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

+ **W.P.(C) 3132/2026**

ASHISH

.....Petitioner

Through: **Mr. Vinayak Sharma and Ms. Dimple Sirohi, Advocates.**

versus

INDIAN COUNCIL OF MEDICAL RESEARCH & ANR.

.....Respondents

Through:

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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12.03.2026

1. The Petitioner applied pursuant to the vacancy notification dated 5th July, 2023, for the post of Technician-I (Computer Science/Information Technology) and appeared in the Computer Based Test (“CBT”) conducted by the Respondents. His name appeared in the provisional merit list at Serial No. 1 for the said post under the Unreserved (“UR”) category. However, upon declaration of the final marks on 25th February, 2025, the remark “*Essential Eligibility Criteria Not Met*” was recorded against his name.
2. The Petitioner thereafter corresponded with the Respondents to ascertain the reason for rejection of his candidature. In response, he received the following email communication:

“Dear Candidate,

With reference to your letter dated 28.04.2025 and email dated 26.05.2025 regarding "Request for the consideration of my result in ICMR NJIL & OMD on the post of Technician-I CS/IT".

*You are hereby provided an opportunity to submit representation regarding this matter to submit valid documents pertaining to the accreditation/recognition of diploma course of **M/s Honorary Future Makers Pvt. Ltd.** by the State Council of Technical Education, Bihar with in*



07 days of receipt of this email (by 20.12.2025).

With regard,
Rajesh Morya
Assistant, ICMR-NJIL&OMD, Agra”

3. The reason for rejection of the Petitioner’s candidature is that the diploma relied upon by him to establish eligibility was not found to be recognised by the State Council of Technical Education, Bihar.
4. Mr. Vinayak Sharma, counsel for the Petitioner, submits that the Petitioner does possess the requisite diploma qualification and that the rejection of his candidature is illegal. It is contended that the Petitioner obtained the diploma from “M/s Honorary Future Makers Pvt. Ltd.”, a company duly incorporated under the Companies Act, 1956. Reliance is placed upon the Certificate of Incorporation issued by the Registrar of Companies, NCT of Delhi and Haryana, along with other documents, to demonstrate that the entity issuing the diploma is a validly constituted company. It is further asserted that the Petitioner completed a one-year Advanced Diploma in Computer Application (“ADCA”), and reliance is placed upon the certificate issued to that effect, which is as follows:



5. On the strength of the aforesaid documents, it is argued that the



Petitioner successfully cleared the written examination and secured Rank-1, and that his disqualification on the ground stated is arbitrary and hyper-technical. According to the Petitioner, the Respondents' conclusion that the essential eligibility criteria are not met is misconceived.

6. It is further argued that the requirement in the notification of a diploma from a “*government recognized institution*” has been interpreted by the Respondents in an unduly restrictive and unreasonable manner. The institution from which the Petitioner obtained the diploma is stated to be duly registered with the Ministry of Corporate Affairs, Government of India, and qualifies as a “*government recognized institution*”. On this basis, it is contended that the impugned remark should be set aside and the Petitioner's candidature restored by including his name in the final merit list for the post in question.

7. The Court has considered the aforesaid contentions. The issue before the Court is a narrow one. It is not in dispute that the Petitioner participated in the selection process and was placed Rank-1 in the provisional merit list. However, his candidature has been rejected on the ground that he does not fulfil the essential eligibility criteria.

8. The educational qualification prescribed in the vacancy notification constitutes an essential eligibility condition, which cannot be diluted. As per the notification, a candidate must have passed 12th or intermediate in science subjects and must additionally possess at least one-year diploma in Computer Science/Information Technology from a “*government recognised institution*”.

9. The documents relied upon by the Petitioner merely indicate that the entity issuing the certificate is a company duly incorporated under the



Companies Act. However, the constitution of the entity is not the issue before the Court. The relevant question is whether the institution issuing the diploma is recognised in law as competent to grant such diploma qualifications. Mere incorporation of an entity under the Companies Act or its registration with the Ministry of Corporate Affairs does not by itself establish that the institution is recognised by a statutory authority competent to regulate technical education or to confer diploma qualifications.

10. On this aspect, the documents placed on record do not establish that the diploma course or the institution issuing it is recognised in terms of the vacancy notification. The record further indicates that the Petitioner was specifically called upon by the Respondents, through the email communication reproduced above, to furnish documents demonstrating recognition of the diploma course by the State Council of Technical Education, Bihar. Thus, the Petitioner was afforded an opportunity to substantiate his eligibility. The mere use of the term “*Advanced Diploma in Computer Application*” is not determinative. The diploma and the institution offering it must demonstrably be from a “*government recognized institution*”, as mandated by the vacancy notification. The fact that the Petitioner was placed in the provisional merit list also does not advance his case, as such provisional results are necessarily subject to verification of eligibility conditions and supporting documents and do not confer any vested right to appointment. Since that condition has not been satisfied, the Court finds no ground to exercise its jurisdiction under Article 226 of the Constitution of India.



11. Accordingly, the petition is dismissed, along with any pending application(s).

SANJEEV NARULA, J

MARCH 12, 2026/hc