 05.03.1992 was that Political Science and Public Administration were interrelated subjects and that a candidate possessing a Master's degree in Public Administration was eligible for appointment as Lecturer in Political Science, and vice versa. Such language concerns eligibility for a particular appointment.

The expression “interchangeable”, however, may convey a broader concept of mutual substitution. If the expression is read literally and independently of the factual and legal context of *Rajbir Singh Dalal*, it could suggest that the two qualifications were universally substitutable for every purpose. That broader proposition cannot automatically be attributed to the decision merely because the judgment used language referring to interchangeability.

The legal effect of the decision must instead be determined from the actual question before the Court, the qualification prescribed for the post, and the statutory or regulatory framework governing the appointment.

C. Eligibility at the Stage of Recruitment and Interchangeability After Appointment

A further distinction arises between eligibility at the stage of recruitment and the legal consequences that follow after a person has been appointed. A finding that a Master's degree in Public Administration could satisfy the prescribed educational qualification for appointment as Lecturer in Political Science does not necessarily mean that the holder of that degree must thereafter be treated as possessing a Master's degree in Political Science for every subsequent statutory purpose.

Eligibility for initial recruitment is determined by the qualification prescribed for the particular post and the rules applicable at that stage. A subsequent promotion, appointment to a higher post, calculation of qualifying experience, or determination of eligibility under a different set of rules may involve additional and independently prescribed conditions.

Consequently, an observation concerning eligibility for one post cannot, without further legal foundation, be extended automatically to every subsequent post or every subsequent stage of service.

D. Rajbir Singh Dalal Did Not Establish Universal Equivalence Between Political Science and Public Administration

The decision in *Rajbir Singh Dalal* should therefore not be treated as having established a universal rule of legal equivalence between Political Science and Public Administration. The fact that the two disciplines may be academically related, may contain overlapping areas of study, or may be regarded by an expert academic body as interrelated does not by itself establish that a Master's degree in one discipline is legally identical to a Master's degree in the other for all appointments.

Such a conclusion would require an examination of the governing statute, regulation, ordinance, recruitment rules, or advertisement applicable to the particular post. Academic relationship may be relevant to determining whether a qualification falls within the scope of an existing rule, but it cannot, without appropriate legal authority, create a new qualification where the applicable law has prescribed a specific one

E. Ganapath Singh: "This Court Did Not Say..."

The subsequent decision in *Ganapath Singh Gangaram Singh Rajput v. Gulbarga University* (01-11-2013) is particularly important because the Supreme Court itself considered its earlier decision in *Rajbir Singh Dalal*. While dealing with an advertisement requiring a

Master's degree in the "relevant subject", the Court expressly observed: "This Court did not say that Political Science is the relevant subject for appointment as Lecturer in Public Administration."

This observation assumes considerable significance. It demonstrates that *Rajbir Singh Dalal*¹⁵ could not be understood as laying down an unrestricted proposition that the academic relationship between two disciplines automatically makes either qualification the "relevant subject" for every appointment. The later decision therefore places an important contextual limitation upon any attempt to rely upon *Rajbir Singh Dalal*¹⁶ as authority for universal interchangeability between Political Science and Public Administration.

1. Post-2013 High Court Treatment: *Yudhvair v. Reena and Others*

The post-*Ganapath Singh* judicial treatment of *Rajbir Singh Dalal* also requires notice in *Yudhvair v. Reena and Others*, the Punjab & Haryana High Court considered a challenge concerning appointment to the post of Lecturer in Political Science where the selected candidate possessed a Master's degree in Public Administration. The respondent specifically argued that *Rajbir Singh Dalal* was founded upon fraud because the UGC communication dated 05.03.1992 was alleged to be forged.

The Division Bench, however, declined to undertake a roving inquiry into whether the said letter was forged or genuine, particularly in view of the dismissal of the review and curative petitions in *Rajbir Singh Dalal* and the subsequent stand of the UGC that the old file was not traceable.

The Court further noticed that several High Courts had continued to apply *Rajbir Singh Dalal*, including decisions of the Punjab & Haryana High Court, Orissa High Court, Manipur High Court and Uttarakhand High Court, and held that a Master's degree in Public Administration could be treated as interchangeable with a Master's degree in Political Science for the relevant recruitment purpose.

Significantly, the Division Bench also addressed reliance upon *Ganapath Singh* and observed that High Courts had consistently taken the view that *Ganapath Singh* had not overruled *Rajbir Singh Dalal*. On that basis, it held that the ratio of *Rajbir Singh Dalal* continued to hold the field and that High Courts remained bound by the Supreme Court decision.

This development does not eliminate the doctrinal distinction drawn in the present paper between academic interrelatedness, administrative clarification and statutory qualification. It does, however, show that the practical precedential weight of *Rajbir Singh Dalal* has remained substantial in recruitment litigation, notwithstanding the limiting language in *Ganapath Singh*.

The resulting position is therefore more nuanced: doctrinally, *Ganapath Singh* cautions against treating academic proximity as automatic legal eligibility; practically, later High Courts have continued to rely on *Rajbir Singh Dalal* where the recruitment dispute specifically concerns Political Science and Public Administration and where UGC or university communications support such treatment.

F. Relevant Subject” Means the Qualification Prescribed for the Particular Post

The principle emerging from *Ganapath Singh* is that eligibility must ultimately be tested against the qualification prescribed for the particular post. A subject may be academically connected with another subject, may form part of the curriculum of another course, or may substantially overlap with another discipline, without thereby becoming the “relevant subject” prescribed for recruitment.

In *Ganapath Singh*, the fact that Mathematics was connected with and taught within the MCA curriculum did not mean that a Master's degree in Mathematics became a Master's degree in MCA. The Court thus maintained the distinction between academic relationship and the legal qualification prescribed for appointment.

The same reasoning is relevant here: the fact that Political Science and Public Administration were regarded as interrelated does not, by itself, answer the separate legal question whether the applicable recruitment rules treated their Master's degrees as equivalent for the particular post in question.

G. Academic Similarity Cannot Replace the Qualification Prescribed by Law

Academic similarity or substantial overlap between two disciplines cannot, by itself, replace the qualification expressly prescribed by the governing law. Recruitment qualifications are matters of legal prescription, not merely academic assessment. Where a statute, regulation, ordinance, service rule, or valid recruitment notification specifies a particular Master's degree, the candidate must ordinarily satisfy that requirement in the manner contemplated by the governing instrument.

An academic body may explain the relationship between disciplines and may assist in determining the scope of an existing qualification, but an academic opinion cannot, without statutory or regulatory authority, substitute one prescribed degree for another. This distinction is especially important where an argument of equivalence is founded principally upon the similarity of the syllabi, subjects taught, or academic content.

H. The Limits of Expert Opinion in Determining Statutory Eligibility

The same principle applies to the role of expert academic opinion. Expert bodies undoubtedly possess specialised knowledge concerning the nature and relationship of academic disciplines. Their opinion may therefore be relevant where the competent legal

framework permits an assessment of whether a qualification is allied, equivalent, or otherwise acceptable.

But the existence of academic expertise does not confer an unrestricted power to amend statutory qualifications. An expert body cannot, merely by characterising two subjects as related, rewrite the eligibility condition prescribed by the competent rule-making authority. The distinction is between interpreting or applying an existing qualification and creating or enlarging the qualification itself. The former may fall within the legitimate role of an expert authority; the latter requires legal authority.

I. The Unexamined Question of Experience in Rajbir Singh Dalal

The question of educational qualification must also be distinguished from the separate requirement of teaching or research experience. In Rajbir Singh Dalal, the claim ultimately arose in relation to the post of Reader in Public Administration, for which the prescribed qualifications included a Ph.D. or equivalent published work, a Master's degree with the requisite marks and good academic record, together with the stipulated teaching or research experience.

The experience requirement was therefore not merely incidental; it constituted an independent component of eligibility. Where the prescribed qualification is cumulative, satisfaction of the educational qualification cannot by itself establish satisfaction of the experience requirement. Each constituent condition must ordinarily be examined separately unless the governing rule provides otherwise.

J. From Eligibility to Appointment: The Factual Distinction That Matters

This makes the factual position concerning the candidate's appointment and experience particularly important. If the claim to the higher post depends upon teaching experience acquired as a Lecturer, the legal analysis necessarily requires an examination of whether the candidate had actually been appointed and served in the relevant capacity for the period prescribed by the applicable rules.

The fact that a person may have possessed an academic qualification which was considered sufficient for a particular post does not, by itself, establish that the person subsequently acquired the service experience required for promotion or appointment to a higher post.

Thus, the question whether Dalal had actually acquired the prescribed experience after regular appointment as Lecturer, and the significance of the fact that he had not become a regular Lecturer even in Political Science, cannot be collapsed into the separate question of whether Political Science and Public Administration were academically related.

K. An Administrative Clarification Cannot Enlarge a Statutory Qualification

The controversy must finally be examined in light of the UGC communication dated 05.03.1992 and the resolution of the Academic Council of M.D. University, Rohtak, dated 06.06.1992. If the UGC communication stated that Political Science and Public Administration were interrelated subjects and that a Master's degree in either discipline could make a candidate eligible for appointment as Lecturer in the other, the legal effect of that communication would depend upon the authority under which it was issued and the statutory or regulatory framework then applicable.

An administrative communication may clarify how an existing rule is to be understood where the competent authority possesses such power. It cannot, merely by administrative declaration, enlarge a statutory or regulatory qualification beyond what the governing law permits. The central question is therefore not simply what the administrative communication said, but whether the authority issuing it had the legal power to produce the consequence attributed to it.

L. When an Administrative Letter Cannot Become Law – The Final Legal Distinction

The distinction between an administrative clarification and a binding rule of law is therefore decisive. If the applicable statute or regulation prescribed separate qualifications for Political Science and Public Administration, an administrative letter could not, without a supporting enabling provision, create a new rule under which the two Master's degrees became universally interchangeable.

Conversely, if the governing legal framework itself authorised the competent body to recognise allied or equivalent qualifications, the communication might operate within that delegated authority. Everything consequently turns upon the source of legal power, the language of the applicable recruitment rules, and the precise purpose for which the communication was issued.

The mere existence of the UGC communication cannot by itself establish a statutory equivalence which the governing regulation does not recognise.

VII. SUGGESTIONS AND RECOMMENDATIONS

It is suggested that the UGC should issue consolidated, dated, and clearly authenticated instruments whenever it intends to clarify or recognise equivalence between academic disciplines for recruitment purposes. Such clarification, where it affects eligibility, should be made through the legally competent regulatory mechanism rather than through informal or isolated administrative correspondence.

Universities should also be required to verify the statutory basis, provenance, and legal character of any UGC communication before relying upon it in recruitment or promotion decisions. Further, recruitment advertisements should expressly identify the relevant

subject, equivalent qualifications, and the authority under which any equivalence is recognised, so that eligibility is determined by law rather than by subsequent interpretive dispute.

VIII. CONCLUSION

In conclusion, *Rajbir Singh Dalal* cannot be construed as laying down any general rule that a Master's degree in Political Science and a Master's degree in Public Administration are legally interchangeable for every post or for every statutory purpose. The decision must be understood in the context of the particular post, the qualifications prescribed for that post, and the statutory or regulatory framework governing the appointment. *Ganapath Singh Gangaram Singh Rajput v. Gulbarga University* further limits any broader reading of *Rajbir Singh Dalal* by expressly clarifying that the Court did not hold Political Science to be the “relevant subject” for appointment as Lecturer in Public Administration.

The distinction between academic interrelatedness, eligibility for a particular post, and legal equivalence of qualifications is therefore fundamental. The fact that two disciplines are academically related, overlapping, or capable of being regarded as allied subjects in a particular context does not, by itself, confer legal equivalence upon the qualifications awarded in those disciplines. Legal equivalence must arise from the applicable statutory or regulatory framework, or from an authority competent under that framework to declare such equivalence. Academic opinion or an administrative communication cannot, in the absence of enabling legal authority, enlarge, substitute, or rewrite a qualification prescribed by law.

Further, satisfaction of the educational qualification is only one component of eligibility where the governing rules prescribe additional and independent requirements, such as teaching or research experience. Such requirements must be satisfied separately and cumulatively. Possession of a Master's degree, even assuming that it could lawfully be treated as equivalent to the prescribed qualification, cannot by itself establish satisfaction of a separately prescribed experience requirement.

Accordingly, the alleged UGC communication dated 05.03.1992, even assuming its existence and authenticity cannot be elevated into an independent source of statutory eligibility or be permitted to override or contradict the UGC Regulations, 1991. Its legal effect must remain confined to the purpose and authority for which it was issued and must operate consistently with the governing statutory or regulatory provisions i.e. UGC Regulations, 1991 which were in force. An administrative clarification may explain or implement an existing legal position; it cannot create a substantive qualification or dispense with a mandatory condition unless such power is conferred by law.

The decisive inquiry, therefore, is not merely whether Political Science and Public Administration are academically interrelated, but whether, under the governing law

applicable to the particular post and at the relevant stage of recruitment or appointment, one qualification was legally authorised to be treated as equivalent to the other, and whether all other mandatory conditions of eligibility were independently satisfied.

Thus, *Rajbir Singh Dalal* neither establishes a universal doctrine of interchangeability between Political Science and Public Administration nor dispenses with the separately prescribed experience requirement for the post of Reader in Public Administration. The determination of eligibility must ultimately be governed by the applicable statutory and regulatory framework, including the UGC Regulations, 1991, and not by an administrative communication inconsistent with that framework. The distinction between academic relationship and legally prescribed equivalence consequently remains decisive in determining the true scope of *Rajbir Singh Dalal*.

IX. REFERENCES

A. Cases

1. Sant Ram Sharma v. State of Rajasthan, AIR 1967 SC 1910.
2. Dr. Rajinder Singh v. State of Punjab, (2001) 5 SCC 482.
3. Dr. Rajbir Singh Dalal v. Chaudhari Devi Lal University, (2008) 9 SCC 284.
4. Ganapath Singh Gangaram Singh Rajput v. Gulbarga University, Civil Appeal No. 9866 of 2013, decided on 01.11.2013.

B. Statutes and Regulations

1. University Grants Commission Act, 1956.
2. University Grants Commission Regulations, 1991 concerning minimum qualifications for appointment of teachers in universities and colleges.

C. Administrative and Institutional Materials

1. UGC Letter No. F.1-13/91 (CPP), dated 05.03.1992, concerning Political Science and Public Administration.
2. UGC Letter No. F.1-13/91 (CPP), dated 05.03.1992, concerning teaching/research experience for appointment as Professor.
3. M.D. University Academic Council Resolution No. 32, dated 06.06.1992.