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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 3699/2023 & CM APPLs. 14305/2023, 15326/2023

Date of Decision: **18.09.2023**

IN THE MATTER OF:

DEVENDRA SINGH CHAUDHARY

S/O SH. GARIB LALA

AGED ABOUT 29 YEARS,

43 VILLAGE, RARI SHIKARPURA TEHSIL,

MIHONA, DIST. BHIND, MP- 47744

..... Petitioner

Through: Ms. Prakriti Rastogi, Advocate
alongwith Mr. Azad Bansala and Mr. Abhishek
Singh, Advocates

Versus

JAWAHARLAL NEHRU UNIVERSITY

THROUGH ITS REGISTRAR,

ADDRESS: JAWAHARLAL NEHRU UNIVERSITY,

NEW DELHI-110067

..... Respondent No. 1

UNIVERSITY GRANTS COMMISSION

THROUGH CHAIRMAN

BAHADUR SHAH ZAFAR MARG,

NEW DELHI-110002

..... Respondent No. 2

UNION OF INDIA,

MINISTRY OF SOCIAL JUSTICE & EMPOWERMENT

THROUGH SECRETARY

SHASTRI BHAWAN, NEW DELHI, DELHI-110001

..... Respondent No. 3

NATIONAL TESTING AGENCY

REPRESENTED BY SECRETARY,

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By: PURUSHAINDRA
KUMAR KAURAV

DEPARTMENT OF HIGHER EDUCATION,
 MINISTRY OF EDUCATION
 NSIC-MDPP BUILDING,
 OKHLA INDUSTRIAL ESTATE PHASE III
 NEW DELHI-110020

..... Respondent No. 4

Through: Ms. Monika Arora, Advocate alongwith
 Mr. Subhrodeep Saho and Mr. Yash Tygai,
 Advocates for respondent No.1/JNU
 Mr. Parmanand Gaur, Standing Counsel alongwith
 Mr. Apoorv Kurup, Ms. Megha Gaur, Mr. Vaibhav
 Mishra, and Mr. Akhil Hasija, Advocates for
 respondent No.2/UGC

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

ORDER

PURUSHAINDRA KUMAR KAURAV, J. (ORAL)

1. The petitioner in the instant writ petition under Article 226 of the Constitution of India, seeks relief against the denial of the admission in Ph.D. course in respondent no.1-University for the academic year 2023-24.
2. The facts of the present case would show that the petitioner had appeared for the National Eligibility Test-Junior Research Fellowship (hereinafter as '*NET-JRF*') in 2019-2020 cycle and was awarded the National Fellowship for Schedule Caste Students (hereinafter as '*NFSCS*') *vide* fellowship award letter dated 30.11.2020.
3. The petitioner, thereafter, being desirous of securing admission in respondent no.1-University for pursuing Ph.D. course in Medieval History, applied on 19.09.2022 for the said course. In the said application, he mentioned the title of the national qualified test as NFSCS.

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 KUMAR KAURAV

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner had completed the requisite formalities for admission in Ph.D. course under the NET-JRF category for the academic year 2023-24. She submits that in pursuance of application submitted by the petitioner, he was called for interview *vide* letter dated 05.01.2023 and the interview of the petitioner was conducted on 18.01.2023.

5. Learned counsel for the petitioner further submits that after the interview of the petitioner was conducted, in pursuance of result at *Annexure P-7*, the name of the petitioner found place in selected category as Category Rank SC:1 against Medieval History subject. She, therefore, submits that after the name of the petitioner was reflected in the merit list, he went to respondent no.1-University for completion of the formalities. She also submits that, for varying reasons, the formalities were not allowed to be completed and the admission was not granted to the petitioner.

6. According to learned counsel for the petitioner, the respondent-University did not allow the petitioner to complete the formalities only on the pretext that the petitioner did not qualify for NET-JRF examination. Learned counsel for the petitioner submits that the same is, however, not the requirement for grant of admission. She has placed reliance on various conditions of the brochure including guidelines of the University Grants Commission (hereinafter as '*UGC*') to support her argument.

7. Learned counsel appearing on behalf of respondent no.1-University vehemently opposes the submissions made by learned counsel for the petitioner. Learned counsel submits that in the instant case, there exists a striking distinction between simply NET qualified candidates and NET-JRF qualified candidates.

8. Learned counsel appearing on behalf of respondent No.2-UGC emphasised that the candidates who stand at a prescribed higher merit are considered as NET-JRF candidates and all remaining qualified candidates are treated as only NET qualified candidates.

9. Learned counsel for respondent no.1-University, while drawing the attention of this court to a document (*Annexure P-6*) dated 05.01.2023, which is a letter for interview, submits that it was unequivocally stated in the said communication that only the candidates who are JRF qualified through CSIR, UGC-NET, ICMR, AYUSH, DBT examination are eligible for admission in Ph.D. programme. She also submits that in the instant case, such a requirement has not been met.

10. I have considered the submissions made by learned counsel for the parties and have perused the record.

11. If the document relied upon by the petitioner i.e., the Scheme of Ministry of Social Justice and Empowerment, Government of India is considered, the scope of the Scheme, undoubtedly stipulates that the same provides for new 2000 fellowships (1500 JRF for Humanities/Social Sciences and 500 JRF for Science stream) per year to such Scheduled Caste students to undertake advanced studies and research leading to M.Phil/Ph.D degrees, who have qualified in various tests including NET-JRF of UGC. However, whether such fellowships can be said to be on an equal footing as that of NET-JRF category for the purpose of securing admission in Ph.D. course in respondent no.1-University, is the question for determination in the instant case.

12. It is seen that respondent no.1-University has consistently maintained a categorical stand that the candidates seeking admission in the NET-JRF

category in Ph.D. course must have qualified for JRF through CSIR, UGC-NET, ICMR, AYUSH and DBT examination. The candidates who simply qualify for NET and do not qualify for JRF through the aforesaid categories of examination are not considered eligible for the benefit of availing admission through the separate category.

13. It is apposite to extract Clause 9 of the Admission Policy for the year 2023-2024 of respondent no.1-University, which reads as under:-

“9. Admission of JRF holders to Ph.D. programme:

Only those candidates who fulfil the minimum eligibility requirements as prescribed for admission of candidates to Ph.D. programmes as mentioned in the respective schools/centres and have qualified for Junior Research Fellowship through CSIR, UGC National Eligibility Test (NET), ICMR, AYUSH, DBT examination are eligible to apply separately in the prescribed form under this category in the respective school/centre/Special Centre wherever separate intake through JRF category is available (the link for this category will be available on the JNU website). Such candidates shall be exempted from appearing in Computer Based Test (CBT). However, candidates shall have to appear for an interview and their selection will depend on their performance in the interview. Candidates who have appeared in these examinations, but results awaited may also apply under this category. However, such candidates will be interviewed upon submission of a valid proof of having qualified for or awarded the JRF certificate at the time of interview. Please note that candidates who have been awarded “Lectureship” (without JRF) in the CSIR/UGC examination and any other fellowship on the basis of Lectureship (without JRF) (Assistant Professorship) are not eligible and will not be interviewed. In case of candidates applying under JRF category selection will be done on the basis of 100% viva score.

Admission of GATE holders to Ph.D. programme in the School of Engineering

Only those candidates who fulfil the minimum eligibility requirements as prescribed for admission of candidates to Ph.D. programme as mentioned for the School of Engineering and qualified for GATE fellowship are eligible to apply separately in the prescribed form under this category (the link for this category will be

available on the JNU website). The intake will be as per the availability of number of fellowships and requirement of seats in the School. In case of candidates applying under GATE category, selection will be done on the basis of 100% viva score”.

14. It is also to be noted that in concurrence with the Admission Policy, respondent no.1-University vide its letter dated 05.01.2023, had made it clear that a candidate must have NET-JRF certificate to be eligible for the said admission. The relevant extract of letter dated 05.01.2023 is culled out as under:-

“Only those candidates shall be considered for admission to Ph.D. programme (without appearing in the JNU's entrance examination) who fulfill the minimum eligibility requirements as mentioned in the respective Schools/Centres in the e-Prospectus of the University and have qualified a Junior Research Fellowship through CSIR, UGC National Eligibility Test (NET), ICMR, AYUSH, DBT examination”.

15. The aforesaid Admission Policy of respondent no.1-University clearly delineates the necessary requirements for being considered as the NET-JRF qualified candidate for the purpose of admission in the Ph.D. course. It does not take into account any other JRF which is secured through any means other than the categories of examination prescribed in the said policy.

16. It is palpably observed that in the present case, the petitioner had not qualified for the NET-JRF examination through the prescribed category of examinations in the aforementioned Admission Policy, rather, he is seeking to avail benefit of admission based on the NFSCS fellowship. Also, the fellowship obtained by the petitioner does not find mention in the Admission Policy of respondent no.1-University for being treated as qualified and eligible for admission in NET-JRF category in the Ph.D. course.

17. In my considered opinion, it is prudent to leave the onus of deciding the matters concerning eligibility criteria for admission in particular courses,

on the respective institutions, which shall decide the same in adherence to the extant regulations. The position of law regarding the interference of writ courts in policy decisions is well settled and expounded through catena of judgments, which succinctly affirm that the writ courts should keep their hands off, unless the concerned policy is grossly arbitrary or *malafide* or suffers from patent illegality. Reliance may be placed on the decision in the case of ***Maharashtra State Board of Secondary and Higher Secondary Education v. Paritosh Bhupeshkumar Sheth***¹, wherein, the Hon'ble Supreme Court has held as under:

29. Far from advancing public interest and fair play to the other candidates in general, any such interpretation of the legal position would be wholly defeasive of the same. As has been repeatedly pointed out by this Court, the Court should be extremely reluctant to substitute its own views as to what is wise, prudent and proper in relation to academic matters in preference to those formulated by professional men possessing technical expertise and rich experience of actual day-to-day working of educational institutions and the departments controlling them. It will be wholly wrong for the Court to make a pedantic and purely idealistic approach to the problems of this nature, isolated from the actual realities and grass root problems involved in the working of the system and unmindful of the consequences which would emanate if a purely idealistic view as opposed to a pragmatic one were to be propounded. It is equally important that the Court should also, as far as possible, avoid any decision or interpretation of a statutory provision, rule or bye-law which would bring about the result of rendering the system unworkable in practice. It is unfortunate that this principle has not been adequately kept in mind by the High Court while deciding the instant case.

[Emphasis supplied]

18. A congruent view was taken by the Hon'ble Supreme Court in the case of ***All India Council for Technical Education v. Surinder Kumar Dhawan***², whereby, it was of the opinion that any intermeddling with decisions pertaining to the academic matters would lead to chaos in

¹ (1984) 4 SCC 27

² (2009) 11 SCC 726

education and cause deterioration in standards of education. The relevant paragraphs of the said decision are reproduced as under:

16. The courts are neither equipped nor have the academic or technical background to substitute themselves in place of statutory professional technical bodies and take decisions in academic matters involving standards and quality of technical education. If the courts start entertaining petitions from individual institutions or students to permit courses of their choice, either for their convenience or to alleviate hardship or to provide better opportunities, or because they think that one course is equal to another, without realising the repercussions on the field of technical education in general, it will lead to chaos in education and deterioration in standards of education.

*17. The role of statutory expert bodies on education and the role of courts are well defined by a simple rule. **If it is a question of educational policy or an issue involving academic matter, the courts keep their hands off.** If any provision of law or principle of law has to be interpreted, applied or enforced, with reference to or connected with education, the courts will step in. In *J.P. Kulshrestha (Dr.) v. Allahabad University* [(1980) 3 SCC 418 : 1980 SCC (L&S) 436] this Court observed:*

“11. ... Judges must not rush in where even educationists fear to tread. ...

17. ... While there is no absolute ban, it is a rule of prudence that courts should hesitate to dislodge decisions of academic bodies.”

[Emphasis supplied]

19. This court in the case of *Sanskriti Sharma v. Jawaharlal Nehru University And Ors.*³, while deciding a similar issue, wherein the petitioner had applied for admission in the Ph.D. course without having the NET-JRF certificate, it was held that the conditions mentioned in the prospectus are binding. The relevant paragraphs are reproduced as under:

10. It appears from the above that a candidate was entitled to apply in the NET-JRF category only if he/she had the requisite qualification, or had appeared in the examination but the results were awaited. Even in the latter case, the

³ 2021 SCC OnLine Del 5505

interview was subject to having qualified/been awarded the NET-JRF certificate, at the time of interview. The petitioner admittedly does not fall within this class and was, therefore, ineligible to apply in the NET-JRF category.

11. The eligibility conditions mentioned in the prospectus are binding. The petitioner, having applied under the prospectus, cannot now seek an exemption from the eligibility conditions mentioned therein. This will cause severe prejudice not just to the administration of JNU, but also to other qualified candidates who have applied under the NET-JRF category, and also to candidates similarly placed as the petitioner who may not have applied for want of the requisite qualifications.

*12. Mr. Pushkar submits that the difficulty arises out of the fact that JNU has not invited any applications for Ph.D. in Hindi course through JNUEE. That is also, unfortunately, not a matter which can invite the interference of the writ court. **The categories and qualifications in which an academic institution seeks to attract students for various courses is a matter for the institution to decide, and the interference of the writ court in such matters is only upon a finding of manifest arbitrariness or perversity.** No such case is made out in the present petition.*

[Emphasis supplied]

20. Considering the foregoing decisions, the arguments of the petitioner do not hold any water. The admission in the concerned course can be sought only on the fulfilment of the conditions mentioned in the prospectus of respondent no.1-University, which does not stipulate to consider the fellowship awarded to the petitioner at par with the necessary eligibility for securing admission i.e, NET-JRF certificate awarded through prescribed examinations. This court cannot usurp the authority of respondent no.1-University in the instant case, to supplant the conditions mentioned in the said Admission Policy.

21. In view of the aforesaid, since the petitioner is not a NET-JRF qualified candidate in the instant case, therefore, no direction can be issued to respondent no.1-University to grant admission to the petitioner against the Ph.D. course.

22. Accordingly, the petition is dismissed alongwith pending applications.

PURUSHAINDRA KUMAR KAURAV, J

SEPTEMBER 18, 2023

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By: PURUSHAINDRA
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