**Preserving Academic Integrity: Supreme Court Vindicates University Selection Processes**

**Case Title:** Meher Fatima Hussain Vs. Jamia Milia Islamia & Ors.

**Case No.:** Civil Appeal @ SLP(C) 8333 of 2023

**Dated on:** April 15, 2024

**Coram:** J. Abhay S. Oka, J. Pankaj Mithal

**Facts**:

In this case, Meher Fatima Hussain and two other appellants challenged their dismissal from academic positions at Jamia Millia Islamia University. Sabiha Hussain was initially appointed as a Reader and later promoted to Professor and Director at the Sarojini Naidu Centre, following a due selection process. Despite this, the university did not regularize her position, leading to her removal and subsequent legal challenge. Meher Fatima Hussain, initially appointed as a Lecturer, faced a similar situation when her probationary post was converted to a temporary post, and she was later appointed as an Associate Professor. Suraiya Tabassum was appointed as an Assistant Professor on a tenure post. All appellants faced termination and challenged their dismissals in court, arguing that their appointments were regular and lawful. The High Court initially dismissed their petitions, leading to the current appeals in the Supreme Court.

**Contentions of the Appellants:**

The appellants contended that their appointments at Jamia Millia Islamia University were made following a proper and regular selection process as per the university's statutes. They argued that their appointments were not irregular or ad-hoc, as wrongly concluded by the High Court, which had erroneously applied the law from the ***State of Karnataka v. Uma Devi*** ***case***. Further, the appellants maintained that they met all the necessary qualifications and criteria, and were selected by duly constituted Selection Committees, and their positions were sanctioned posts. They also highlighted that the UGC had approved the regularization of such appointments if made through proper selection procedures. Therefore, the appellants argued that their termination and the university's refusal to regularize their appointments were unjustified and unlawful.

**Contention of the Respondent:**

The respondents, representing Jamia Millia Islamia University, contended that the appellants' appointments were irregular and not in compliance with the required statutory and procedural norms. They argued that the appointments were temporary or ad-hoc and subject to the continuation of specific schemes or plans, such as the UGC's XII plan period. The university emphasized that the posts held by the appellants were not regularized due to the temporary nature of the schemes under which they were appointed. They further argued that the High Court correctly applied the principles laid down in the case of ***State of Karnataka v. Uma Devi*** and that the appellants' appointments could not be regularized as they did not meet the necessary legal and procedural requirements.

**Court’s Analysis & Judgement:**

The Court judiciously analysed the facts of the case and considered the contentions of both the appellants and the respondents. It examined the procedural aspects of the appointments, including the selection processes followed by the university and the nature of the posts held by the appellants. After thorough deliberation, the Court concluded that the appointments of the appellants were made through proper selection processes and were not irregular. It noted that the appellants had been serving in their respective positions for a significant period and had met the necessary qualifications. Additionally, the Court considered the correspondence from the University Grants Commission (UGC), indicating that the appointments could be regularized if made through a regular selection process. Based on these findings, the Court held that the High Court had erred in dismissing the appeals and upheld the appellants' contentions. Therefore, it set aside the impugned judgments and granted relief to the appellants, reinstating their positions.

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**Judgement Reviewed By- Shramana Sengupta**