



2025:DHC:10672



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
% **Date of decision: 28th November, 2025**

+ W.P.(C) 18122/2025 & CM APPL. 74984-74985/2025

REENA YADAV

.....Petitioner

Through: Mr. Varun Mudgil, Mr. Rakesh
Kumar, Ms. Eti Kushwaha &
Ms. Garima Anand, Advs.

versus

INDIAN COUNCIL OF SOCIAL SCIENCE RESEARCH &
ORS.

.....Respondents

Through: Mr. Amitesh Kumar, Ms. Priti
Kumari & Mr. Pankaj Kumar,
Advs. for R-1.

CORAM:

HON'BLE MR. JUSTICE AVNEESH JHINGAN

AVNEESH JHINGAN, J. (ORAL)

1. This petition is filed seeking quashing of advertisement no. EN 40/13 dated 03.01.2024 inviting applications for post of Assistant Director (Research). Further prayer is to quash the rejection of candidature of the petitioner. Direction is sought to respondent no.1 to consider the post-graduate score of 5.44 CGPA as high second class.
2. The brief facts are that on 03.01.2024 the advertisement of respondent no.1 invited applications for the post of Assistant Director (Research). The eligibility criteria was Master's Degree with High Second Class in any Social Science discipline from a recognized university or equivalent qualification and at least three years



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experience in teaching, research in social science area and/or three year experience of research administration in a reputed organization and computer literacy was desirable.

2.1 The petitioner on 05.02.2024, applied in category of Other Backward Class – Non Creamy Layer (in short “OBC-NCL”) candidate. The provisional result of the computer based test and paper based test was declared on 17.06.2025, which was finalized by notice dated 04.07.2025. The petitioner was declared ‘not-eligible’ for not having master’s degree with high second class and for lack of required experience. The representation of the petitioner was rejected on 22.09.2025 and hence, the present petition.

3. Learned counsel for the petitioner submits that the eligibility condition of master’s degree with high second class is arbitrary and gives unbridled powers to the selection committee. Reliance is placed upon the decision of the Madhya Pradesh High Court in ***Avnish Tripathi v. The State of Madhya Pradesh and Ors.*** Writ Petition No. 12985 of 2021 and connected matters, decided on 17.03.2025. The argument is that it was not clarified in the advertisement that candidate should have scored minimum 55% marks in master’s degree in order to qualify for high second class. It is contented that the university awarding master’s degree to the petitioner was following grade system and there was no basis to reject the candidature of the petitioner for not possessing master’s degree with high second class.

4. Per contra the petitioner after having participated in the selection process and on being unsuccessful cannot challenge the selection criteria. The submission is that the candidature of the



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petitioner was rejected on two grounds:- firstly, for not possessing master's degree with high second class and secondly, for lack of required experience. The decision of the Supreme Court in *Tajvir Singh Sodhi & Ors. v. State of Jammu & Kashmir & Ors.* reported as (2023) 17 SCC 147 is relied upon to contend that scope of interference in writ jurisdiction in a challenge to the selection criteria is limited.

5. Heard learned counsel for the parties at length. No other contentions apart from noted above have been pressed.

6. In result the petitioner was held to be "not eligible" for (i) lack of work experience in required field (ii) less than 55% in PG Degree. The petitioner possesses master's degree in English issued by Ambedkar University Delhi. The transcripts of grades of the petitioner in M.A English are reproduced below:

"School of Liberal Studies
Master of Arts in English
Transcript of Grades

Student's Name: Reena Yadav
Enrolment Number : S153DEN32
Year of Enrolment : 2015

Academic year/Semester	Course Code	Course Title	Credits	Grade
2015-16	SLS2EN301	Literatures of Childhood	4	B Minus
Semester 1	SLS2EN313	Theories of Marginality and Culture	4	B Only
	SLS2EN330	Native American Literature	4	B Minus
	Course Code	Course Title	Credits	Grade
2015-16	SHS201752	Deconstructing Normalcy	4	A Minus
Semester 2	SLS2EN305	Women Writing	4	B Minus

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		in India		
	SLS2EN339	Literary Relations; Intertextuality	4	C Plus
	SLS2EN341	Folklore and Folkloristics	4	B Minus

Academic year/Semester	Course Code	Course Title	Credits	Grade
2016-17	SLS2EN306	Revisiting All India Progressive Writers Association and Indian People's Theatre Association: 1930s, 1940s and 1950s	4	B Only
Semester 3	SLS2EN316	Lost Generations: American Literature between the World Wars	4	B Minus
	SLS2EN342	Literatures of Contact	4	B Minus
	SLS2EN343	Literatures of the Tribes of North-East India	4	B Plus
	SLS2HS104	Environmental History of South Asia	4	C Plus
	Course Code	Course Title	Credits	Grade
2016-17	SLS2CL104	Mahasweta Devi: Comparative Readings	4	B Only
	SLS2CL105	Reading Fantasy: C S Lewis and J R R Tolkien	4	B Plus
	SLS2EN347	Classical Greek Literature	4	C Plus
	SLS2EN348	The Women Question	4	B Minus

Overall Grade: B Minus**Total Credits: 64****Overall Grade Point Average: 5.44****Total Credits Earned: 64****Completed the programme"**

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The transcript guide of the Ambedkar University is reproduced below and it stipulates that grade B Minus as per the grading system ranges to a grade more than or equal to 4.5 but less than 5.5. The qualitative description for grade B Minus is “Acceptable: showing moderate competence in some situations, minimal competence in others.”

“For Students Admitted Prior to 2022-23

TRANSCRIPT GUIDE

CREDIT: Each Credit in a taught course requires one hour of teaching or two hours of Seminar /Group Work/Laboratory Work/Field Work per week for 16 weeks.

GRADING SYSTEM

Letter grades	Grade Points	Grade Point Range	Qualitative description
A+	10	Greater than or equal to 9.5	Exceptional: performance beyond expectations
A	9	Greater than or equal to 8.5 but less than 9.5	Excellent: demonstrating mastery of all learning or assessment situations
A-	8	Greater than or equal to 7.5 but less than 8.5	Very good: demonstrating mastery of most learning or assessment situations
B+	7	Greater than or equal to 6.5 but less than 7.5	Demonstrating thorough competence in most situations
B	6	Greater than or equal to 5.5 but less than 6.5	Demonstrating moderate competence in most situations
B-	5	Greater than or equal to 4.5 but less than 5.5	Acceptable: showing moderate competence in some situations, minima) competence in others
C+	4	Greater than or equal to 3.5 but less than 4.5	Minimally acceptable: demonstrating minimal competence in most situation while showing scope for improvement
C	3	Greater than or equal to 2.5 but less than 3.5	Not passing and showing considerable scope for improvement or development
C-	2	Greater than or equal to 1.5 but less than 2.5	Unsatisfactory performance, marked by lack of engagement or inability to apply concepts

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D	1	Greater than or equal to 0.5 but less than 1.5	Complete lack of engagement or comprehension
F	0	Less than 0.5	Non-participation or invalid/blank answer
AB	0	Absent	Absent or withdrawn from a course

- The 'passing grade' for each course is C plus.
- This is a linear grade point scale ranging from 0 to 10 e.g. 6.4 can be considered equivalent to 64% or Grade B Can be considered to be equivalent to 55% and above but less than 65%.”

7. The petitioner aware of the eligibility criteria participated in the selection process and on being unsuccessful cannot challenge the criteria. The Supreme Court in *Tajvir Singh Sodhi* (supra) considering the decisions in *Manish Kumar Shahi v. State of Bihar* reported as (2010) 12 SCC 576, *Ramesh Chandra Shah v. Anil Joshi* reported as (2013) 11 SCC 309 and *Ashok Kumar v. State of Bihar* reported as (2017) 4 SCC 357 held that after having participated in the selection process, the candidate later cannot allege the process to be vitiated by lacuna in the process.

“39. It is therefore trite that candidates, having taken part in the selection process without any demur or protest, cannot challenge the same after having been declared unsuccessful. The candidates cannot approbate and reprobate at the same time. In other words, simply because the result of the selection process is not palatable to a candidate, he cannot allege that the process of interview was unfair or that there was some lacuna in the process. Therefore, we find that the writ petitioners in these cases, could not have questioned before a court of law, the rationale behind recasting the selection criteria, as they willingly took part in the selection process even after the criteria had been so recast. Their candidature was not withdrawn in light of the amended criteria. A challenge was thrown against the same only after they had been declared unsuccessful in the selection



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process, at which stage, the challenge ought not to have been entertained in light of the principle of waiver and acquiescence.”

8. It is not for courts to interfere in eligibility criteria set by expert body unless shown to be arbitrary or violating statutory provisions. The contention that possessing of Master’s Degree with high second class accord unbridled discretion in determining eligibility of the candidate is ill founded in the fact of the present case. A look at grading system will show that the grades vary from A to D. The grades A to C are further sub divided in three parts that is Plus, Only and Minus. The student scoring grade ‘C only’ is not passing. Grade ‘A’ gives qualitative description of exceptional, excellent and very good. The petitioner has grade of ‘B Minus’ i.e. just above minimal acceptable and showing moderate competence in some of situations. The petitioner is just one grade above the passing grade and cannot be treated to possess Master’s Degree with High Second Class. Decision to accept grade ‘B’ to be high second class is reasonable and not arbitrary. Moreover, it is for the experts to decide the eligibility criteria of a post like Asstt. Director for research and the writ court cannot deal with issue like an appellate authority.

9. The scope of interference in the selection process is well-settled. It would be fruitful to quote the portions of **Tajvir Singh Sodhi** (supra) wherein it was held that merits of selection process should be left to the experts and the interference of the Court should only be in case of violation of statutory rules, inherent arbitrariness, as follows:



“31. Before proceeding further, it is necessary to preface our judgment with the view that courts in India generally avoid interfering in the selection process of public employment, recognising the importance of maintaining the autonomy and integrity of the selection process. The courts recognise that the process of selection involves a high degree of expertise and discretion and that it is not appropriate for courts to substitute their judgment for that of a Selection Committee. It would be indeed, treading on thin ice for us if we were to venture into reviewing the decision of experts who form a part of a Selection Board. The law on the scope and extent of judicial review of a selection process and results thereof, may be understood on consideration of the following case law.

32. In *Dalpat Abasaheb Solunke v. B.S. Mahajan* [*Dalpat Abasaheb Solunke v. B.S. Mahajan*, (1990) 1 SCC 305 : 1990 SCC (L&S) 80 : AIR 1990 SC 434] , this Court clarified the scope of judicial review of a selection process, in the following words : (SCC pp. 309-10, para 12)

“12. ... It is needless to emphasise that it is not the function of the court to hear appeals over the decisions of the Selection Committees and to scrutinise the relative merits of the candidates. Whether a candidate is fit for a particular post or not has to be decided by the duly constituted Selection Committee which has the expertise on the subject. The court has no such expertise. The decision of the Selection Committee can be interfered with only on limited grounds, such as illegality or patent material irregularity in the constitution of the Committee or its procedure vitiating the selection, or proved mala fides affecting the selection, etc.”

33. In a similar vein, in *Deptt. of Health & Family Welfare v. Anita Puri* [*Deptt. of Health & Family Welfare v. Anita Puri*, (1996) 6 SCC 282 : 1996 SCC (L&S) 1491] , this Court observed as under as regards the sanctity of a selection process and the grounds on which the results thereof may be interfered with : (SCC p. 287, para 9)



“9. ... It is too well settled that when a selection is made by an expert body like the Public Service Commission which is also advised by experts having technical experience and high academic qualification in the field for which the selection is to be made, the courts should be slow to interfere with the opinion expressed by experts unless allegations of mala fides are made and established. It would be prudent and safe for the courts to leave the decisions on such matters to the experts who are more familiar with the problems they face than the courts. If the expert body considers suitability of a candidate for a specified post after giving due consideration to all the relevant factors, then the court should not ordinarily interfere with such selection and evaluation.”

34. This position was reiterated by this Court in *M.V. Thimmaiah v. UPSC* [*M.V. Thimmaiah v. UPSC*, (2008) 2 SCC 119 : (2008) 1 SCC (L&S) 409] , in the following words : (SCC pp. 131 & 135-36, paras 21 & 30)

“21. Now, comes the question with regard to the selection of the candidates. Normally, the recommendations of the Selection Committee cannot be challenged except on the ground of mala fides or serious violation of the statutory rules. The courts cannot sit as an appellate authority to examine the recommendations of the Selection Committee like the court of appeal. This discretion has been given to the Selection Committee only and courts rarely sit as a court of appeal to examine the selection of the candidates nor is the business of the court to examine each candidate and record its opinion. ...

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36. Thus, the inexorable conclusion that can be drawn is that it is not within the domain of the courts, exercising the power of judicial review, to enter into the merits of a selection process, a task which is the prerogative of and is within the expert domain of a Selection Committee, subject of course to a caveat that if there are proven allegations of malfeasance or violations of statutory rules, only in such



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cases of inherent arbitrariness, can the courts intervene.”

10. Another angle to be considered is that the advertisement requires master's degree with high second class in social sciences or equivalent qualification and there is no document produced by the petitioner that 'B Minus' grade is considered even by Ambedkar University as high second class.

11. Reliance of the learned counsel for the petitioner on the judgment of the Madhya Pradesh High Court in case of *Avnish Tripathi* (supra) is of no avail. That was a case where the conditions stipulated in the advertisement for recruitment of teacher was contrary to National Council of Teacher Education Regulations laid by NCTE, whereas in case in hand no such regulation has been shown to be violated.

12. The second ground for rejection of the candidature of the petitioner for not possessing the work experience as required is unchallenged in the writ petition. There are no pleadings in the writ petition challenging the rejection of candidature for lack of experience. Even one ground of rejection of candidature remaining unquestioned proves fatal. The contention of the learned counsel for the petitioner that while rejecting the representation, respondent no.1 had dropped the second ground of rejection lacks merit. In the order rejecting the representation it was not accepted that the petitioner possessed the requisite qualification.

13. There is no illegality, arbitrariness or patent irregularity in the selection process and there is no ambiguity in advertisement thereby



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giving unbridled power to selection committee for determining the eligibility of the candidate. The petitioner participated in the selection process and on failure to succeed the eligibility criteria is challenged. No case is made out for interference in writ jurisdiction. The petition is dismissed. Pending applications stand dismissed.

AVNEESH JHINGAN, J

NOVEMBER 28, 2025

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Reportable:- **Yes**