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

+ **W.P.(C) 8606/2019 & CM APPL. 35553/2019**

PRINCE KUMAR

.....Petitioner

Through: **Mr. Puneet Kumar Verma, Advocate.**

versus

DELHI TECHNOLOGICAL UNIVERSITY AND ORS.

.....Respondents

Through: **Mrs. Avnish Ahlawat, SC, GNCTD
with Mr. N. K. Singh, Ms. Aliza
Alam and Mr. Mohnish Sehrawat,
Advocates.**

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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20.02.2026

1. This writ petition arises from a faculty recruitment initiated by Respondent No. 1/Delhi Technological University¹ under Advertisement No. F.DTU/Rectt./AP/M&E/2017 dated 28th September, 2017 for appointment of Assistant Professors, *inter alia*, in the discipline of Management for Delhi School of Management² and University School of Management and Entrepreneurship.³

Factual Background

2. The Petitioner belongs to the Scheduled Caste⁴ category. He applied for the aforesaid post, qualified the screening test, and thereafter appeared in the presentation and interview stages. He remained unsuccessful. After seeking information under the RTI Act and making representations to the

¹ "DTU"

² "DSM"

³ "USME"

⁴ "SC"



Respondents, he approached this Court in W.P.(C) 4055/2019. That petition was disposed of on 22nd April, 2019 with a direction to decide his representation dated 30th June, 2018. The representation was rejected by DTU on 6th May, 2019. The rejection records that the Selection Committee did not recommend the Petitioner and that one candidate (Sh. Yashdeep Singh) was recommended for the SC post in DSM, while, as on the date of the decision, no SC vacancy remained in DSM.

3. Aggrieved, the Petitioner thereafter made further representations and filed the present petition.

4. This Court, by an interim order dated 26th August, 2019, directed that any appointment to the post in issue would be subject to further orders. That protection was reiterated on 3rd May, 2024.

5. Subsequently, DTU issued a fresh recruitment notice (Advertisement No. 02/2024 dated 14th March, 2024), inviting applications for faculty positions. The Petitioner participated in that process as well, but remained unsuccessful. This subsequent participation may not, by itself, render the present petition non-maintainable; however, it has a material bearing on the relief that can now be meaningfully moulded in a challenge confined to the 2017 recruitment cycle. In that context, on 4th November, 2025, the Court called upon the Petitioner to explain how the present petition would still warrant any effective relief.

6. The parties have nonetheless been heard, and the matter is being examined on the merits within the limits of judicial review.

Petitioner's Case

7. The Petitioner cleared the screening test and was thereafter called for the presentation and interview stages. Counsel for the Petitioner contends



that, having crossed the qualifying stage and having participated in the final stages, the Petitioner's non-selection was unjustified, particularly when posts in the discipline of Management were advertised against the SC category. It is urged that under the 2017 advertisement, one SC vacancy existed in DSM and another in USME, and that the Selection Committee's decision to record "none found suitable" for the SC post in USME is arbitrary. Once a reserved post is advertised, the University ought to fill it in accordance with the reservation policy, and cannot take a recourse that defeats reservation. He further contends that the evaluation process, especially at the presentation and interview stage, was opaque and did not disclose a rational basis for why the Petitioner was found unsuitable. In this context, the Petitioner sought information under the RTI Act and made representations, but the responses did not meaningfully address the substance of his grievance. He also relies on the order passed in the earlier proceedings, W.P.(C) 4055/2019, directing consideration of his representation. The Petitioner submits that the order dated 6th May, 2019 is mechanical and does not meet the standard of a reasoned decision, since it merely records that the Selection Committee did not recommend him and that no SC vacancy in DSM existed as on that date.

8. The Petitioner further submits that the University's subsequent re-advertisement of posts cannot defeat his challenge to the legality of the 2017 selection outcome. According to him, if the 2017 process is found vitiated, consequential relief must follow, including filling the reserved vacancy in a lawful manner. On these premises, he seeks interference with the selection outcome in so far as it concerns the SC vacancy/selection in the discipline of Management and consequential directions to redress his grievance.



Respondent's Case

9. DTU contests the petition. They submit that the 2017 recruitment followed a structured process: a screening test, a presentation assessment, and an interview before a Selection Committee constituted under the DTU Statute. DTU relies on the minutes of the Selection Committee meeting held between 4th and 7th December, 2017, which record the committee's composition, the stages of the process, and the evaluation framework. One SC candidate was selected for DSM, and the committee recorded "None Found Suitable" for the SC vacancy in USME. The record reveals that the Petitioner scored 45 marks, while two SC candidates placed above him scored 48 and 47, yet even they were not found suitable by the committee for USME. It is further emphasized that subsequent recruitments have been undertaken, including the 2024 process in which the Petitioner participated and remained unsuccessful.

Analysis

Whether the petition survives after subsequent developments

10. Writ jurisdiction is remedial. The Court does not adjudicate grievances in the abstract; it intervenes where relief can be moulded in a manner capable of meaningful implementation. The present petition is anchored in the 2017 recruitment. Since then, DTU has initiated a fresh recruitment cycle in 2024, in which the Petitioner applied and remained unsuccessful. The Petitioner has not mounted any challenge to the 2024 process in the present proceedings. In that backdrop, the principal relief sought here, namely appointment flowing from the 2017 cycle, becomes difficult to grant at this stage, as it cannot be pressed to re-enter the 2017 selection or to bypass the outcome of the later process in which the



Petitioner participated.

11. The later recruitment does not, by itself, erase the questions of legality that may arise from the 2017 process. It does, however, materially narrow the relief that can now be granted. Once a fresh recruitment process has been conducted and participated in, any claim arising from an earlier selection can be entertained only upon establishment of a continuing legal wrong capable of redress within the framework of the 2017 recruitment. No such foundation has been laid in the present case.

12. There is an additional impediment. To the extent the Petitioner seeks to unsettle an appointment made pursuant to the 2017 selection, the selected candidate is a necessary party. The record shows that DTU recommended one candidate (Sh. Yashdeep Singh) for the SC post in DSM. The present petition, as framed, does not implead the appointee. Relief that has the effect of dislodging an appointment is ordinarily not granted in the absence of the affected party.⁵

13. For these reasons, even assuming the challenge to the 2017 process is examined on merits, the petition does not present a basis to grant relief of appointment at this stage.

Merits of the 2017 selection challenge

14. Even if the petition is examined on merits, the scope of judicial review over academic recruitment is narrow. A writ court does not sit as an appellate authority over expert evaluation. It does not re-evaluate presentations, re-assess domain competence, or substitute its own assessment for that of a duly constituted selection committee. Interference is warranted only where the process is vitiated by *mala fides*, extraneous

⁵ Prabodh Verma v. State of U.P., (1984) 4 SCC 251.



considerations, patent perversity, or breach of binding rules.⁶

15. The minutes of the Selection Committee meeting held between 4th and 7th December, 2017 show that the committee was constituted in terms of the DTU Statutes. It comprised the Vice Chancellor, a Dean, the Heads of the Department, three external experts not connected with the University, and an academician representing SC/ST, as contemplated under Section 16 of the DTU (First) Statutes, 2009. The record also reflects a structured process: applications were scrutinised; eligible candidates undertook a screening test; those who qualified were assessed by a presentation committee on defined attributes; and the shortlisted candidates were interviewed by the Selection Committee.

16. The Petitioner's principal challenge is that the "benchmarks" or selection criteria were not announced in the advertisement and that the award of marks in presentation and interview lacks transparency. The first ground cannot be accepted in the broad form in which it is pitched. A recruitment advertisement must disclose eligibility and the broad framework of selection. It is not a legal requirement that every internal component of assessment, or every sub-head under which marks are awarded at the presentation and interview stage, must be reproduced verbatim in the advertisement. What the law insists upon is that the criteria must be structured, applied uniformly, and not introduced midstream to the detriment of candidates.

17. The minutes of selection committee disclose precisely such a structured framework: screening test; presentation assessed on

⁶ Dalpat Abasaheb Solunke v. B.S. Mahajan, (1990) 1 SCC 305; Tajvir Singh Sodhi v. State of J&K, (2023) 17 SCC 147.



communication skill, subject knowledge, presentation skill, overall impact, and conduct with reference to humility and compassion; and interview carrying 100 marks with a break-up of 50 marks for academic record and research performance, 30 marks for assessment of domain knowledge and teaching skills, and 20 marks for interview performance. The Petitioner participated throughout this multi-staged process. In the absence of a pleaded and proved case that these parameters were invented after the process commenced or selectively applied to candidates, the complaint of “undisclosed benchmarks” does not, by itself, vitiate the recruitment.

18. The argument regarding arbitrary and subjective award of marks also does not warrant interference. Marks awarded in presentation and interview represent expert evaluation. The Court can interfere only where the marking is shown to be demonstrably arbitrary, actuated by bias, or based on considerations foreign to the recruitment. That threshold is not met. No *mala fides* are attributed to any member of the committee. There is no material pointing to manipulation, discrimination, or a departure from the uniform assessment method. The record, instead, reflects that the Petitioner was assessed under the same framework as other candidates who qualified the screening test and were called for presentation and interview.

19. The Petitioner’s own comparative position further weakens the claim of arbitrary marking. DTU’s record indicates that the Petitioner secured 45 marks. Two SC candidates placed above him secured 48 and 47 marks, yet the Selection Committee still recorded “None Found Suitable” for the SC post in USME. In DSM, the SC candidate recommended by the Selection Committee secured 59 marks. These figures do not, by themselves, conclude the matter, but they do show that the Petitioner was not singled out, and that



the committee's decision turned on its assessment of suitability rather than on any targeted exclusion.

20. Courts have consistently held that an employer cannot be compelled to fill every vacancy if suitable candidates are not found, provided the decision is not actuated by bad faith or illegality.⁷ The mere fact that a vacancy exists does not necessitate issuance of mandamus to appoint an unsuccessful candidate, especially for an academic post where the employer is entitled to insist on suitability.

21. The Court is also unable to accept the proposition that a reserved vacancy must necessarily be filled by selecting a candidate from the reserved category irrespective of suitability. Reservation secures an opportunity for consideration within the reserved category. It does not compel appointment regardless of performance, nor does it warrant the Court to assume the role of the selection committee. A writ of mandamus to appoint the Petitioner in such circumstances would amount to judicial selection, which is impermissible.

22. For these reasons, the challenge to the 2017 selection fails on merits as well.

23. Accordingly, the writ petition is dismissed. The interim protection granted on 26th August, 2019 and reiterated on 3rd May, 2024 stands vacated.

24. Disposed of, along with pending application(s), if any.

SANJEEV NARULA, J

FEBRUARY 20, 2026/hc

⁷ MCD v. Surender Singh, (2019) 8 SCC 67.