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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 7226/2023 & CM APPL. 28187/2023**

DR MANU BANGA

.....Petitioner

Through: Mr. Rishabh Kapur and Mr. Tanmay
Gupta, Advocates.

versus

INDIRA GANDHI DELHI TECHNICAL UNIVERSITY FOR
WOMEN & ANR.Respondents

Through: Mrs. Avnish Ahlawat, SC for
GNCTD Services with Mr. N.K.
Singh, Ms. Aliza Alam and Mr.
Mohnish Sehrawat, Advocates for R-
1.

Mr. Sanjay Kumar Pathak, SC with
Mr. Sunil Kumar Jha and Mr. M.S.
Akhtar, Advocates for R-1, 2.

Mr. Rahat Bonsal and Mr. Dhruv
Gupta, Advocates for R-2.

Prof. Brijesh Kumar, Registrar.

Mr. Abhik Chimni, Mr. Pranjal Abrol,
Mr. Gurupal Singh, Mr. Ayan
Dasgupta and Ms. Moksha Sharma,
Advocates for R-2 & 3.

+ **W.P.(C) 4224/2024**
DR. MANU BANGA

.....Petitioner

Through: Mr. Rishabh Kapur and Mr. Tanmay
Gupta, Advocates.

versus

INDIRA GANDHI DELHI TECHNICAL UNIVERSITY FOR
WOMENRespondent

Through: Mrs. Avnish Ahlawat, SC for
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Gupta, Advocates for R-2.
Prof. Brijesh Kumar, Registrar.
Mr. Abhik Chimni, Mr. Pranjali Abrol,
Mr. Gurupal Singh, Mr. Ayan
Dasgupta and Ms. Moksha Sharma,
Advocates for R-2 & 3.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER
19.02.2026

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1. The Petitioner, a person with benchmark disability, participated in two recruitment exercises conducted by Indira Gandhi Delhi Technical University for Women for appointment to the post of Assistant Professor in two disciplines, Information Technology and Computer Science and Engineering. The challenge in W.P.(C) 7226/2023 relates to the recruitment advertisement dated 10th September, 2021¹. The challenge in W.P.(C) 4224/2024 arises from the recruitment advertisement dated 27th February, 2023².

2. In the 2021 recruitment process, the Petitioner applied for Information Technology and in the 2023 recruitment process, the Petitioner applied for both Information Technology and Computer Science and Engineering. The Petitioner remained unsuccessful on both occasions. Under the Advertisement of 2021, the candidate selected was Respondent No. 2 (Dr

¹ "Advertisement of 2021"



Himanshu Mittal), who has since resigned. That resignation is not in dispute. Under the Advertisement of 2023, the selected candidates are Respondents No. 2 and 3. In that background, the dispute concerning the Advertisement of 2021 appears to have lost practical significance, particularly after a fresh recruitment has been conducted under the Advertisement of 2023 in which the Petitioner again participated, and appointments have been made.

3. The central grievance in both petitions concerns the manner in which the Respondent University conducted the selection, which the Petitioner alleges violates the Rights of Persons with Disabilities Act, 2016³ and is further vitiated on account of an opaque revision or application of selection criteria.

The relevant facts

4. The Petitioner asserts he has a locomotive benchmark disability and has been certified with 79% permanent disability in the right upper limb. The Petitioner relies upon academic qualifications, including a Ph.D., and qualifications such as GATE and UGC NET. He also asserts prior teaching experience as an Assistant Professor at University level and relies upon publications, authored books, and registered patents.

5. The status of the Petitioner as a PwBD candidate is not in dispute. It is also common ground that reservation for persons with benchmark disabilities is required to be provided in terms of the applicable statutory framework.

6. Under the Advertisement of 2023, the recruitment process comprised three stages. First, an initial written examination of qualifying character.

² “Advertisement of 2023”

³ “RPwD Act”



Thereafter, eligible candidates were assessed through a classroom presentation and evaluation of domain knowledge, followed by an interview.

7. The vacancies for the disciplines, as reflected in the recruitment notice, were as follows:

VACANCY FOR THE POST OF ASSISTANT PROFESSOR:

<i>S. No.</i>	<i>Name of Discipline</i>	<i>Category</i>					<i>Total</i>
		<i>UR</i>	<i>SC</i>	<i>ST</i>	<i>OBC</i>	<i>EWS</i>	
1.	<i>Information Technology</i>	02	01	02	02	03	10
3.	<i>Computer Science Engineering</i>	04	--	--	--	--	04

8. Thus 23 vacancies were advertised across disciplines, and three vacancies were reserved horizontally for PwBD candidates across categories.

9. The Respondent University relies on an approved 100-point assessment framework, which allocates 50 points to academic record and experience, and 50 points to teaching aptitude, domain knowledge, and interview performance. It is stated that, while the minimum eligibility enables participation, the final selection depends on comparative assessment and the determination of “suitability” by the duly constituted Selection Committee.

10. The record reveals that the Selection Committee meetings were held on 14th December, 2023 (Information Technology) and 22nd December, 2023



(Computer Science and Engineering) for the General-PwBD category. Three candidates, including the Petitioner, appeared in each discipline, and none was found suitable. The Respondent University further relies on the Petitioner's scorecard and the stipulation that, in any event, the minimum suitability threshold would not be below 50%. On that footing, the Petitioner was not recommended for appointment and the PwBD vacancies, to the extent unfilled, were carried forward.

11. The Respondent University states that the Selection Committee evaluated the Petitioner under the notified 100-point framework. The scorecards placed on record by the University reflect that in Information Technology, the Petitioner secured 17.4 out of 30 under Academic Record, 6 out of 20 under Experience and Research Performance, 5 out of 15 for Teaching Aptitude and Ability, 4 out of 10 for Domain Knowledge, and 6 out of 25 in the interview, aggregating to 38 out of 100. In Computer Science and Engineering, he secured 17.4 out of 30 under Academic Record, 6 out of 20 under Experience and Research Performance, 6 out of 15 for Teaching Aptitude and Ability, 3 out of 10 for Domain Knowledge, and 5 out of 25 in the interview, aggregating to 37 out of 100.

12. The University relies on the recruitment document to state that, while the discipline-wise minimum suitability benchmark is to be determined by the University, it cannot be below 50%. Proceeding on that footing, and on the Committee's assessment that none of the PwBD applicants met the suitability threshold for the posts in question, no candidate was recommended under the General-PwBD category for the concerned disciplines, and the unfilled PwBD vacancies were carried forward.

Submissions on behalf of the Petitioner



13. Counsel for the Petitioner contends that the Respondent University failed to comply with the mandatory provisions of the RPwD Act and unlawfully declined to fill PwBD reserved posts, despite the Petitioner being available and having participated in the process.

14. It is urged that, although three PwBD posts were reserved across disciplines under the Advertisement of 2023, only one PwBD candidate was selected (in the Department of Management) and the remaining reserved vacancies were carried forward. According to the Petitioner, this has become a pattern since the enactment of the RPwD Act, with reserved posts being left unfilled under the label of “non-availability of a suitable candidate”, without any disclosed and verifiable standards.

15. The Petitioner contends that the Respondent University did not disclose any defined parameters to determine “suitability”, did not prescribe any cut-off in the advertisement, and did not place on record minutes demonstrating a rational basis for branding the Petitioner “unsuitable”. The Petitioner also relies on a representation by email dated 7th December, 2023 asserting that a journal publication was wrongly disregarded as non-Scopus indexed despite being reflected in UGC CARE/recognised databases, and complains that the representation was not answered.

16. Reliance is placed on Section 34(2) of the RPwD Act to contend that carry forward is permissible only once, and that, in the succeeding recruitment year, the employer must first attempt interchange among the categories of benchmark disabilities. Only if no person with disability is available even after interchange, can the vacancy be filled by appointment of a person other than a person with disability. The Petitioner submits that the Respondent University has acted contrary to this statutory sequence and, by



not filling PwBD reserved posts while appointing able-bodied candidates to unreserved posts, has defeated the legislative mandate.

17. The Petitioner also alleges arbitrariness and non-disclosure of relevant information such as cut-offs, details of selected candidates, prior PwBD appointments, and records of earlier recruitment exercises. It is urged that the selection suffers from unreasonableness and violates Articles 14, 19, and 21.

18. A specific objection is taken to the Respondent's reliance on a document (Annexure R-2)⁴ prescribing qualifying marks, with the submission that it was never incorporated in the recruitment advertisement, was not placed in the public domain, and cannot be pressed into service after the process to justify the outcome.

Submissions on behalf of the Respondent University

19. On behalf of the Respondent University, it is contended that the selection process is the domain of subject experts and is not amenable to judicial re-evaluation absent mala fides, bias, or patent illegality. The Petitioner, having participated without protest, cannot challenge the recruitment procedure after being unsuccessful.

20. It is submitted that the Selection Committee was constituted in terms of the University Statutes and comprised the Vice-Chancellor, the appropriate nominee of the GNCTD, internal academic representatives, external experts, and a representative for reserved categories including PwBD. The Respondent University contends that a structured marking scheme was followed, and the Committee found that none of the PwBD

⁴ “document indicating recruitment process to the post of Assistant Professor, Associate Professor and



applicants who appeared in Information Technology and Computer Science and Engineering met the suitability threshold.

21. The Respondent University asserts full compliance with Section 34(2) of the RPwD Act. It is stated that PwBD vacancies were advertised in 2021 and 2023, interchange was considered, no suitable PwBD candidate was available in 2021, and one PwBD candidate was selected in 2023 (Department of Management), with the remainder carried forward as contemplated by the statute. It is also contended that Section 34(2) does not mandate the disclosure of reasons to an unsuccessful candidate.

22. Reliance is placed upon decisions emphasising that courts do not sit in appeal over assessments made by expert selection committees, including *Tajvir Singh Sodhi v. State of Jammu & Kashmir*⁵ and *Dalpat Abasaheb Solunke v. B.S. Mahajan*⁶.

23. Further reliance is placed on *Ramesh Chandra Shah v. Anil Joshi*,⁷ to contend that a candidate who participates in a selection process without protest cannot subsequently assail its procedure. Reliance is also placed on *Tarun Kataria v. Union of India*⁸ to contend that recruiting bodies are not obliged to fill vacancies if suitable candidates are not found.

Submissions on behalf of the selected candidates

24. Counsel for Respondents No. 2 and 3 submits that they were selected through a valid and objective process, were issued offer letters in January 2024, and were confirmed upon completion of probation by order dated 11th September, 2025.

Professor in the University”

⁵ 2023 SCC OnLine SC 344

⁶ (1990) 1 SCC 305

⁷ (2013) 11 SCC 309



25. It is urged that Section 34 of the RPwD Act protects reservation for “suitable” persons with benchmark disability and does not create an automatic right to appointment upon meeting threshold eligibility. The distinction between “eligibility” and “suitability” is emphasised, with the submission that suitability is a qualitative assessment to be made by subject experts through the prescribed evaluative framework. Reliance is placed on the principle that recruiting bodies cannot be compelled to fill all posts if suitable candidates are not available.

26. It is further contended that the Petitioner is estopped from challenging the recruitment procedure after participation, and reliance is placed on decisions including *Ashok Kumar v. State of Bihar*⁹ and *Karan Singh Meena v. Registrar General, Delhi High Court*¹⁰ to submit that a candidate cannot approbate and reprobate.

27. An additional objection is raised alleging suppression of a prior order dated 27th January, 2023 passed by the State Commissioner for Persons with Disabilities, NCT of Delhi, which, it is stated, found no discrimination in the 2021 recruitment and attributed non-selection to low scoring, including low marks in teaching aptitude.

28. It is contended that, in the absence of pleaded and proved mala fides, the appointments of Respondents No. 2 and 3 should not be disturbed, and that the Petitioner seeks, in substance, a re-assessment of comparative merit, which lies outside writ review.

Analysis

⁸ W.P.(C) 7560/ 2018

⁹ (2017) 4 SCC 357

¹⁰ 2022 SCC OnLine Del 3098



29. The two petitions stem from the same grievance. The Petitioner complains that vacancies reserved for persons with benchmark disabilities (PwBD) in IGDТУW have remained unfilled, and that he, being a PwBD candidate satisfies the prescribed eligibility conditions, ought to have been selected. Both petitions turn on the same statutory framework, the same recruitment framework, and the same allegation that the University adopted an arbitrary approach while assessing “suitability”. They can, therefore, be decided on a common line of reasoning. To the extent W.P.(C) 7226/2023 pertains to the earlier recruitment cycle, subsequent developments have rendered the principal relief, namely the challenge to the appointment of the selected candidate, infructuous. The underlying issues, which still require examination, are addressed while considering the challenge to the subsequent recruitment cycle, assailed on nearly identical grounds.

30. The dispute raises three questions.

- (i) what is the permissible scope of judicial review over recruitment to academic posts, where suitability is assessed by an expert body;
- (ii) whether the Respondent University has complied with the mandate of Section 34 of the Rights of Persons with Disabilities Act, 2016, including the sequence prescribed by Section 34(2) for carry-forward, interchange and eventual filling of PwBD vacancies, and whether any breach is made out on the facts of the present case; and
- (iii) whether the selection process is vitiated by unfairness, including (a) the competence of the University, through its prescribed bodies, to frame and apply suitability benchmarks and criteria, (b) whether such criteria were applied uniformly and with adequate prior notice, and (c) whether the Petitioner has been subjected to discrimination or arbitrary treatment.



Limits of judicial review in selections to academic posts

31. Appointments to university teaching posts are matters of academic assessment. In writ jurisdiction, the Court does not rework interview marks, reassess subject competence, or substitute its view of merit for that of a duly constituted selection committee. The Court's concern is with legality and procedural fairness. Interference is justified only where the process is shown to be tainted by mala fides, extraneous considerations, a manifestly irrational approach, or breach of binding rules.

The recruitment architecture and the "minimum suitability" standard

32. The recruitment framework placed on record includes the "Recruitment Document" for appointment to Assistant Professor, Associate Professor and Professor at IGDTUW. It sets out, in a structured manner, the stages of scrutiny, screening, presentation, and interview.

33. For Assistant Professor, the scheme proceeds on these essentials.

- (i) Applications are scrutinised for eligibility.
- (ii) There is a screening test, with a defined exemption route for candidates holding a Ph.D. in the relevant branch, subject to publications in prescribed categories.
- (iii) Candidates who clear the screening stage (or are exempted) are assessed on Academic Record and Experience and Research Performance through a screening committee, using the point-based tables.
- (iv) Teaching aptitude is assessed by a presentation committee.
- (v) Final evaluation is undertaken by the selection committee which considers the screening component, the presentation component, domain knowledge, and interview performance, with specified weightages.



34. The “Recruitment Document” also contains a provision of direct relevance to the Petitioner’s argument. Under the heading “Selection Committee”, point 4 records that the minimum percentage of marks for suitability shall be decided by the University, but “in any case, it will not be less than 50%”. That stipulation has two consequences. First, it recognises that selection is not automatic merely because candidates are called for interview. Second, it permits the committee to recommend no one if none reaches the suitability threshold. A reservation roster does not dilute this requirement. Reservation ensures access to consideration. It does not compel appointment of a candidate who does not meet the minimum suitability benchmark fixed for the post.

35. The Petitioner’s grievance about PwBD vacancies remaining unfilled cannot be divorced from the recruitment design which makes “suitability” a pre-condition to selection. This is not a case where the Petitioner was shut out at the threshold, or denied consideration under the PwBD channel. He was called for the further stages in both disciplines and was assessed on each component that the recruitment document prescribes: academic record and experience (Table A and Table B), teaching aptitude through presentation, domain knowledge, and interview. The Petitioner secured 38 out of 100 in Information Technology and 37 out of 100 in Computer Science and Engineering. Both scores fall materially short of the minimum suitability level, which the recruitment document stipulates cannot be below 50%. In these circumstances, a mandamus to appoint would not be a correction of illegality. It would be a direction to disregard the University’s own binding suitability threshold and to treat a candidate assessed below that threshold as selected. Writ jurisdiction does not stretch that far.



The statutory scheme under Section 34: Reservation and the discipline of carry-forward

36. Section 34 of the RPwD Act creates a statutory reservation for persons with benchmark disabilities in every “establishment”. The reservation is horizontal. It does not operate as a separate vertical compartment. It operates by earmarking a specified number of vacancies in the overall recruitment for PwBD candidates and then adjusting those vacancies against the social category to which the selected PwBD candidate belongs.

37. The Petitioner places emphasis on Section 34(2), which addresses what the establishment must do if a PwBD vacancy cannot be filled. The sequence prescribed by Parliament is deliberate.

(i) If, in a recruitment year, a PwBD vacancy cannot be filled due to non-availability of a suitable person with benchmark disability, it shall be carried forward to the succeeding recruitment year.

(ii) If, in the succeeding year also, no suitable person with benchmark disability is available, the vacancy must first be filled by interchange among the specified categories of benchmark disabilities.

(iii) Only if, even after such interchange, no suitable person with benchmark disability is available for the post, can the vacancy be filled by appointment of a person other than a person with disability.

38. This mechanism reflects two legislative choices. First, the statute insists that PwBD reservation is not to be defeated casually. It mandates a second attempt in the succeeding recruitment year and then requires interchange before the vacancy can move outside the disability pool. Secondly, the statute does not mandate appointment at any cost. Section



34(2) is triggered by “non-availability of a suitable person with benchmark disability”. The text itself recognises that suitability is a distinct requirement and that reservation cannot be read as a command to appoint an unsuitable candidate merely to ensure that a vacancy is not carried forward.

39. Section 34(2), therefore, performs a roster function. It regulates how an unfilled PwBD vacancy is to be treated and the order in which options must be exhausted. It does not confer an individual right upon a particular candidate to be appointed regardless of the suitability assessment made under the governing recruitment framework. Put differently, the Act reserves vacancies, not the minimum standard required for the post.

40. The carry-forward clause also cannot be read as mandate to keep posts in limbo indefinitely. Section 34(2) expects closure by the succeeding cycle through one of three routes: filling by a suitable PwBD candidate, filling by interchange, or, if no PwBD candidate is available even after interchange, filling by a non-PwBD candidate. That statutory framework carries an institutional obligation: the establishment must maintain a clear record, year to year, of how the PwBD vacancy was dealt with and why. If the record reveals repeated roll-over without application of mind to the sequence mandated by Section 34(2), the court may issue corrective directions to ensure faithful compliance in future cycles. That, however, is a different remedy from the one the Petitioner seeks.

41. Even if the Petitioner’s argument is taken at its highest and one assumes that the University ought to have expressly demonstrated consideration of interchange at the relevant stage, the consequence would not be automatic appointment of the Petitioner. The statutory route only requires the establishment to make the vacancy available within the



disability pool in the manner Section 34(2) prescribes, and then fill it with a person who is found suitable under the recruitment framework. It cannot be used as a lever to compel selection of a candidate whose assessed aggregate remains below the minimum suitability threshold fixed for the post.

Was there a change of rules midstream or a lack of notice

42. The Petitioner contends that undisclosed criteria were applied and that the standards now relied upon were not available to candidates at the time of application. The Petitioner contends that the minimum suitability requirement and the marking framework were not part of the recruitment advertisement dated 27th February, 2023 and, therefore, could not be relied upon. He further submits that the clause stating that the minimum percentage “shall not be less than 50%” does not, by itself, constitute a benchmark, and leaves the field open-ended.

43. The submission does not merit acceptance. An advertisement is intended to notify vacancies and prescribe minimum eligibility. It is not, and is rarely intended to be, a complete code of evaluation. Public universities routinely conduct recruitment through the advertisement read with the governing recruitment rules or recruitment documents already approved and in force. The requirement under Article 14 is that the criteria which govern selection must be traceable to an authorised source, must exist prior to commencement of the process, and must be applied uniformly. It is not a legal requirement that every evaluative detail be reproduced in the advertisement itself.

44. Moreover, the record does not support the suggestion of an unstructured or improvised selection. The process proceeded under the Recruitment Document, which delineates the committees, the stages of



assessment, the weightages, and the minimum suitability threshold of 50%. This is not a post-result invention. It is part of the selection criteria. The committee's task, therefore, is not to fill a vacancy at all costs, but to recommend only those who cross the suitability threshold.

45. The “not less than 50%” clause is also not as indeterminate as the Petitioner suggests. It does two things. First, it sets a binding floor: no discipline can prescribe a suitability benchmark below 50%. Secondly, it authorises the University to decide the discipline-wise benchmark, which may be 50% or higher, depending on the demands of the discipline and the quality of the field. In other words, the benchmark is not absent; the framework is that the benchmark is to be fixed discipline-wise, subject to an express statutory minimum. That design is neither unusual nor unlawful in faculty recruitment, where the same post title across disciplines may still demand different levels of depth and specialisation.

46. Once this is appreciated, the legally relevant enquiry is not whether the benchmark was mentioned verbatim in the advertisement, but whether the University had fixed a discipline-wise suitability benchmark before interviews were held, and whether it was applied consistently to all candidates. If a benchmark was fixed in advance and applied uniformly, the process does not become vulnerable merely because the advertisement did not reproduce it.

47. In the present case, the University relies on a pre-existing recruitment document which contains the 50% floor and a structured 100-point evaluation framework, and further asserts that the Selection Committee found all PwBD applicants in the two concerned disciplines unsuitable, with the Petitioner's aggregate falling materially below 50%. The Petitioner has



not established that the discipline-wise benchmark was fixed after the event, or that it was applied differently to different candidates. Absent such a showing, the contention that the “not less than 50%” clause is too open-textured to be applied cannot be accepted.

48. The Petitioner applied for appointment as Assistant Professor in two disciplines, Information Technology and Computer Science and Engineering, under the PwBD category. He was not screened out at the threshold. He cleared the route prescribed by the recruitment framework and was called to the final stage in both disciplines. That circumstance is significant because the gravamen of the petition is not exclusion from consideration but the assessment of suitability at the end of the process. Further, as per record, the Petitioner’s aggregate score was materially below the minimum suitability criteria contemplated by the recruitment framework. In that factual setting, the court cannot, by mandamus, direct appointment. Such a direction would compel the University to treat Petitioner as “suitable” when the expert committee has assessed him below the minimum benchmark. Judicial review does not extend to rewriting that condition or to overriding an expert determination in the absence of mala fides, perversity, or breach of a binding rule.

Conclusion

49. The Petitioner was considered under the PwBD category in both disciplines. The selection architecture permitted, and in fact required, selection only upon achieving at least 50% suitability benchmark. The Petitioner did not meet the same. No case of mala fides, perversity, or violation of a binding rule is made out so as to justify judicial interference.



50. In view of the above, the petitions are dismissed along with pending application(s).

SANJEEV NARULA, J

FEBRUARY 19, 2026

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