

A DR. RAJBIR SINGH DALAL
v.
CHAUDHARI DEVI LAL UNIVERSITY, SIRSA & ANR.
(CIVIL APPEAL No. 4908 of 2008)

AUGUST 6, 2008

B [ALTAMAS KABIR AND MARKANDEY KATJU, JJ.]

C *Education – Universities – Appointment/Selection – Post of Reader in Public Administration – Appointment of person possessing academic qualification in discipline of Political Science – Challenge to – Appointment/selection set aside by High Court relying on Dr. Bhanu Prasad’s case that Political Science and Public Administration are distinct and separate subjects – Sustainability of – Held: Not sustainable – Applying the Anusanga principle, expression ‘relevant subject’ should be inserted in the qualification for post of Reader after words “at the Master’s degree level” – It cannot be said that it was not necessary for appointee to have Master’s degree in the relevant subject for appointment to the post of Reader – However, academic experts regarded Political Science and Public Administration to be inter-related and inter-changeable subjects – Thus, this Court should not sit in appeal over their opinion – More so, appointee selected by selection committee of eminent experts – Furthermore, Dr. Bhanu Prasad’s case cannot be treated as a precedent, since it is not based on any reasoning but on concession – Mimansa Rules of Interpretation – Anusanga principle – Precedents.*

Interpretation of statutes – Mimansa Rules of Interpretation – Anusanga principle – Discussed.

G *Precedents – Precedential value of decision – Held: Decision of Court is a precedent if it lays down some principle of law supported by reasons – Mere casual observations or directions without laying down any principle of law and without giving reasons does not amount to a precedent.*

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The respondent issued an advertisement for direct recruitment to the post of Reader in Public Administration. Appellant, a post graduate degree and Ph.D in Political Science applied for the post and was selected. Respondent No. 2, Lecturer in Public Administration also applied for the post but was not selected. Respondent No. 3 filed writ petition challenging the appointment of appellant since the appellant did not possess the requisite qualification for the post of Reader in Public Administration. High Court relying on *Dr. Bhanu Prasad Panda's* case that Public Administration and Political Science are distinct and separate disciplines and the UGC Regulation that for appointment to the post of Reader a candidate would have to be qualified in the relevant subject, set aside the selection and appointment of the appellant. Hence the present appeal.

Allowing the appeal, the Court

HELD: Per Katju, J:

1.1 The ordinary principle of interpretation is that words should neither be added nor deleted from a statutory provision. However, there are some exceptions to the rule where the alternative lies between either supplying by implication words which appear to have been accidentally omitted, or adopting a strict construction which leads to absurdity or deprives certain existing words of all meaning, and in this situation it is permissible to supply the words. [Para 13] [1003 G D]

Siraj-ul-Haq vs. Sunni Central Board of Waqf, U.P. AIR 1959 SC 198; *State Bank of Travancore vs. Mohammad* AIR 1981 SC 1744; *Gujarat Composite Ltd. vs. Ranip Nagarpalika* AIR 2000 SC 135; *Divisional Personnel Officer, Southern Railway vs. T. R. Challappan* AIR 1975 SC 2216 – referred to.

Principles of Statutory Interpretation by Justice G.P. Singh, 9th edn. pp 71-76 – referred to.

A 1.2 The Mimansa principles were regularly used by
great jurist for interpreting the legal texts. In Mimansa,
casus omissus is known as adhyahara. The adhyahara
principle permits to add words to a legal text. However,
the superiority of the Mimansa Principles over Maxwell's
B Principles in this respect is shown by the fact that Max-
well does not go into further detail and does not mention
the sub-categories coming under the general category of
casus omissus. In the Mimansa system, the general cat-
egory of adhyahara has under it several sub-categories,
C e.g., anusanga, anukarsha, vakyashesha, etc. [Para 20]
[1003 C D, 1005-B]

1.3 The anusanga principle or elliptical extension
states that an expression occurring in one clause is of-
ten meant also for a neighbouring clause, and it is only
for economy that it is only mentioned in the former:
D Anusanga principle has further sub-categorization. If a
clause which occurs in a subsequent sentence is to be
read into a previous sentence it is a case of Tadapakarsha,
but when it is vice-versa it is case of Tadutkarsha. [Para
E 22] [1005 E F]

E *Beni Prasad v. Hardai Bibi* 1892 ILR 14 All 67 (FB) –
referred to.

'Mimansa Rules of Interpretation' by K.L. Sarkar; Jaimini
2, 2, 16; *History of the Dharmashastra* by P.V. Kane Vol. V, Pt.
F II, Ch. XXIX and Ch. XXX, pp. 1282-1351 – referred to.

1.4 In the instant case, the Anusanga principle of
Mimansa should be utilized and the expression 'relevant
subject' should also be inserted in the qualification for
the post of Reader after the words "at the Master's de-
G gree level". It cannot be said that in the UGC Regulation
for the post of Lecturer the requirement was a Master's
degree in the relevant subject, whereas the expression
'in the relevant subject' is not mentioned in the qualifica-
tions for the post of Reader; and it was not necessary for,
H the appellant to have a Master's degree in the relevant

subject for appointment to the post of Reader. To take a contrary view would lead to a strange situation as that would mean that a person who has an M.A. degree in Music or History, is qualified to be appointed as Reader in Political Science. [Paras 11, 12 and 26] [1006 F, 1003-B]

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2.1 On a clarification sought from the UGC whether a candidate who possesses a Master's degree in Public Administration is eligible for the post of Lecturer in Political Science and vice-versa, the UGC wrote a letter to the Registrar M.D. University, Rohtak stating that the subject of Political Science and Public Administration are interchangeable and inter-related, and a candidate who possesses Master's degree in Public Administration is eligible as Lecturer in Political Science and vice-versa. [Para 31] [1007 F-H]

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2.2 A large number of universities in this country have a single department for both the subjects of Political Science and Public Administration, which demonstrates that the subjects Political Science and Public Administration are inter-changeable and inter-related. Political Science is the mother subject and Public Administration is the offshoot of the same. [Para 32] [1008 B]

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2.3 It is not appropriate for this Court to sit in appeal over the opinion of the academic experts who are of the view that Political Science and Public Administration are inter-related and inter-changeable subjects, and hence a candidate who possesses Master's degree in Public Administration is eligible for the post of Lecturer in Political Science and vice-versa. A large number of persons having qualifications in the inter-changeable/inter-related subjects have been appointed Readers/Professors/Lecturers and are continuing as such in various colleges and universities in the State. [Para 33] [1008 C to E]

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2.4 In the counter affidavit filed by the respondent-university before the High Court, it has been specifically stated therein that Public Administration is one of the

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A branches of Political Science, and the appellant was selected by a selection committee consisting of eminent experts after evaluating his qualifications and work. [Para 34] [1008 F]

B *Tariq Islam vs. Aligarh Muslim University and Ors.* 2001 (8) SCC 546; *University of Mysore vs. C.D. Govinda Rao*, AIR 1965 SC 491; *Dr. Uma Kant vs. Dr. Bhika Lal Jain* JT 1991 (4) SC 75; *Bhushan Uttam Khare vs. The Dean, B. J. Medical College and Ors.* JT 1992(1) SC 583; *Rajender Prasad Mathur vs. Karnataka University and Anr.* AIR 1986 SC 1448; C *P.M. Bhargava and Ors. vs. U. G. C. and Anr.* 2004 (6) SCC 661; *Chairman, J and K State Board of Education vs. Feyaz Ahmed Malik and Ors* (2000) 3 SCC 59, *Varanaseya Sanskrit Vishwavidyalaya and Anr. vs. Dr. Rajkishore Tripathi & Anr.* 1977 (1) SCC 279; *Medical Council of India vs. Sarang and Ors.* 2001 (8) SCC 427; *Bhagwan Singh and Anr. vs. State of Punjab and Ors.* (1999) 9 SCC 573 – referred to.

3.1 The decision of a Court is a precedent if it lays down some principle of law supported by reasons. Mere casual observations or directions without laying down any principle of law and without giving reasons does not amount to a precedent. [Paras 38] [1009 E]

3.2 The decision of this Court in *Dr. Bhanu Prasad Panda's* case cannot be read as a Euclid's formula or treated as a precedent, since it has not given any reason for holding that Political Science and Public Administration are distinct and separate subjects, and since the aforesaid decision was given on a concession. [Paras 45] [1012 E,F]

G *State of Punjab vs. Baldev Singh* 1999 (6) SCC 172; *Divisional Controller, KSRTC vs. Mahadeva Shetty and Anr.* 2003 (7) SCC 197; *State of Orissa vs. Sudhansu Sekhar Misra* AIR 1968 SC 647; *Ambica Quarry Works vs. State of Gujarat and Ors.* 1987 (1) SCC 213; *Bhavnagar University vs. Palitana Sugar Mills Pvt. Ltd* 2003 (2) SC 111; *Bharat Petroleum Cor-*
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poration Ltd. and Anr. vs. N.R. Vairamani and Anr. AIR 2004 SC 4778; Dr. Bhanu Prasad Panda vs. Chancellor, Sambhalpur University 2001 (8) SCC 532 – referred to. A

4. The impugned judgment and order of the High Court cannot be sustained and it is set aside. [Para 46] B
[1012 G]

Case Law Reference

AIR 1959 SC 198	Referred to.	Para 14	
AIR 1981 SC 1744	Referred to.	Para 15	
AIR 2000 SC 135	Referred to.	Para 16	C
AIR 1975 SC 2216	Referred to.	Para 16	
1892 ILR 14 All 67	Referred to.	Para 18	
2001 (8) SCC 546	Referred to.	Para 29	
AIR 1965 SC 491	Referred to.	Para 29	D
JT 1991 (4) SC 75	Referred to.	Para 30	
JT 1992 (1) SC 583	Referred to.	Para 30	
AIR 1986 SC 1448	Referred to.	Para 30	
2004 (6) SCC 661	Referred to.	Para 30	E
(2000) 3 SCC 59	Referred to.	Para 30	
1977 (1) SCC 279	Referred to.	Para 30	
2001 (8) SCC 427	Referred to.	Para 30	
1999 (9) SCC 573	Referred to.	Para 30	F
1999 (6) SCC 172	Referred to.	Para 39	
2003 (7) SCC 197	Referred to.	Para 40	
AIR 1968 SC 647	Referred to.	Para 41	
1987 (1) SCC 213	Referred to.	Para 42	G
2003 (2) SC 111	Referred to.	Para 43	
AIR 2004 SC 4778	Referred to.	Para 44	
2001 (8) SCC 532	Referred to.	Para 45	
Per Kabir, J (Concurring):			H

A 1.1 The recruitment Rules followed by the University
clearly indicates that in order to be appointed as Lecturer
in a particular discipline a candidate must have a post-
graduate degree in the relevant subject. On the other hand,
B has not been specified. In fact, in Regulation 2 it has been
generally indicated that no person shall be appointed to
a teaching post in the University or in any institution, in-
cluding constituent or affiliated colleges recognized un-
C der the UGC Act, 1956, or any institution deemed to be a
University under Section 3 of the said Act, in a subject, if
he/she does not fulfil the requirement as to the qualifica-
tions for the appropriate subject. [Para 7] [1014 E-G]

D 1.2 The omission in the Regulations cannot be said
to be unintentional or a case of *casus omissus*. The ex-
pression 'appropriate subject' was intended to cover the
post of Reader and once the expert bodies had indicated
that the appellant who held a post-graduate degree in
Political Science was eligible to be appointed to the post
E of Reader in Public Administration and had been rightly
appointed to such post, it is normally not for the Courts
to question such opinion, unless it has specialised knowl-
edge of the subject. [Para 8] [1014, H, 1015, A]

F 1.3 In deciding *Dr. Bhanu Prasad Panda's* case, this
Court did not have the benefit of the views of the Univer-
sity and the University Grants Commission and the con-
clusion was arrived at on the basis of a personal under-
standing of Public Administration and Political Science.
The decision does not reflect the aforesaid position and
also does not indicate the reason why and on what basis
G such a decision holding Public Administration and Politi-
cal Science to be two distinct disciplines had been ar-
rived at. [Paras 5 and 9] [1014 C-D; 1015 B]

H *Dr. Bhanu Prasad Panda vs. Chancellor, Sambhalpur
University* 2001 (8) SCC 532 – distinguished.

Case Law Reference

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2001 (8) SCC 532 Distinguished. Para 5

CIVILAPPELLATE JURISDICTION : Civil Appeal No. 4908
of 2008

From the Judgment and final Order dated 21/9/2006 of
the High Court of Punjab and Haryana at Chandigarh in C.W.P.
No. 6642 of 2005

B

P.S. Patwalia, Rupansh Purit, Harikesh Singh and Kamal
Mohan Gupta for the Appellant.

C

Nidhesh Gupta, Tarun Gupta, Deepak Goel, S. Janani,
Amitesh Kumar, Gopal Singh, Jasbir Singh Malik, R.K. Tripathi,
Rahul Tyagi, K.P. Singh and S.K. Sabharwal for the Respon-
dents.

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The Judgment of the Court was delivered by

MARKANDEY KATJU, J. 1. Leave granted.

2. This appeal has been filed against the impugned judg-
ment and order dated 21.9.2006 of the High Court of Punjab
and Haryana in CWP No. 6642 of 2005.

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3. Heard learned counsel for the parties and perused the
record.

4. The short question in this appeal is whether the appel-
lant fulfills the requisite academic qualification for appointment
to the post of Reader in Public Administration in Chaudhary Devi
Lal University, Sirsa.

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5. The respondent-university issued an advertisement for
direct recruitment for various posts, including the post of Reader
in Public Administration. The appellant herein, claiming to be
fully eligible and qualified for the post of Reader in Public Ad-
ministration, applied for the aforementioned post on the pre-
scribed format. A Selection Committee interviewed the appel-
lant on 18.7.2004 as per the call letter dated 8.7.2004. The ap-

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A appellant was selected as Reader and he joined as such on
4.4.2005.

B 6. Respondent No. 2 herein, Dr. Raj Kumar Siwach, who
was a Lecturer in Public Administration had also applied for the
post of Reader, but he was not selected and instead the appel-
lant was selected. Hence, respondent No. 2 filed a writ petition
in the Punjab & Haryana High Court being CWP No. 6642/2005
in which he alleged that the appellant herein, Dr. Rajbir Singh
Dalal, did not possess the requisite qualification for the post of
C Reader in Public Administration. It was alleged in the writ peti-
tion that the appellant was an M.A. and Ph.D. in Political Sci-
ence and not in Public Administration. Hence, it was alleged
that the appellant was not eligible for being selected and ap-
pointed as Reader in Public Administration.

D 7. In the counter affidavit filed by respondent No. 1, the
University, it was stated that Public Administration is one of the
branches of Political Science, and hence the appellant herein
was rightly selected by the Selection Committee consisting of
eminent experts after evaluating his academic qualifications.

E 8. In the counter affidavit filed by the appellant herein be-
fore the High Court it was admitted that the appellant had his
qualification from the discipline of Political Science, but it was
asserted that he was subjected to a process of selection be-
fore an expert committee consisting of the Vice Chancellor of
F the University, Dr. L. Goyal, Professor of Public Administration,
Punjab University and Dr. R.K. Tiwari, a Professor in Indian In-
stitute of Public Administration, New Delhi.

G 9. The High Court by the impugned judgment dated
21.9.2006 allowed the writ petition and set aside the selection
and appointment of the appellant. The High Court relied on the
decision of this Court in *Dr. Bhanu Prasad Panda vs. Chan-
cellor, Sambalpur University* (2001) 8 SCC 532 in which it was
observed that the subjects of Public Administration and Politi-
cal Science are distinct and separate and a person possess-
H ing the academic qualification in the discipline of Political Sci-

ence could not be appointed in the discipline of Public Administration. The High Court also relied on Regulation 2 of the UGC Regulations which states as under :

"2. Qualification:

No persons shall be appointed to a teaching post in university or in any institutions including constituent or affiliated colleges recognized under clause (f) of section 2 of the University Grants Commission Act, 1956 or in an institution deemed to be a university under section 3 of the said Act in a subject if he/she does not fulfill the requirements as to the qualifications for the appropriate subjects as provided in the Annexure.

Provided that any relaxation in the prescribed qualifications can only be made by the University Grants Commission in a particular subject in which NET is not being conducted or enough number of candidates are not available with NET qualifications for a specified period only. (This relaxation, if allowed, would be given based on sound qualification and would apply to affected Universities for that particular subject for the specified period. No individual applications would be entertained).

Provided further that these regulations shall not be applicable to such cases where selections of the candidates having had the then requisite minimum qualification as were existing at that time through duly constituted Selection Committee for making appointments to the teaching posts have been made prior to the enforcement of these regulations.

1.3.2. Reader

Good academic record with a doctoral degree or equivalent published work. In addition to these, candidates when join from outside the university system, shall also possess at least 55% of the marks or an equivalent grade of B in the 7 point scale with latter grades, O, A, B, C, D, E and F at the Master's degree level.

A Five years of experience of teaching and/or research
excluding the period spent for obtaining the research
degrees and has made one mark in the areas of
scholarship as evidenced by quality of publications,
contribution to educational innovation, design of new
B courses and curricula.

1.3.3. Lecturer

C Good academic record with at least 55% of the marks or, an
equivalent grade of B in the 7 point scale with latter grades,
O, A, B, D, D, E and F at the Master's degree level, *in the*
relevant subject from an Indian University, or an equivalent
degree from a foreign university.

D Besides fulfilling the above qualifications, candidates should
have cleared the eligibility test (NET) for lecturers conducted
by the UGC, CSIR, or similar test accredited by the UGC.

E Note:- Net shall remain the compulsory requirement for
appointment as Lecturer even for candidates having Ph. D.
degree. However, the candidate who have completed M. Phil.
Degree or have submitted Ph.D. thesis in the concerned
subject up to 31st December, 1993 are exempted from
appearing in the NET examination."

F 10. The High Court was of the view that a person is not
qualified for appointment as Reader unless he has qualifica-
tion in the appropriate subject. The High Court was also of the
view that since the appellant had a qualification in the discipline
of Political Science he could not be appointed in the discipline
of Public Administration. Aggrieved, this appeal has been filed
by the appellant in this Court.

G 11. Mr. P.S. Patwalia, learned senior counsel for the ap-
pellant submitted that in the UGC Regulation for the post of Lec-
turer the requirement was a Master's degree *in the relevant*
subject, whereas the expression 'in the relevant subject' is not
mentioned in the qualifications for the post of Reader. Hence,
he submitted that it was not necessary for the appellant to have
H a Master's degree in the relevant subject for appointment to the

post of Reader. We regret we cannot agree. In our opinion, the words 'in the relevant subject' has to be read into the qualification for the post of Reader also. A

12. To take a contrary view would lead to a strange situation as that would mean that a person who has an M.A. degree in Music or History, is qualified to be appointed as Reader in Political Science. B

13. No doubt, the ordinary principle of interpretation is that words should neither be added nor deleted from a statutory provision. However, there are some exceptions to the rule where the alternative lies between either supplying by implication words which appear to have been accidentally omitted, or adopting a strict construction which leads to absurdity or deprives certain existing words of all meaning, and in this situation it is permissible to supply the words (*vide* Principles of Statutory Interpretation by Justice G.P. Singh, 9th edn. Pp 71-76). C D

14. Thus, in *Siraj-ul-Haq vs. Sunni Central Board of Waqf, U.P.* AIR 1959 SC 198, the Supreme Court interpreted the words 'any person interested in a Waqf' in section 5(2) of the U.P. Muslims Waqfs Act, 1936 as meaning 'any person interested in what is held to be a waqf'. E

15. Similarly, in *State Bank of Travancore vs. Mohammad* AIR 1981 SC 1744, while construing section 4(1) of the Kerala Agriculturists Debt Relief Act, 1970 the Supreme Court interpreted the words 'any debt due before the commencement of this Act to any banking company' as meaning 'any debt due at and before the commencement of this Act'. F

16. Similarly, in *Gujarat Composite Ltd. vs. Ranip Nagarpalika* AIR 2000 SC 135, the Supreme Court interpreted the words 'Grog Minerals' to mean 'Grog & Minerals'. In *Divisional Personnel Officer, Southern Railway vs. T. R. Challappan* AIR 1975 SC 2216, the Supreme Court interpreted the words 'any party to an arbitration agreement' occurring in section 33 of the Indian Arbitration Act, 1940 to mean 'a person G H

A who is alleged to be a party to an arbitration agreement’.

17. We may also consider the matter from our traditional principles of interpretation known as the *‘Mimansa Rules of Interpretation’*.

B 18. It is deeply regrettable that in our Courts of law lawyers
quote Maxwell and Craies but nobody refers to the Mimansa
Principles of interpretation. Most lawyers would not have even
heard of their existence. Today our so-called educated people
are largely ignorant about the great intellectual achievements
C of our ancestors and the intellectual treasury which they have
bequeathed us. The Mimansa Principles of interpretation is part
of that great intellectual treasury, but it is distressing to note that
D apart from the reference to these principles in the judgment of
Sir John Edge, the then Chief Justice of Allahabad High Court,
in *Beni Prasad v. Hardai Bibi*, 1892 ILR 14 All 67 (FB), over a
hundred years ago and in some judgments of one of us (M.
Katju, J.) there has been almost no utilization of these principles
even in our own country. Many of the Mimansa Principles are
rational and scientific and can be utilized in the legal field (see
E in this connection K.L. Sarkar’s *‘Mimansa Rules of Interpreta-
tion’* which is a collection of Tagore Law Lectures delivered in
1905 containing the best exposition of these principles in En-
glish. Most other books on Mimansa are in Sanskrit).

F 19. The Mimansa Principles of Interpretation, as laid down
by Jaimini around the 5th century B.C. in his sutras and as ex-
plained by Sabar, Kumarila Bhatta, Prabhakar, Mandan Mishra,
Shalignath, Parthasarathy Mishra, Apadeva, Shree Bhat
Shankar, etc. were regularly used by our renowned jurists like
Vijneshwara (author of *Mitakshara*), Jimutvahana (author of
G *Dayabhaga*), Nanda Pandit (author of *Dattaka Mimansa*), etc.
whenever there they found any conflict between the various
Smritis, e.g., *Manusmriti* and *Yajnavalkya Smriti*, or ambiguity,
ellipse or absurdity in any Smriti. Thus, the Mimansa principles
were our traditional system of interpretation of legal texts. Al-
H though originally they were created for interpreting religious texts

pertaining to the Yagya (sacrifice), they were so rational and logical that gradually they came to be utilized in law, philosophy, grammar, etc., that is, they became of universal application. Thus, Shankaracharya has used the Mimansa Adhikaranas (principles) in his bhashya on the Vedanta sutras.

20. The Mimansa principles were regularly used by our great jurists for interpreting legal texts (see also in this connection P.V. Kane's 'History of the Dharmashastra', Vol. V, Pt. II, Ch. XXIX and Ch. XXX, pp. 1282-1351).

21. In Mimansa, *casus omissus* is known as adyahara. The adyahara principle permits us to add words to a legal text. However, the superiority of the Mimansa Principles over Maxwell's Principles in this respect is shown by the fact that Maxwell does not go into further detail and does not mention the sub-categories coming under the general category of *casus omissus*. In the Mimansa system, on the other hand, the general category of adyahara has under it several sub-categories, e.g., anusanga, anukarsha, vakyashesha, etc. Since in this case we are concerned with the anusanga principle, we may explain it in some detail.

22. The anusanga principle (or elliptical extension) states that an expression occurring in one clause is often meant also for a neighbouring clause, and it is only for economy that it is only mentioned in the former (see Jaimini 2, 2, 16). The anusanga principle has a further sub-categorization. If a clause which occurs in a subsequent sentence is to be read into a previous sentence it is a case of Tadapakarsha, but when it is vice-versa it is a case of Tadutkarsha.

23. The Anusanga principle of Mimansa was used by Jimutvahana in the Dayabhaga. Jimutvahana found that there is a text of Manu which states:

"Of a woman married according to the Brahma, Daiva, Arsha, Gandharva and Prajapartya form, the property shall go to her husband if she dies without issue. But her

A property, given to her on her marriage in the form called Asura, Rakshasa and Paisacha, on her death without issue shall become the property of her parents.”

B 24. It can be seen that in the second sentence the word 'property' is qualified by the words 'given to her on her marriage', whereas in the first sentence there is no such qualification. Jimutvahana, using the anusanga principle of Mimansa, said that the words "given to her on her marriage" should also be inserted in the first sentence after the word "property", and hence there also the word 'property' must be interpreted in a
C qualified sense.

D 25. In the Mitakshara also the anusanga principle of Mimansa has been used. Yajnavalkya II. 135-136 lays down the order of succession to the wealth of a person dying sonless. Yajnavalkya II. 137 deals with succession to property of a forest hermit, an ascetic, or a perpetual Vedic student. The Mitakshara then holds that Yajnavalkya II. 138 'samaristinastu samaristi' is to be construed as an exception to Yajnavalkya II. 135, 136 and understands that the words 'of one dying without having a son' (grand son or great grand son) are to be supplied before
E Yajnavalkya II. 138 from II. 136, *i.e.*, there is to be anusanga of the word 'svaryatasya-putrasya'.

F 26. In our opinion, in the present case, the Anusanga principle of Mimansa should be utilized and the expression 'relevant subject' should also be inserted in the qualification for the post of Reader after the words "at the Master's degree level". Hence, we cannot accept the submission of Mr. Patwalia in this respect.

G 27. However, we agree with Mr. Patwalia that since academic experts have regarded Political Science and Public Administration to be one discipline, it is not right for this Court to sit in appeal over the opinion of the experts.

H 28. Mr. Patwalia, learned counsel has pointed out that for the posts of Reader and Lecturer in Public Administration and Political Science, a large number of appointments have been

made in the respondent-university as well as in the higher education department of Haryana treating Political Science and Public Administration as one discipline. There are a large number of persons who have an M.A. & Ph. D. degrees in Political Science and are working as teachers in Public Administration department, and *vice versa*.

29. In *Tariq Islam vs. Aligarh Muslim University & Ors.* (2001) 8 SCC 546, following its earlier decision in the Constitution Bench of this Court in *University of Mysore vs. C.D. Govinda Rao*, AIR 1965 SC 491 this Court observed that "normally it is wise and safe for the Courts to leave the decision of academic matters to experts who are more familiar with the problems they face than the courts generally are".

30. A similar view has been expressed in several decisions of this Court e.g. *Dr. Uma Kant vs. Dr. Bhika Lal Jain* JT 1991 (4) SC 75 (para 9), *Bhushan Uttam Khare vs. The Dean, B. J. Medical College & Ors.* JT 1992(1) SC 583 (para 8), *Rajender Prasad Mathur vs. Karnataka University & Anr.* AIR 1986 SC 1448 (para 7) = 1986 Supp. SCC 740 (para 7), *P.M. Bhargava & Ors. vs. U. G. C. & Anr.* 2004 (6) SCC 661 (Para 13), *Chairman, J&K State Board of Education vs. Feyaz Ahmed Malik & Ors* (2000) 3 SCC 59, *Varanaseya Sanskrit Vishwavidyalaya & Anr. vs. Dr. Rajkishore Tripathi & Anr.* (1977) 1 SCC 279 (para 12), *Medical Council of India vs. Sarang & Ors.* (2001) 8 SCC 427 (para 6), *Bhagwan Singh & Anr. vs. State of Punjab & Ors.* (1999) 9 SCC 573 (para 6).

31. It may be mentioned that on a clarification sought from the UGC whether a candidate who possesses a Master's degree in Public Administration is eligible for the post of Lecturer in Political Science and *vice-versa*, the UGC wrote a letter dated 5.3.1992 to the Registrar M.D. University, Rohtak stating that the subject of Political Science and Public Administration are inter-changeable and inter-related, and a candidate who possesses Master's degree in Public Administration is eligible as Lecturer in Political Science and *vice-versa*. Thus, this is the

A view of the UGC, which is an expert in academic matters, and
the Court should not sit in appeal over this opinion and take a
contrary view.

B 32. Learned counsel for the appellant has also pointed
out that a large number of universities in this country have a
single department for both the subjects of Political Science and
Public Administration, and this also demonstrates that the sub-
jects Political Science and Public Administration are inter-
changeable and inter-related. Political Science is the mother
subject and Public Administration is the offshoot of the same.

C 33. We agree with Mr. Patwalia, learned counsel, that it is
not appropriate for this Court to sit in appeal over the opinion of
the experts who are of the view that Political Science and Pub-
lic Administration are inter-related and inter-changeable sub-
jects, and hence a candidate who possesses Master's degree
D in Public Administration is eligible for the post of Lecturer in
Political Science and *vice-versa*. We are told that a large num-
ber of persons having qualifications in the inter-changeable/in-
ter-related subjects have been appointed Readers/Professors/
E Lecturers and are continuing as such in various colleges and
universities in the State.

F 34. In paragraph 5 of the counter affidavit filed by the re-
spondent- university before the High Court, it has been specifi-
cally stated therein that Public Administration is one of the
branches of Political Science, and the appellant was selected
by a selection committee consisting of eminent experts after
evaluating his qualifications and work.

G 35. As regards the decision in *Dr. Bhanu Prasad Panda*
vs. Chancellor, Sambalpur University (supra), we have care-
fully perused the same. In paragraph 5 of the said judgment it
has been observed:

H "Though the Department concerned for which the appointment
is to be made is that of 'Political Science and Public
Administration', the appointment with which we are concerned,

is of Lecturer in Political Science and not Public Administration and subject-matterwise they are different and not one and the same. It is not in controversy that the posts of Lecturers in Public Administration and in Political Science are distinct and separate and on selection the appellant could not have been appointed as Lecturer in Public Administration.”

A

36. A perusal of the above passage shows that the observation that Political Science and Public Administration are distinct and separate subjects was apparently given on a concession, because what has been stated therein is that “it is not in controversy” that the post of Lecturer in Public Administration and Political Science are distinct and separate. The use of the words ‘it is not in controversy’ shows that a concession was made on the point by learned counsel for the respondent in that case. Hence the observation cannot be regarded as a precedent.

B

C

37. Moreover, no reasoning has been given in the aforesaid passage (quoted above) as to why it has been held that Political Science and Public Administration are distinct and separate subjects.

D

38. The decision of a Court is a precedent if it lays down some principle of law supported by reasons. Mere casual observations or directions without laying down any principle of law and without giving reasons does not amount to a precedent.

E

39. In *State of Punjab vs. Baldev Singh* (1999) 6 SCC 172, a Constitution Bench of this Court observed (vide para 43) that a decision is an authority for what it decides (i.e. the principle of law it lays down), and not that everything said therein constitutes a precedent.

F

40. In *Divisional Controller, KSRTC vs. Mahadeva Shetty and Another* (2003) 7 SCC 197 (vide para 23), this Court observed that the only thing binding as an authority upon a subsequent Judge is the principle upon which the case was decided.

G

41. As observed by this Court in *State of Orissa vs. Sudhansu Sekhar Misra* (AIR 1968 SC 647 vide para 13):-

H

A "A decision is only an authority for what it actually decides. *What is of the essence in a decision is its ratio* and not every observation found therein nor what logically follows from the various observations made in it. On this topic this is what Earl of Halsbury, LC said in *Quinn v. Leathem*, 1901 AC 495:

B "Now before discussing the case of *Allen v. Flood* (1898) AC 1 and what was decided therein, there are two observations of a general character which I wish to make, and one is to repeat what I have very often said before, that every judgment must be read as applicable to the particular facts proved, or assumed to be proved, since the generality of the expressions which may be found there are not intended to be expositions of the whole law, *but governed and qualified by the particular facts of the case* in which such expressions are to be found. The other is that a case is only an authority for what it actually decides. I entirely deny that it can be quoted for a proposition that may seem to follow logically from it. Such a mode of reasoning assumes that the law is necessarily a logical Code, whereas every lawyer must acknowledge that the law is not always logical at all."

E (Emphasis supplied)

42. In *Ambica Quarry Works vs. State of Gujarat & others* (1987) 1 SCC 213 (vide para 18) this Court observed:-

F "The ratio of any decision must be understood in the background of the facts of that case. It has been said long time ago that a case is only an authority for what it actually decides, and not what logically follows from it."

43. In *Bhavnagar University vs. Palitana Sugar Mills Pvt. Ltd* (2003) 2 SC 111 (vide para 59), this Court observed:-

G "It is well settled that *a little difference in facts or additional facts may make a lot of difference in the precedential value of a decision.*"

(Emphasis supplied)

H 44. As held in *Bharat Petroleum Corporation Ltd. & an-*

other vs. N.R. Vairamani & another (AIR 2004 SC 4778), a decision cannot be relied on without disclosing the factual situation. In the same Judgment this Court also observed:

“Court should not place reliance on decisions without discussing as to how the factual situation fits in with the fact situation of the decision on which reliance is placed. *Observations of Courts are neither to be read as Euclid’s theorems nor as provisions of the statute* and that too taken out of the context. These observations must be read in the context in which they appear to have been stated. Judgments of Courts are not to be construed as statutes. To interpret words, phrases and provisions of a statute, it may become necessary for judges to embark into lengthy discussions but the discussion is meant to explain and not to define. Judges interpret statutes, they do not interpret judgments. They interpret words of statutes; their words are not to be interpreted as statutes.

In *London Graving dock co. Ltd. vs. Horton* (1951 AC 737 at p. 761), Lord Mac Dermot observed:

“The matter cannot, of course, be settled merely by treating the ipsissima verba of Willes, J. as though they were part of an Act of Parliament and applying the rules of interpretation appropriate thereto. This is not to detract from the great weight to be given to the language actually used by that most distinguished judge.”

In *Home Office vs. Dorset Yacht Co.* (1970 (2) All ER 294) Lord Reid said, “Lord Atkin’s speech . . . is not to be treated as if it was a statute definition it will require qualification in new circumstances.” Megarry, J. in (1971)1 WLR 1062 observed: “One must not, of course, construe even a reserved judgment of Russell L. J. as if it were an Act of Parliament.” And, in *Herrington v. British Railways Board* (1972 (2) WLR 537) Lord Morris said:

“There is always peril in treating the words of a speech or judgment as though they are words in a legislative enactment, and it is to be remembered that judicial utterances are made in the setting of the facts of a particular case.”

A Circumstantial flexibility, *one additional or different fact may make a world of difference between conclusions in two cases.* Disposal of cases by blindly placing reliance on a decision is not proper.

B The following words of Lord Denning in the matter of applying precedents have become *locus classicus*:

C “Each case depends on its own facts and a close similarity between one case and another is not enough because *even a single significant detail may alter the entire aspect*, in deciding such cases, one should avoid the temptation to decide cases (as said by Cardozo, J.) by matching the colour of one case against the colour of another. To decide therefore, on which side of the line a case falls, the broad resemblance to another case is not at all decisive.”

D “Precedent should be followed only so far as it marks the path of justice, but you must cut the dead wood and trim off the side branches else you will find yourself lost in thickets and branches. My plea is to keep the path of justice clear of obstructions which could impede it.”

E 45. In view of the above, we are of the opinion that the decision of this Court in *Dr. Bhanu Prasad Panda's* case (supra) cannot be read as a Euclid's formula or treated as a precedent, since it has not given any reason for holding that Political Science and Public Administration are distinct and separate subjects, and since

F the aforesaid decision was given on a concession.

G 46. For the foregoing reasons, we are of the opinion that the impugned judgment and order of the High Court cannot be sustained and it is hereby set aside. The appeal is allowed and the writ petition filed in the High Court stands dismissed. There shall be no order as to costs.

H **ALTAMAS KABIR, J. 1.** Having had the benefit of going through my learned brother's draft judgment, I wish to indicate my own views in arriving at the same conclusion as arrived at

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by my learned brother but by traversing a different route. Since the facts of the case have been adequately dealt with by my learned brother, I shall confine myself to the legal aspect only. A

2. In my view, the main question which falls for consideration in this appeal is whether the appellant, who has a post graduate degree and Ph.D in Political Science could have been appointed as Reader in Public Administration by the respondent University. The answer to the connected question, which flows from the first, as to whether the High Court was right in quashing the appellant's appointment as Reader in Public Administration, depends on the answer to the first. B C

3. As has been pointed out by my learned brother, the University has in its counter affidavit taken a stand that Public Administration is one of the branches of Political Science and the Selection Committee comprised of eminent scholars had rightly chosen the appellant for the post of Reader after considering his academic achievements and also relying upon the view of the University Grants Commission in its letter dated 5.3.1992 stating that the subject of Political Science and Public Administration are interchangeable and inter-related and that a candidate who possesses a Masters degree in Public Administration is eligible to be appointed as Lecturer in Political Science. Similarly, a candidate possessing a Masters Degree in Political Science is eligible for appointment to the post of Lecturer in Public Administration. D E

4. Despite the aforesaid views expressed by the expert bodies such as the University and the University Grants Commission, the High Court has held Public Administration and Political Science to be distinct and separate disciplines. In arriving at such conclusion, the High Court has relied on a decision of this Court in Dr. Bhanu Prasad Panda V. Chancellor, Sambalpur University, (2001) 8 SCC 532, wherein this Court had held Public Administration and Political Science to be two separate disciplines. Further reliance has been placed by the High Court on Regulation 2 of the University Grants Commis- F G H

A sion Rules to arrive at the finding that for appointment to the
post of Reader a candidate would have to be qualified in the
relevant subject.

B 5. As has also been commented upon by my learned
brother, the distinction made by the High Court between Public
Administration and Political Science in Dr. Bhanu Prasad
Panda's case (supra) is not based on any jurisprudential reason-
ing but on the basis of a personal evaluation of the prevail-
ing circumstances. On the other hand, in the instant case, both
C the University and the University Grants Commission, have sup-
ported the stand of the appellant and have filed affidavits in sup-
port thereof. In deciding Dr. Bhanu Prasad Panda's case (su-
pra), this Court did not have the benefit of the views of the Uni-
versity and the University Grants Commission and the conclu-
sion was arrived at on the basis of a personal understanding of
D Public Administration and Political Science.

6. This is where the distinction lies between the decision
in Dr. Bhanu Prasad Panda's case (supra) and the case in hand.

E 7. The recruitment Rules followed by the University clearly
indicates that in order to be appointed as Lecturer in a particu-
lar discipline a candidate must have a post-graduate degree in
the relevant subject. On the other hand, for appointment to the
post of Reader such a condition has not been specified. In fact,
in Regulation 2 it has been generally indicated that no person
F shall be appointed to a teaching post in the University or in any
institution, including constituent or affiliated colleges recognized
under the UGC Act, 1956, or any institution deemed to be a
University under Section 3 of the said Act, in a subject, if he/she
does not fulfil the requirement as to the qualifications for the
G appropriate subject.

8. In my view, the omission in the Regulations cannot be
said to be unintentional or a case of *casus omissus*. In my
view, the expression 'appropriate subject' was intended to cover
the post of Reader and once the expert bodies had indicated
H that the appellant who held a post-graduate degree in Political

Science was eligible to be appointed to the post of Reader in Public Administration and had been rightly appointed to such post, it is normally not for the Courts to question such opinion, unless it has specialised knowledge of the subject. A

9. Significantly, the decision in Dr. Bhanu Prasad Panda's case (supra) does not reflect the aforesaid position and does not also indicate the reason why and on what basis such a decision holding Public Administration and Political Science to be two distinct disciplines had been arrived at. B

10. In such circumstances, I agree with my learned brother that the judgment of the High Court impugned in this appeal cannot be sustained. The appeal is accordingly allowed; the writ petition filed in the High Court by the respondent-University is dismissed and the appointment of the respondent as Reader in Public Administration is upheld. C

11. There will be no order as to costs. D

N.J. Appeal allowed.