



2024 : DHC : 2904



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**+ **W.P.(C) 9133/2018****DINESH CAND**

..... Petitioner

Through: Choudhary Ali Zia Kabir, Ms.
Sumayya Khatoon, Mr. Mohammad Aman
Khan and Mr. Sushant Singh, Advs.

versus

**COUNCIL OF SCIENTIFIC AND INDUSTRIAL RESEARCH
AND ORS.**

..... Respondent

Through: Mr. Jayesh Unni Krishnan, Mr.
Bhuvnesh Satija and Mr. Udit Shamra,
Advs. for R-1
Mr. Apoorv Kurup and Ms. Nidhi Mittal,
Advs. for R-2

CORAM:**HON'BLE MR. JUSTICE C. HARI SHANKAR****J U D G M E N T (O R A L)**

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03.04.2024

1. The petitioner obtained his degree of Bachelor of Science in Physics from Aligarh Muslim University on 30 August 2011. Thereafter, he secured admission to the M.Sc.-Ph.D. dual degree program in Physics at IIT Bombay in 2011. He completed the course in May 2014.

2. The Council for Scientific and Industrial Research (CSIR) published a Notification inviting applications for the “Joint CSIR-UGC Test for JRF (Joint Research Fellowship) and eligibility for Lectureship (NET)” in September 2012.



2024 : DHC : 2904



3. The Joint CSIR-UGC Test, it may be noted, is an examination conducted by the UGC in collaboration with the CSIR for selecting students for JRF and for lectureship. The petitioner was an aspirant for lectureship, following the said examination.

4. Admittedly, at the time of filling the examination form, the petitioner entered his qualification as 'B.Sc. RA' in which RA stands for "Result Awaited", instead of 'M.Sc. RA'.

5. Clause 2.2 of the Notification dated September 2012, issued by the CSIR, which deals with the required Educational qualifications for Lectureship reads thus:

2.2 EDUCATIONAL QUALIFICATION

"BS-4 years program/BE/BTech/BPharma/MBBS/Integrated BS-MS/MSc or equivalent degree with at least 55% marks for general and OBC (50% for SC/ST candidates, Physically and Visually Handicapped candidates).

Candidates enrolled for M.Sc or having completed 10+2+3 years of the above qualifying examination are also eligible to apply in the above subject under the Result Awaited (RA) category on the condition that they complete the qualifying degree with requisite percentage of marks within the validity period of two years to avail the fellowship from the effective date of award.

Such candidates will have to submit the attestation format (Given at the reverse of the application form) duly certified by the Head of the Department/Institute from where the candidate is appearing or has appeared.

BSc (Hons) or equivalent degree holders or students enrolled in Integrated MS-PhD program with at least 55% marks for general and OBC candidates; 50% marks for SC/ST candidates, physically and visually handicapped candidates are also eligible to apply. Candidates with bachelor's degree, whether Science, engineering or any other discipline, will be eligible for fellowship only after getting



2024 : DHC : 2904



registered/enrolled for PhD/Integrated PhD program within the validity period of two years.

The eligibility for lectureship of NET qualified candidates will be subject to fulfilling the criteria laid down by UGC. Ph.D. degree holders who have passed Master's degree prior to 19th September 1991. with at least 50% marks are eligible to apply for Lectureship only.

The candidates with the above qualification are advised to fill up their degree with percentage of marks in column No.19, 20 & 21, as applicable (if they are applying through Information Bulletin) or column No. 18 to 21, as applicable (for Online applications)."

6. Paralelly, Clause 3.2 of the Information Bulletin governing the aforesaid examination reads thus:

"3.2 EDUCATIONAL QUALIFICATION UNDER THE SUBJECT MENTIONED IN PARA 3.1 ABOVE

BS-4 years program/BE/B.TECH/B. Pharma/MBBS/ Integrated BS-MS/M.SC or equivalent degree with at least 55% marks for General & OBC (50% for SC/ST candidates, physically and visually handicapped candidates). Candidate enrolled for M.Sc or having completed 10+2+3 years of the above qualifying examination are also eligible to apply in the above subject under the Result Awaited (RA) Category on the condition that they complete the qualifying degree with requisite percentage of marks within the validity period of two years to avail the fellowship from the effective date of award.

Such candidates will have to submit the attestation format (given at the reverse of the application form) duly certified by the Head of the Department/Institute from where the candidate is appearing or has appeared.

B.Sc. (Hons) or equivalent degree holder or student enrolled in integrated MS-Ph.D programme with at least 55% marks for General & OBC candidates; 50% for SC/ST candidates, Physically and Visually handicapped candidates are also eligible to apply.

Candidates with bachelor's degree, whether Science, engineering or any other discipline, will be eligible for fellowship



2024 : DHC : 2904



only after getting registered /enrolled for Ph.D/Integrated Ph.D. programm within the validity period of two years.

The eligible for lectureship of NET qualified candidates will be subject to fulfilling the criteria laid down by UGC. Ph.D. degree holders who have passed Master's degree prior to 19th September, 1991 with at least 50% marks are eligible to apply for Lectureship only."

7. The petitioner had, at the time of the application for the aforesaid examination, admittedly, enrolled for M.Sc. He, therefore, was eligible for undertaking the examination in the RA category subject to the condition that the M.Sc. degree program would be completed with the requisite percentage of marks within a period of two years.

8. On this, there is no dispute.

9. The cut-off marks for lectureship, following the Joint CSIR-UGC Test was 26.5% for the Scheduled Caste (SC) and Scheduled Tribe (ST) category. The petitioner, who is a scheduled caste candidate, secured 30.15% of marks and was, therefore, admittedly eligible as per the result for securing lectureship following the examination. Apparently, because the petitioner had, in his application submitted for undertaking the Joint CSIR-UGC Test, stated that he was a B.Sc. (RA) student, instead of an M.Sc. (RA) student, his result was not declared.

10. The petitioner, thereafter, attempted to communicate with the respondent, who insisted that, once the details had been entered in the



2024 : DHC : 2904



application form, they could not thereafter be corrected and that, as the petitioner had entered himself as a student who was pursuing his B.Sc. course, he could not be regarded as eligible for lectureship following the Joint CSIR-UGC Test.

11. Aggrieved at the fact that he was being denied his right merely because of a typographical error while filling up the application form for undertaking the examination, the petitioner has approached this Court by means of the present writ petition, seeking a writ of mandamus directing the CSIR to certify that the petitioner had qualified the UGC-CSIR NET Lectureship examination held on 23 December 2012. The petitioner has also claimed monetary compensation which Mr. Kabir fairly does not press.

12. The respondent, in its counter affidavit, does not dispute the fact that, if the petitioner was in fact undergoing the M.Sc. course and the result of the said course was forthcoming within a period of two years on the date of filling up the application form, the petitioner would be eligible for lectureship, following the Joint CSIR-UGC Test on the basis of the 30.15% marks which were obtained by him.

13. The burden of the song, in the counter affidavit, which is what Mr. Jayesh Unni Krishnan, learned Counsel for the CSIR urged before this Court is that, as the petitioner has himself to be blamed for having been negligent while filling up the application form, if he were to be granted relief, it would open a veritable Pandora's box.



2024 : DHC : 2904



14. After considering these aspects, a coordinate Bench of this Court on 3 May 2023, adopted an expansive approach and directed the CSIR to verify the M.Sc. qualification held by the petitioner – which he had, by then, acquired – to examine whether it was indeed acquired within two years as required by Clause 2.2 of the Notification issued by the CSIR.

15. In compliance with the said direction, the CSIR has filed an affidavit dated 19 March 2024, in which it has certified that the petitioner obtained his M.Sc. degree on 9 August 2014.

16. As this date falls within the period of two years from the date of declaration of the result of the Joint CSIR-UGC Test, the entitlement of the petitioner to lectureship, on the basis of the percentage of marks obtained by him in the Joint CSIR-UGC Test, cannot be denied.

17. No doubt, the petitioner might have been negligent in entering his details while filling up the application form before undertaking the examination. However, substantial justice has always to trump technical considerations. In the interests of justice, the petitioner, who was entitled to lectureship on the basis of his performance in the UGC-CSIR NET examination, cannot be denied that benefit merely because of an erroneous detail filled in by him while applying for undertaking the said test.

18. This writ petition is, therefore, allowed. The petitioner would be entitled to Lectureship on the basis of his result in the Joint CSIR-



2024 : DHC : 2904



UGC Test undertaken by him on 23 December 2012.

19. The petitioner would be entitled, therefore, to be issued the requisite certificate entitling him to lectureship following the result of Joint CSIR-UGC Test.

20. It is clarified that this order has been passed in the peculiar facts and circumstances of this case.

C. HARI SHANKAR, J.

APRIL 3, 2024

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Click here to check corrigendum, if any