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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 13035/2023**

PRADEEP SAHU

..... Petitioner

Through: Mr. Anurag Ojha, Mr. Kumar Abhishek, Mr. Subham Kumar, Mr. Vipul Kumar, Mr. Rajeev L.Seth, Mr. S.Goel and Mr. Satyam Parashar, Advs.

versus

JAWAHAR LAL NEHRU UNIVERSITY & ANR.

..... Respondents

Through: Ms. Monika Arora, Mr. Subhrodeep Saha, Ms. Radhika Kurdukar, Ms. Jyoti Tiwari, Advs. for JNU
Mr. Parmanand Gaur, Standing Counsel with Mr. Vaibhav Mishra, Mr. Anil Sachdeva, Ms. Megha Gaur and Mr. Deepanshu Bharti, Advs. for UGC

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

JUDGMENT (O R A L)

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02.05.2024

The Controversy

1. Consequent on clearing the UGC-NET Junior Research Fellow (JRF) examination, the petitioner was awarded the JRF Award Letter, by the University Grants Commission (UGC) on 8 March 2017. As a JRF Award Letter holder, the petitioner was entitled to seek admission to the M. Phil/Ph. D course in any UGC recognized University or college, within two years of issuance of the JRF Award Letter. In



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pursuance thereof, the petitioner joined the M. Phil programme in the Centre for Federal Study in the Jamia Hamdard University on 26 September 2018, within the stipulated period of two years. Owing to the intervention of the COVID-19 pandemic, there was some delay in the results of the M. Phil course of the petitioner, which were declared on 6 April 2021. The petitioner cleared with a First Division.

2. Thus far, there is no dispute.

3. Clause 5 of the XII Plan Guidelines of the UGC for JRF in Sciences, Humanities and Social Sciences reads thus:

“5. Tenure of Fellowship:

These are integrated five year fellowship for M.Phil. and Ph.D. subject academic criteria in force for selection of Ph.D. programme.

The duration of fellowship is as under:-

Name of the Course	Maximum duration	Admissibility of JRF and SRF	
		JRF	SRF
M.Phil.+Ph.D	5 years	2 years	Remaining 3 years
Ph.D	5 years	2 years	Remaining 3 years

Tenure of fellowship is for five years from the date of joining. M. Phil is for two years. Fellowship will be granted upto date of submission of Ph.D. Thesis or 5 years whichever is earlier.”

Mr. Ojha contends that, as the petitioner joined his M.Phil course on 26 September 2018, the JRF was valid till 26 September 2023.

4. On 29 March 2022, the UGC issued the following public notice:

“F.No.11-3/2022(SA-I)

29, March, 2022



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PUBLIC NOTICE

SUBJECT: Extension of validity of JRF Award letter

Due to COVID-19 situation from March, 2020 onward across the country, the admission processes for M.Phil./Ph.D. are delayed in the universities and other higher education institutions. In view of this, it has been decided to extend the validity period of the JRF Award Letter for UGC NET-JRF, National Fellowship for Scheduled Caste Students, National Fellowship for Other Backward Classes (OBC), Maulana Azad National Fellowship for Minority Students, up to one more year for the candidates facing difficulty in securing admissions due to COVID-19 restrictions. The other terms and conditions as mentioned in JRF Award Letter will remain the same.

(Rajnish Jain)”

5. Having completed his M.Phil programme on 6 April 2021, the petitioner applied for obtaining admission to the Ph.D programme in the Centre for International Legal Studies, JNU on 25 November 2022. The JNU wrote to the petitioner apropos the said application, directing the petitioner to report, in person, at the JNU, from 18-19 April 2023 at 9.30 am. The petitioner was, at that time, in Bhubaneswar as his father had been admitted to undergo a major surgery in AIIMS, Bhubaneswar on 20 April 2023. The petitioner, therefore, addressed an e-mail to the Registrar, JNU on 18 April 2023, requesting that he be granted extension of time to report at the JNU.

6. Apropos the said request, JNU responded on 19 April 2023, stating that the date for physical verification of documents for admission to the Ph.D programme in the JNU was from 18 to 19 April 2023 till 24 April 2023. The petitioner was, therefore, requested to report at the JNU on or before 24 April 2023.



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7. At the time of physical interaction on 24 April 2023, the JNU required the petitioner to obtain the JRF validation certificate from the UGC, as the period for which the JRF had been extended by the UGC *vide* public notice dated 29 March 2022, had expired on 8 March 2023. The petitioner, therefore, addressed a communication to the UGC on 26 April 2023, seeking a clarification in that regard. The UGC responded *vide* the following letter dated June 2023:

“F.No. 1-10/2023(SA-I)

Dated: June, 2023

Sh. Pradeep Sahu
At - Kanak Birabhatli
PO - Kanak Bira
Odisha

Sub: - Regarding NET JRF fellowship.

Sir,

With reference to your letter dated 26.04.2023 regarding extension of gap period for continuation from M.Phil. to Ph.D., I am directed to inform you that UGC has accepted your request for extension of gap period for continuation from M.Phil. to Ph.D. However, total duration of fellowship will remain same, 5 years i.e., up to 25.09.2023. No additional financial claims and extension will be provided. Fellowship during gap period is also not permissible. Further, you are requested to approach to the concerned university for necessary action.

Yours faithfully,

Sd/-
(Shanti Toppo)
Under Secretary”

Thus, the above letter extended the gap period for continuance of M.Phil to Ph.D and also clarified that the duration of the JRF award to the petitioner was till 25 September 2023. This was obviously in terms of Clause 5 of the JRF guidelines issued by the UGC reproduced in para 3 (*supra*).



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8. The petitioner reapproached the JNU for obtaining admission to the Ph.D programme.

9. On 3 July 2023, the petitioner addressed a formal communication to the JNU, enclosing the UGC validation communication dated June 2023.

10. *Vide* the impugned communication dated 7 July 2023, however, the JNU informed the petitioner that his request for admission to the Ph.D programme in the 2022-2023 academic session had not been acceded to, as he had not provided a JRF valid as on 24 April 2023, which was the last date for admission fixed by the JNU.

11. Aggrieved thereby, the petitioner has instituted the present writ petition before this Court, seeking issuance of an appropriate writ, setting aside the communication dated 7 July 2023 issued by the JNU and for a consequential mandamus communicating the JNU to admit the petitioner in its Ph.D programme in International Legal Studies.

12. I have heard Mr. Anurag Ojha, learned Counsel for the petitioner and Mr. Subhrodeep Saha, learned Counsel for the respondent JNU at considerable length.

13. Mr. Ojha submits that the entire dispute is concluded by Clause 5 of the UGC guidelines for award of the JRF. He submits that in view of this clause, which categorically fixes the tenure for JRF as



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five years from the date of obtaining admission to M. Phil, there was no requirement for the petitioner having to obtain any extension of the JRF from the UGC. Nor, in the face of this statutory dispensation, can it be said that the JRF held by the petitioner expired on 8 March 2022, in view of the Public Notice issued by the UGC.

14. Mr. Ojha submits that the letter dated June 2023 of the UGC clarifies this position.

15. Arguing in response, Mr. Subhrodeep Saha submits that the petitioner was disentitled to obtain admission to the Ph.D programme not only because the period of validity of the JRF, as extended by the UGC Public Notice dated 29 March 2022, had expired before 24 April 2023, which was the last date for admission to the Ph.D programme, but also because the petitioner joined the Ph.D programme more than a year after having cleared his M.Phil course, of which the result was announced on 6 April 2021.

Analysis

16. Having heard learned Counsel for both sides, it is clear that the petitioner is entitled to the relief sought in the writ petition for the following reasons:

- (i) The only ground on which the JNU has, in the impugned communication dated 7 July 2023, rejected the petitioner's request for admission to the Ph. D programme 2022-2023, is that the petitioner had not provided a valid JRF award letter by 24 April 2023.



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(ii) Clause 5 of the UGC Guidelines applicable for the JRF specifically states that the tenure of the JRF Fellowship is five years from the date of joining M.Phil. The petitioner joined M. Phil on 26 September 2018. Ergo, his JRF Fellowship remained valid till 25 September 2023. This position stands specifically clarified by the UGC in its communication dated June 2023 *supra*, addressed to the petitioner. It is specifically noted therein, that “total period of fellowship will remain same, 5 years i.e. upto 25.09.2023”.

(iii) The only ground on which the JNU refused to grant admission to the petitioner for his Ph.D course for the 2022-2023, therefore, fails.

(iv) Applying the principle laid down by the Supreme Court in *Mohinder Singh Gill v. Chief Election Commissioner*¹, it is not open to the JNU to seek to justify the decision not to grant admission to the petitioner to the Ph.D course in 2022-23 for any reasons other than mentioned in the impugned communication dated 7 July 2023. The respondent cannot seek to justify the order on the basis of additional reasons urged in an affidavit in Court, which find no place in the order itself.

(v) As such, even on this sole ground, the writ petition deserves to be allowed.

¹ (1978) 1 SCC 405



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(vi) Nonetheless, I have also considered Mr. Saha's submission that the petitioner was not entitled to be admitted to the Ph.D course as he had applied for Ph.D more than a year after the results of his M.Phil course were declared on 6 April 2021. There is no dispute about the fact that the UGC was empowered to extend the aforesaid gap period by one year.

(vii) The UGC has, albeit, in June 2023, retrospectively extended the gap period of one year, for continuation from M.Phil to Ph.D. *vide* letter dated June 2023 *supra*. The said letter is not under challenge at the instance of the JNU. The petitioner cannot, therefore, be denied the benefit thereof.

(viii) The JNU, in its counter affidavit, adverted at one point that the vacancies against which the petitioner had applied was no longer available as it had been allotted to some other candidate. Mr. Saha is, however, not able to substantiate the said submission on facts. Nor does the counter affidavit of JNU refer to the other candidate to whom the said seat was allocated. In his rejoinder, the petitioner has clearly stated that the seat could not have been allotted to any other candidate, as the petitioner was called for the fourth round of counselling by JNU and there was no fifth round.

(ix) As such, it does not appear that the seat against which the petitioner had applied was allotted to some other candidate. Even if it was, the petitioner cannot be denied admission as the



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reason behind denial of admission to the petitioner was that he did not have a valid JRF Fellowship on 24 April 2023, and I have already found on facts that this observation was incorrect.

Conclusion

17. For the aforesaid reason, this writ petition succeeds and is allowed.

18. The communication dated 7 July 2023 is accordingly quashed and set aside.

19. The JNU is directed to admit the petitioner to its Ph.D programme in International Legal Studies, in accordance with the procedure followed by it in this regard.

20. The pendency of this writ petition would not be cited as a ground not to comply with this order.

21. The writ petition stands allowed in the aforesaid terms, with no order as to costs.

C. HARI SHANKAR, J.

MAY 2, 2024/dsn

Click here to check corrigendum, if any