

ITEM NO.54

COURT NO.10

SECTION XI-B

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

PETITION FOR SPECIAL LEAVE TO APPEAL (C) NO.17152/2025

[Arising out of impugned final judgment and order dated 21-03-2025 in OPKAT No. 470/2024 passed by the High Court of Kerala at Ernakulam]

DR. UMESH MOHAN.C.S & ANR.

Petitioner(s)

VERSUS

DR. SONY. N & ORS.

Respondent(s)

IA No. 192638/2025 - APPLICATION FOR PERMISSION

IA No. 306803/2025 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 115243/2026 - INTERVENTION/IMPLEADMENT

WITH

SLP(C) No. 18971/2025 (XI-B)

IA No. 166183/2025 - EXEMPTION FROM FILING O.T.

IA No. 115281/2026 - INTERVENTION/IMPLEADMENT

**IA No. 308035/2025 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ ANNEXURES**

**IA No. 170192/2025 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ ANNEXURES**

Date : 27-07-2026 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MANOJ MISRA

HON'BLE MR. JUSTICE VIJAY BISHNOI

**For Petitioner(s) :Mr. Jaideep Gupta, Sr. Adv.
Mr. Vipin Nair, AOR
Mr. Aditya Narendranath, Adv.
Mrs. M.B. Ramya, Adv.
Mrs. Deeksha Gupta, Adv.
Mrs. Puspita Basak, Adv.
Mr. P B Sashaankh, Adv.
Mr. Haresh Nair, Adv.**

Mr. Riddhi Bose, Adv.
Mrs. Madhavi Yadav, Adv.
Mr. Ashok Kumar, Adv.

Mr. P.N Ravindran, Sr. Adv.
Mr. P. S. Sudheer, AOR
Mr. Rishi Maheshwari, Adv.
Ms. Anne Mathew, Adv.
Mr. Bharat Sood, Adv.
Mr. Jashan Vir Singh, Adv.

For Respondent(s) : Ms. Mrinmoi Chatterjee, AOR

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Mr. Riddhi Bose, Adv.
Mrs. Madhavi Yadav, Adv.
Mr. Ashok Kumar, Adv.

Mr. Nishe Rajen Shonker, AOR

Ms. Ankita Chaudhary, AOR
Mr. Chand Kapoor, Adv.

Mr. James P. Thomas, AOR
Mr. Ravi Sagar, Adv.

Mr. Brijender Chahar, A.S.G. (For R-14)
Ms. Madhulika Upadhyay, AOR
Ms. Harshita Choubey, Adv.
Mr. Udit Dedhiya, Adv.
Mr. Prerna Dhal, Adv.

Mr. Vishnu P., AOR

Mr. Zulfiker Ali P.S., AOR (For R-10, 11 & 12)
Ms. Lakshmi Sree P, Adv.

Ms. Anna Oommen, Adv.
Ms. Lebina Baby, Adv.

Mr. Roy Abraham, Adv.
Ms. Reena Roy, Adv.
Mr. Adithya Koshy Roy, Adv.
Mr. Akhil Abraham Roy, Adv.
Mr. Himinder Lal, AOR (IMPL)

UPON hearing the counsel the Court made the following
O R D E R

1. Kerala Public Service Commission issued a notification dated 16.08.2023 for recruitment to the posts of Associate Professor and Professor in Government Homoeopathic Medical Colleges. Essential qualifications for eligibility, which were in conformity with extant Service Rules of the State of Kerala, were specified as under:

(i) Postgraduate Degree in Homoeopathy recognized by the Central Council of Homoeopathy and included in the Second Schedule of the Homoeopathy Central Act, 1973;

(ii) 4 years teaching experience in the concerned subject in any of the recognized Homoeopathy Medical Colleges in Kerala or recognized Government Homoeopathic Medical

Colleges in any other States; and
(iii) Permanent registration with
Travancore Cochin Medical Council.

2. A bunch of candidates filed petition(s) before the Tribunal challenging the qualification specified in the advertisement in respect of the qualifying teaching experience to the extent it limited the field of teaching experience to any of the recognized Homoeopathic Medical Colleges in Kerala or recognized Government Homoeopathic Medical Colleges in any other States. Their case was that under Section 33 of the Homoeopathy Central Council Act, 1973, "Homoeopathy" Central Council (minimum standard requirement of Homoeopathic Colleges and attached Hospitals) Regulations, 2013 (for short, 2013 Regulations) were framed wherein the qualifying teaching experience was not limited to a college located within the State of Kerala or to a State/ Government college of any other State as is specified in the advertisement. It was their case that the State Service Rules were to apply only if they were not in conflict with the Central Council Regulations i.e., 2013 Regulations.
3. During pendency of the proceedings before the Tribunal an 'erratum' notification dated 16.11.2023 was

issued which altered the qualifications specified in the advertisement to read as under:

“Post Graduate qualification in Homoeopathy with four years of teaching experience as Assistant Professor/Lecturer in the concerned subject in a Homoeopathic College of Degree Level. The qualification shall be the one included in the Second Schedule of Homoeopathy Central Council Act, 1973.”

4. Pursuant to the erratum notification, the grievance of all those who had petitioned to the Tribunal against the advertised qualifications was resolved and, therefore, those petitions were disposed of.
5. Aggrieved by the amended qualifications specified in the erratum notification, writ petition(s), lead petition being O.P. (KAT) No.470/2024, were filed by another set of candidates before the High Court of Kerala.
6. The High Court took the view that Central Council Regulations i.e., 2013 Regulations only set out the minimum eligibility qualifications to ensure that

minimum standard requirements *qua* infrastructure, teaching and training facilities referred to in the Regulations 4 to 13 are maintained. Moreover, 2013 Regulations do not proscribe State supplementing those minimum qualifications by laying higher or more specific qualifications. Therefore, the extant State Service Rules only supplement the 2013 Regulations and in no way dilute the minimum standards set out therein. Consequently, it set aside the erratum notification which was at variance with the extant State Service Rules. The High Court further directed the Public Service Commission to proceed and conclude the recruitment exercise in terms of the original notification dated 16.08.2023.

7. Aggrieved by the order of the High Court, these petitions have been filed.
8. We have heard learned counsel for the parties and have perused the materials available on record.
9. The learned counsel for the petitioners contended that both State Service Rules and Central Council Regulations (i.e., 2013 Regulations) are under the Acts which have been enacted by the Parliament and State Legislature, respectively, under Entry 25 of List III

(i.e., the Concurrent List). Since both operate on the same field, the Central Regulations, in the event of conflict with the State Rules, will prevail. The erratum notification thus ensures that there is no conflict between the two and it in no way dilutes the minimum standards, rather increases the zone of consideration to ensure that there is a larger pool of candidates available for selection. In such circumstances, the High Court ought not to have interfered with the erratum notification.

10. *Per contra*, on behalf of the respondents who were the writ petitioners before the High Court, it is submitted that the Central Council Regulations do not prescribe the qualifications, they set out the minimum qualifications necessary for the teaching faculty. In such circumstances, the State had the power to prescribe the qualifications; and since those prescribed qualifications are in no way less than the minimum qualifications set out in the Central Council Regulations, those prescribed qualifications, as it existed in the extant State Service Rules, cannot be diluted by a notification.

11. We have considered the rival submissions and have gone through the Central Council Regulations, 2013 as

well as the extant Service Rules, 2019. A plain reading of Regulation 3 of the 2013 Regulations would indicate that they set out the minimum standard requirements of infrastructure and teaching and training facilities which find reference in Regulations 4 to 13. Consequently, Regulation 12, which sets out the qualifications of the teaching faculty, would have to be read in conjunction with Regulation 3 to understand whether it prescribes the qualifications for the post or the minimum eligibility for the post to maintain the requisite standard.

12. When we read Regulation 12 in conjunction with Regulation 3, it becomes clear that the object of the Central Council Regulations is to set out the minimum eligibility qualifications. They do not proscribe the State to supplement those minimum eligibility qualifications by prescribing qualification requirements over and above the minimum set out in the Central Council Regulations.
13. The 2019 Service Rules do not dilute the minimum qualifications specified in the 2013 Regulations. In our view, therefore, the High court was correct in its view that they supplement the minimum qualifications.
14. As it not in issue that the original notification

dated 16.08.2023 specified the essential qualifications as specified in the extant Service Rules, 2019, and the erratum notification is at variance with the 2019 Service Rules, the view taken by the High Court cannot be faulted.

15. The special leave petitions are, accordingly, dismissed.
16. All pending applications including application(s) for impleadment shall stand disposed of.

(KAVITA PAHUJA)
ASTT. REGISTRAR-cum-PS

(SAPNA BANSAL)
COURT MASTER (NSH)