

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA**CWP No.11695 of 2026****Date of Decision: 14.09.2026**

Yuvraj Rajyadhayksh

.....Petitioner

Versus

Union of India & others

... Respondents

Coram:

Hon'ble Mr. Justice Sandeep Sharma, Judge.Whether approved for reporting? ¹

For the Petitioner: Mr. Vivek Singh Attri, Advocate.**For the Respondents:** Mr. Narender Singh Thakur, CGC, for respondent No.1.

Mr. Sunil Mohan Goel, Senior Advocate with Mr. Raman Jamalta and Mr. Abhinav Mohan Goel, Advocates, for respondents No.2 to 4.

Sandeep Sharma, Judge(oral):

By way of instant petition filed under Article 226 of the Constitution of India, petitioner has prayed for following main reliefs:-

- “ i. To quash and set aside communication dated 07.05.2026 (Annexure P-VII) being illegal, arbitrary and perverse;
- ii. To direct the respondents to consider the candidature of the petitioner in PhD programme in Organizational Behaviour & Human Resource Management;
- iii. To direct the respondents to kindly allow the petitioner to pursue PhD programme in Organizational Behaviour & Human Resource Management for session 2026.”

¹ Whether the reporters of the local papers may be allowed to see the judgment?

2. Precisely, the grouse of the petitioner, as has been highlighted in the petition and further canvassed by Mr. Vivek Singh Attri, learned counsel representing the petitioner, is that though petitioner was fully eligible to be considered for PhD programme, but yet for no cogent and convincing reason, he was not selected.

3. Precisely, the facts of the case, as emerge from the pleadings as well as other material adduced on record by the respective parties, are that the Indian Institute of Management, Sirmaur (**for short 'IIM Sirmaur'**), vide PhD Admission Policy 2026 (**Annexure P-1**), invited applications for PhD courses in the disciplines of Finance, Strategy, Human Resource and Organizational Behaviour, Economics, Marketing, Operations and Supply Chain Management, Management Information Systems, Decision Sciences, Tourism Management and Public Policy. Petitioner herein applied for the PhD course in the discipline of Human Resource and Organizational Behaviour. Since petitioner was found to be eligible, he was called for interview vide communication dated 14th April, 2026 (**Annexure P-5**). As per procedure, selection for the PhD, as detailed hereinabove, was to be done in four stages:-

- **Stage 1:** The candidate was to be assessed on the information provided by him.
- **Stage 2:** Candidates were to be invited for personal interview conducted by members of the candidate's chosen area of specialization.

- **Stage 3:** Candidates shortlisted after Stage 2 will be required to appear before the second round of personal interview with the Doctoral Programme and Research Committee.
- **State 4:** Candidates who are recommended for admission after State 3 interviews, will be given offer letters of admission to the PhD programme at IIM, Sirmour.

4. If the procedure as laid down for the selection process for PhD 2026 contained in the Admission Policy is perused in its entirety, it reveals that personal interviews were to be conducted in two stages/ rounds. Petitioner herein, after being found eligible to be considered against the PhD programme, was permitted to participate in the first round, wherein he admittedly alongwith other six candidates, was declared selected. However, in second round, he was interviewed by the Doctoral Programme Search Committee and he was not found fit and as such, was declared not selected. Since petitioner was not able to clear the second round of selection, he was not called for third round, wherein four selected candidates were considered for offering letter of admission. Admittedly, only two seats were available in the department/discipline opted for by the petitioner, but reply filed by the respondents suggests that four selected candidates were called for fourth round, apprehending that in case any of the first two selected candidates failed to report/join, the person next in line could be offered the seat. Certain documents received by the petitioner under

the Right to Information Act reveal that only one seat was filled because other three selected candidates failed to join.

5. In nutshell, grouse of the petitioner is that at the time of his second-round interview, he was neither conveyed the marks obtained by him nor any remarks as such, he has reason to believe and presume that he was purposely shown as not selected. He further submitted that though as per selection procedure, there was no requirement to prepare any waiting list, but yet with a view to accommodate their favourites, Interview Committee adopted a procedure unknown to law. He submitted that once petitioner was declared selected in first round, which was based upon overall academic performance of the petitioner, coupled with the fact that petitioner had fared very well in the interview, coupled with the fact that no marks/ reasons ever came to be assigned by the Interview Committee in the second round for not selecting the petitioner, there was no occasion, if any, for the Interview Committee to declare him not selected. He further submitted that very purpose and object of adopting the ratio/policy of 2:1 in second round is/was to ensure that seat does not remain unfilled and there was no provision, if any, to declare the candidate, who was selected in first round as not selected, rather, he was also required to be considered in third round alongwith

other selected candidates. He further contended that once it is apparent from the record that save and except one selected candidate, all other three selected candidates failed to join, as a result thereof, one seat remained unfilled, petitioner herein could have also been considered for the remaining seat after his having qualified in the first round.

6. To the contrary, Mr. Sunil Mohan Goel, learned Senior Advocate, duly assisted by Mr. Raman Jamalta, Advocate, representing the respondent-IIM Sirmaur, submitted that once petitioner was not declared selected in the second round and was not found fit by the Interview Committee, no illegality can be said to have been committed by IIM Sirmaur in declaring the petitioner not selected for the seat in question. Mr. Goel submitted that had the petitioner cleared the second round, he would have a right to be considered in the next round, but even at that stage, probably petitioner would have not made his place among the first four candidates, who were actually called for offering the letter against the seat in question. Mr. Goel further submitted that even in first round, petitioner was at No. 5, meaning thereby another person, who had obtained 19 marks in the first round was ahead of him and in the event of adoption of the procedure as is being pressed by the petitioner, candidate at serial No. 4 would have got a chance ahead of the petitioner and in that

situation, petitioner otherwise would have not become entitled to be considered in fourth round.

7. Having heard learned counsel representing the parties and perused material adduced on record by the respective parties, this Court finds that petitioner alongwith other six candidates was shortlisted in the first round and was placed at serial No. 6 with 18.50 marks. In second round, wherein he came to be interviewed by the Interview Committee, he was not selected, as a result thereof, he was not called in third round. The selection criteria, as has been discussed in earlier part of the judgment, clearly reveals that same comprises of four parts. In first round, marks are allotted on the basis of academic qualifications of the candidates and in the second round marks are added in the marks obtained in the first round on the basis of personal interview conducted by the Interview Committee.

8. Interestingly, in the instant case, petitioner was not found fit by the Interview Committee in the second round and he was declared 'not selected' in the second round. As has been noticed hereinabove, only those candidates, who clear both the rounds (first and second), are considered in third round for offering admission letter. Since, in the instant case, petitioner had not cleared the second round, he was not called for the third round. Though, this Court finds force in the submission of learned counsel for the petitioner that there

is no procedure prescribed that two persons will be called for one seat but at the same time this Court finds no illegality in the decision taken by the respondent in calling candidates in the ratio of 2:1 (four candidates for two seats) to ensure that in the event of non-joining of the first two selected candidates, seats do not remain unfilled, rather are offered to the candidate next in line/merit.

9. In the present case, admittedly five persons were ahead of the petitioner in the merit list, even if the same is prepared on the basis of performance in round-1. No doubt, documents received by the petitioner under the Right to Information Act reveal that at present only one seat remains unfilled, but certainly petitioner cannot stake any claim qua the same for the reason that he was unable to clear the second round.

10. Moreover, this Court finds that even if argument advanced by learned counsel for the petitioner that overall merit of the candidate was to be considered at the time of considering the candidature of the candidate concerned in third round is presumed to be correct, petitioner cannot be said to have gained benefit in any way for the reason that there was another candidate ahead of him in merit at Serial No. 5.

11. Since petitioner was not selected in second round, coupled with the fact that there is another candidate, who was

selected in second round, but was not called for interview on account of his being at Serial No. 5 in overall merit list, this Court finds no illegality or infirmity in the decision taken by the respondent-Institute, thereby declaring petitioner 'not selected' for the Ph.D. seat in the discipline concerned.

12. Consequently, in view of the above, this Court finds no merit in the present petition and accordingly, same is dismissed being devoid of any merit. Pending application, if any, also stand disposed of.

**(Sandeep Sharma),
Judge**

September 14, 2026
(shankar)