



2026:DHC:7095-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% *Date of Decision : 20.08.2026*# **CNR No. DLHC010212882026**+ **LPA 354/2026**

SHIV KUMAR

.....Appellant

Through: Ms. Madhumita Bhattacharya,
Advocate.

versus

UNIVERSITY OF DELHI & ORS.

.....Respondents

Through: Mr. Mohinder Rupal, Mr. Hardik
Rupal, Ms. Aishwarya Malhotra, Ms.
Tripta Sharma, Advocates for R-1 to
4.**CORAM:****HON'BLE THE CHIEF JUSTICE****HON'BLE MR. JUSTICE TEJAS KARIA****TEJAS KARIA, J. (ORAL)****CM APPL. 31953/2026 (Exemption)**

1. Exemption allowed, subject to all just exceptions.
2. The Application stands disposed of.

CM APPL. 31952/2026 (Condonation of Delay)

3. Having heard learned Counsel representing the Parties and perused the averments made in the instant Application, the Application is allowed and delay of 55 days in filing the Appeal is condoned.
4. The Application stands disposed of.

Signature Not Verified

Signed By: NEELAM
SHARMA
Signing Date: 24.08.2026
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5. The present *intra court* appeal assails the Judgment dated 27.01.2026 (“**Impugned Judgment**”) passed by the learned Single Judge in W.P.(C) No. 1084/2026 (“**Writ Petition**”) filed by the Appellant.

6. The factual matrix leading to the filing of the present Appeal is as under:

6.1 On 20.09.2021, Respondent No. 1-University (“**University**”) issued an advertisement, together with the accompanying instructions (“**Advertisement**”), inviting applications for appointment to the post of Assistant Professor in Academic Pay Level 10 of the 7th Central Pay Commission Pay Matrix in various Departments of the University.

6.2 On 07.10.2021, the University, *vide* memorandum dated 07.10.2021, issued an addendum to the Advertisement (“**Addendum**”), whereby online applications were invited for the post of Assistant Professor in certain additional Departments of the University.

6.3 Thereafter, the University, *vide* letter dated 01.11.2021, issued a corrigendum (“**Corrigendum**”) in continuation of the Advertisement and the Addendum, notifying amendments to the eligibility and shortlisting criteria in the following terms:

“1. UGC vide letter No. F. No. 9-1/2010 (PS/Misc.) pt. Vol-II dated 12.10.2021 has extended the date of applicability of Ph.D as mandatory qualification for direct recruitment of Assistant Professors from 01.07.2021 to 01.07.2023 Accordingly, Ph.D will not be a mandatory qualification for this advertisement.

2. The number of candidates to be shortlisted for interview are also being revised herewith as follows:



(i) *The applicant securing less than 65 marks for University Departments will not be included in the list of shortlisted candidates.*

(ii) *A relaxation of 05 marks be given to candidates belonging to SC/ST/PwBD.*

(iii) *A minimum of 30 candidates for the first vacancy and 10 candidates for every additional vacancy shall be called for interview in order of their ranks in the list prepared by the Screening Committee on the basis of marks scored by the candidates for each category.”*

- 6.4 Pursuant to the Corrigendum, Respondent No. 3, *vide* notification dated 12.11.2021, issued amended guidelines for screening and/or shortlisting candidates for appointment to the post of Assistant Professor in various Departments of the University through direct recruitment.
- 6.5 In December 2021, the Appellant submitted his application for appointment to the post in the Department of Library and Information Science (“**Post**”). Pursuant thereto, the Appellant was shortlisted by the University for the interview.
- 6.6 The University, *vide* email dated 21.02.2023, informed the Appellant that the presentation and interview for the Post were scheduled on 06.03.2023 at 10:00 AM and 28.03.2023, respectively. The Appellant appeared for the presentation as well as the interview on the scheduled dates.
- 6.7 Thereafter, on 28.03.2023, a meeting of the Selection Committee, i.e. Respondent No. 4, was convened for recommending appointments to the Post, whereupon Respondent No. 4 selected Respondent No. 5 for appointment to the Post.



- 6.8 On 03.06.2023, the Appellant filed an application under the Right to Information Act, 2005 (“**RTI Act**”), seeking information from the University pertaining to the recruitment process for the Post. The said RTI application was returned by the Central Public Information Officer (“**CPIO**”), *vide* reply dated 07.06.2023 (“**RTI Reply**”), on account of a discrepancy in the instrument submitted towards the prescribed fee, the same not having been drawn in favour of the Registrar, University.
- 6.9 The Appellant thereafter resubmitted the corrected RTI application on 23.06.2023. However, it is alleged that no response was received by the Appellant to the RTI application dated 23.06.2023. Aggrieved thereby, the Appellant preferred a First Appeal on 25.07.2023.
- 6.10 As no response was received by the Appellant from the First Appellate Authority in respect of the First Appeal dated 25.07.2023, the Appellant approached the Central Information Commission (“**CIC**”) by way of Second Appeal dated 05.09.2023.
- 6.11 The CIC, *vide* order dated 31.12.2024, disposed of the Second Appeal, holding, *inter alia*, that the details of selected candidates constituted personal information relating to third parties and had, therefore, been correctly denied by the University.
- 6.12 Thereafter, the Appellant filed the Writ Petition seeking, *inter alia*, quashing of the Corrigendum, setting aside of the selection of Respondent No. 5 to the Post, and a direction to Respondent Nos. 1 to 4 to consider the candidature of the Appellant for appointment to the Post.



- 6.13 The learned Single Judge, *vide* the Impugned Judgment, dismissed the Writ Petition, observing that the Corrigendum, having been issued prior to the last date for submission of applications for the Post and having been applied uniformly, clarified that possession of a Ph.D. was not a mandatory qualification for the recruitment in question and that Respondent No. 5 could not be treated as ineligible merely on the ground of not possessing a Ph.D.
- 6.14 Being aggrieved by the Impugned Judgment, the Appellant has preferred the present Appeal.
7. Learned Counsel for the Appellant submitted that the last date for submission of applications for the Post was of no relevance in view of the judgment of the Supreme Court in ***Tej Prakash Pathak & Ors. v. Rajasthan High Court & Ors.***, 2025 (2) SCC 1, as the recruitment process commences with the issuance of the advertisement and the eligibility criteria notified at the commencement thereof cannot be altered midway. It was further submitted on behalf of the Appellant that the Appellant was the more meritorious candidate, having secured 80 marks out of 100 in the recruitment process for the Post, and also possessed a Ph.D. at the time of submitting his application, whereas Respondent No. 5 obtained a Ph.D. only in 2023, long after issuance of the Advertisement.
8. Learned Counsel for the Appellant further submitted that the Corrigendum, which merely stated that a Ph.D. was not a mandatory qualification for the Advertisement, could not be construed to mean that, where a choice existed between a candidate possessing a Ph.D. and one not possessing such qualification, a candidate of allegedly lesser merit could be preferred.



9. Learned Counsel for the Appellant also submitted that, having shortlisted the Appellant and called him for the presentation and interview for the Post, the University had treated him as eligible for appointment, thereby giving rise to a legitimate expectation that his candidature would be duly considered in accordance with law.

10. Learned Counsel for the Appellant placed reliance on ***R. Ranjith Singh & Ors. v. State of Tamil Nadu & Ors.***, 2025 SCC OnLine SC 1009, and ***Anmol Kumar Tiwari v. State of Jharkhand***, (2021) 5 SCC 424, to contend that there exists a constitutional mandate to select candidates strictly on the basis of merit in matters of public employment and that appointment of persons with lesser merit, to the exclusion of candidates who have secured higher marks, would be violative of Articles 14 and 16 of the Constitution of India, 1950 (“**Constitution**”).

11. We have considered the submissions advanced by learned Counsel for the Appellant and have perused the material placed on record.

12. The principal contention urged on behalf of the Appellant is that Respondent No. 5 was less meritorious than the Appellant and, therefore, the selection of Respondent No. 5 to the Post is liable to be set aside. It is the case of the Appellant that he possessed a Ph.D. at the time of submitting his application for the Post, whereas Respondent No. 5 obtained a Ph.D. only in 2023. On this basis, it is contended that the University could not have preferred Respondent No. 5, allegedly a candidate of lesser merit, over the Appellant.

13. We are unable to accept the aforesaid submission. In the present case, the Corrigendum expressly stipulates that a Ph.D. was not a mandatory



qualification for the Advertisement. In the absence of any stipulation to the contrary, possession of a Ph.D. could not be treated as conferring superior merit upon the Appellant for the purpose of selection to the Post. The submission that a candidate possessing a Ph.D. ought to have been preferred over a candidate not possessing such qualification proceeds on the premise that possession of a Ph.D. was a criterion for determination of comparative merit, which is not borne out from the material placed on record.

14. The reliance placed by learned Counsel for the Appellant on **Tej Prakash** (*supra*) also does not advance the case of the Appellant. The Corrigendum was issued pursuant to the UGC letter dated 12.10.2021, whereby the date from which a Ph.D. was to operate as a mandatory qualification for direct recruitment of Assistant Professors was extended from 01.07.2021 to 01.07.2023. The Corrigendum merely gave effect to the said extension and was made uniformly applicable to all candidates applying for the Post of Assistant Professor. In any event, the Appellant was not excluded from consideration by virtue of the Corrigendum and was, in fact, shortlisted and called for the presentation and interview conducted for the Post.

15. There can be no cavil with the propositions of law laid down in **R. Ranjith Singh** (*supra*) and **Anmol Kumar Tiwari** (*supra*). However, the question whether Respondent No. 5 was less meritorious than the Appellant must necessarily be examined with reference to the criteria governing appointment to the Post. The mere fact that the Appellant possessed a Ph.D. could not, by itself, render Respondent No. 5 less meritorious. There is a clear distinction between possessing an additional qualification and being



entitled to a preferential claim by reason thereof. In the absence of any stipulation in the Advertisement, the Addendum or the Corrigendum making possession of a Ph.D. a basis for comparative preference, the selection of Respondent No. 5 to the Post cannot be said to be arbitrary or violative of Article 14 of the Constitution.

16. Insofar as the submission regarding legitimate expectation is concerned, the Appellant was admittedly not provisionally selected for the Post but was only shortlisted and called for the presentation and interview. Mere shortlisting and participation in the presentation and interview did not confer upon the Appellant any vested right to appointment to the Post.

17. Further, the Corrigendum was issued by the University on 01.11.2021 in continuation of the Advertisement and the Addendum, notifying amendments to the eligibility and shortlisting criteria. Notwithstanding the same, the Appellant participated in the selection process for the Post without any demur. Having so participated, the Appellant must be deemed to have acquiesced in the said process and cannot be to assail the Corrigendum by way of Writ Petition. Accordingly, we do not find any infirmity with the view taken by the learned Single Judge in the Impugned Judgment.

18. For the aforesaid reasons, we find no ground warranting interference in the present Appeal, which is, accordingly, hereby dismissed. Pending Applications, if any, also stand disposed of. There shall be no order as to costs.

TEJAS KARIA, J

DEVENDRA KUMAR UPADHYAYA, CJ

AUGUST 20, 2026/HK