



\$~94

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

+ **W.P.(C) 1609/2014, CM APPL. 3357/2014 & CM APPL. 6377/2015**

RUPA SAKET

.....Petitioner

Through: Mr. Abhishek Chauhan, Mr. Ajit Kumar Ekka, Mr. R.S.M. Kalky, Mr. S.P. Singh, Mr. Ravi Shankar Singh, Advs.

versus

UNIVERSITY GRANTS COMMISSION & ANR.Respondents

Through: Mr. Manoj Ranjan Sinha and Mr Vishal Agarwal, Advs.

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

20.03.2026

%

1. This is a writ petition filed under Article 226 of the Constitution of India seeking the following prayers:-

“(a) Summon the original records of the case;

(b) Pass an appropriate order, direction, or writ in the nature of certiorari or any other appropriate writ quashing of list of selected candidates belonging to SC category for award of fellowship for the year 2012-13, under the scheme of Rajiv Gandhi National Fellowship for SC/ST candidates [ANNEXURE P-2] issued by the Respondents, in the interest of justice and;

(c) Pass an appropriate order direction or writ in nature of



mandamus or any other appropriate writ directing the respondents to place the name of the petitioner in the merit list and the petitioner be awarded RGNF from the date of registration of the petitioner in M.Phil. course and the name of the petitioner be placed above the candidates who are ineligible/ lesser meritorious as per the RGNF scheme, in the interest of justice;

(d) Pass such other further order(s), as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case and in the interest of justice."

2. In the present case, the facts are that the petitioner completed her M.Sc. (Botany) from Dr. Awadhesh Pratap Singh University, Rewa (MP) with first division having 75% marks. Her mark sheet is reproduced below:-



30
N^o 085396



अवधेश प्रताप सिंह विश्वविद्यालय, रीवा (म.प्र.)
AWADHESH PRATAP SINGH UNIVERSITY, REWA (M.P.)

STATEMENT OF MARKS

M.Sc. IV SEM. (BOTANY), EXAM., JUNE, 2011

ROLL NO. 2856 NAME: HIRANSHI
ENROLL NO. 6362126 FATHER'S NAME: SRI SANKARSHAN SINGH
CATEGORY: REGULAR INTERMEDIATE: SMC ASPASARI
ORIGIN: GOVT. MODEL SCIENCE COLLEGE, PUNA



SUBJECT'S	SCHEME OF MARKS		MARKS OBTAINED		
	MAX	NO.	TH	NO.	TOTAL
I PLANT CELL, TISSUE & ORGANO CULTURE	25	15	10	15	25
II BIOTECHNOLOGY & GENETIC ENGINEERING	25	15	12	13	25
III FOREST ECOLOGY FOREST MGR. OF M.D. & MGMT OF FOREST RES.	30	15	12	15	27
IV BOTANICAL	30	15	12	15	27
PRACTICAL I	10	20			20
PRACTICAL II	10	20			20
JOB ORIENTED PROJECT WORK	20	20			20

Max. Marks		300	Semester Total		254
SEMESTER I	SEMESTER II	SEMESTER III	SEMESTER IV	SEMESTER V	SEMESTER VI
270 / 300	255 / 300	324 / 400	334 / 350		
SEMESTER VII	SEMESTER VIII	SEMESTER IX	SEMESTER X	GRAND TOTAL	
				1056 / 1450	
RESULT		PASS	DIVISION/GRADE		FIRST

MARKS OUT. ONE THOUSAND FIFTY SIX OUT OF 1450

1. The student (s) is/are to be awarded the following marks in the examination held on 11/06/2011.
2. The student (s) is/are to be awarded the following marks in the examination held on 11/06/2011.
3. The student (s) is/are to be awarded the following marks in the examination held on 11/06/2011.
4. The student (s) is/are to be awarded the following marks in the examination held on 11/06/2011.

29 DEC 2011
University Office Date
Checked By
A.P.S. Registrar
Rawa (U.P.)

TRUE COPY



3. Thereafter, petitioner applied for M.Phil registration in subject of Botany with the University of Delhi and was selected for the same. In December, 2012, the petitioner applied for Rajiv Gandhi National Fellowship of SC & ST for the year 2012-13 *vide* application of December, 2012.
4. The respondent no.1/UGC declared the selection list, wherein the name of the petitioner was not present but the petitioner was surprised to note that candidates with less merit and candidates who were otherwise not eligible were granted the scholarship.
5. The petitioner thereafter filed the present petition.
6. Mr. Sinha, learned counsel for the UGC draws my attention to the minutes of the meeting dated 15.01.2023 & 16.01.2023, wherein para 3, 4, 5 and 6, read as under:-

“3. Stream-wise/Subject-wise distribution of fellowship was made strictly in accordance with the communication received from Ministry of Social Justice and Empowerment vide their D.O.No.11027/02/2007-SCD-V dated April 19, 2011. The slots so distributed were equally divided between Male and Female categories.

4. The distribution of fellowships across States and subject streams are given in Annexure-I. In such cases where there were not enough applicants in a subject stream/Gender category, the available slots were allotted to other subject stream/Gender within the same State Surplus slots remained unallotted in different states due to non-availability of applicants in that state. The decision with regard to their re-distribution of surplus in each state was taken in proportion to



left out applicants by the Committee. In order to make equal distribution among male and female candidates, out of surplus fellowships were awarded to female category.

5. There were a total of 115 applications received from PH candidates against 60 seats reserved for them. 44 PH candidates were selected on merit basis.

6. Selection of the candidates for the award of fellowship was taken strictly on the basis of the merit of the examination results of the Postgraduate examination of the applicants. The most meritorious students of different subjects were selected to give wide representation of disciplines within the broad subject streams. The list of candidates so selected and recommended for the award of RGNF for the year 2012-13 for the Scheduled Castes/Scheduled Tribes categories of applicants is given at Annexure-II.”

7. Thereafter, he draws my attention to the list of the fellowship and more particularly to serial no. 18 which reads as under:-



State wise/ gender wise/ stream wise No. of selected candidates for the award of fellowship in the year 2012-13 along with minimum cutoff P.G Pass% inclusive botany subject under the scheme of Rajiv Gandhi national fellowship for SC candidates									
S. No.	State/ Uts	Short Position- As per allotment	Total No. of Applications received	Female					
	Madhya Pradesh	10	479	Engineering & Technology	6	69.54	11	52	17
				Humanities	11	69.54	11	52	17
				Minimum Cut-off-PG-Pass%	69.54	69.54	69.54	69.54	69.54
				Sciences	17	67	67	67	67
				Minimum Cut-off-PG-Pass%	67	67	67	67	67
				in Botany Subject	83.31	83.31	83.31	83.31	83.31
				Social Sciences	21	62.56	21	62.56	62.56
				Minimum Cut-off-PG-Pass%	62.56	62.56	62.56	62.56	62.56
				Female Total					
				Engineering & Technology	11	61	5	51	15
				Humanities	5	61	5	51	15
	Male			Minimum Cut-off-PG-Pass%	51	73.02	86.8	24	65
				Sciences	15	73.02	86.8	24	65
				Minimum Cut-off-PG-Pass%	73.02	73.02	73.02	73.02	73.02
				in Botany Subject	86.8	86.8	86.8	86.8	86.8
				Social Sciences	24	86.8	86.8	86.8	86.8
				Minimum Cut-off-PG-Pass%	86.8	86.8	86.8	86.8	86.8
				Engineering & Technology	11	61	5	51	15
				Humanities	5	61	5	51	15
				Minimum Cut-off-PG-Pass%	51	73.02	86.8	24	65
				Sciences	15	73.02	86.8	24	65
				Minimum Cut-off-PG-Pass%	73.02	73.02	73.02	73.02	73.02
				Grand Total	110	110	110	110	110



8. He states that the petitioner did not meet the minimum cut off of 83.31% and hence was not considered for the scholarship.
9. I have heard learned counsel for the parties.
10. In the present case, as per the minutes of meeting, the scholarships were equally divided between male and female candidates. Additionally, as per para 4 surplus fellowship were to be awarded to female category.
11. However, a perusal of mark sheet of one Mr. Rajendra Prasad Bharti, reads as under:-



AWADESH PRATAP SINGH UNIVERSITY, REWA, M.P.
Statement of marks for the examination of

M.Sc. (FINAL) ENVIRONMENTAL BIOLOGY, 2005

ROLL NO.: 345 NAME : RAJENDRA PRASAD BHARTI
ENROL NO.: B.99.2834 FATHER'S NAME : SRI SHYAM LAL BHARTI
MOTHER'S NAME: Smt. SHYAM KALI
CENTRE UNIVERSITY TEACHING DEPARTMEN
REWA

SUBJECTS	SCHEME OF MARKS				MARKS OBTAINED			
	I	II	III	MIN MAX	I	II	III	TOTAL
ENVIRONMENTAL POLLUTION & TOXICOLOGY					100	36		58
ENVIRONMENTAL MICROBIOLOGY & BIOTECHNOLOGY					100	26		53
CONSERVATION & MANAGEMENT OF ENVIRONMENTAL SYSTEM					100	36		56
ENVIRONMENTAL IMPACT ASSESSMENT					100	36		70
PRACTICAL I & PROJECT					100	36		77
PRACTICAL II					100	36		78
TOTAL MAX 600					GRAND TOTAL 392			

M A R K S	FIRST YEAR		SECOND YEAR		THIRD YEAR		GRAND TOTAL		RESULT	DIVISION
	TOTAL	OUT OF	TOTAL	OUT OF	TOTAL	OUT OF	TOTAL	OUT OF		
5	326	600	392	600			718	1200	PASS	SECOND

MARKS OBT. SEVEN HUNDRED EIGHTEEN OUT OF 1200

1. The asterisk adjacent to marks denotes failure (*).
2. The alphabet 'C' adjacent to marks denotes carry forward.
3. 'A' Denotes Absent.

Sd/- with seal
Assistant Registrar (Exam)
Awadesh Pratap Singh Vishwavidyalaya
Rewa.

University Office
Date:

Sd/-
Checked by

Certified copy
Sd/-Public Information Officer,
Govt. Model Science College,
Rewa (M.P.)

Ajitha
//TRUE COPY//



12. Despite securing 718 marks out of 1200 and placed in the second division in Botany Mr. Bharti was awarded the scholarship. In contrast, the petitioner, who secured 1096 marks out of 1450 and achieved a first division, was denied the scholarship.

13. This outcome fails to satisfy the test of objectivity. As per the minutes of the meeting, scholarships are to be distributed in accordance with the merit of candidates. The petitioner, being more meritorious, ought not to have been overlooked in favour of a candidate with lower marks and a lower division.

14. The contention regarding equal distribution between male and female candidates also appears to be unfounded. As per the Annexure P-2, 917 female candidates were awarded scholarships as against 1083 male candidates.

15. In view of the above, the petitioner has made out a case for her entitlement to the Rajiv Gandhi National Fellowship for SC/ST candidates for the year 2012–13. That being said, it is also noted that the primary objective of the fellowship was to provide financial assistance to support a candidate's education. Given that more than 14 years have elapsed, the financial assistance may no longer serve its intended purpose. However, the conferment of the fellowship by UGC carries significant academic value and may aid the petitioner in securing further and better academic opportunities and benefits.

16. Mr. Sinha, learned counsel also argues that in case the petitioner even is given the scholarship there would be a lot of candidates having percentage between 75 and 83 and it would be unfair to the petitioner to be granted the



relief.

17. The same does not merit consideration in view of the observations of the Hon'ble Supreme Court in ***U.P. Jal Nigam v. Jaswant Singh, (2006) 11 SCC 464*** more particularly in paragraphs 12 and 13 which read as under:-

“12. The statement of law has also been summarised in Halsbury's Laws of England, para 911, p. 395 as follows:

“In determining whether there has been such delay as to amount to laches, the chief points to be considered are:

(i) acquiescence on the claimant's part; and

(ii) any change of position that has occurred on the defendant's part.

Acquiescence in this sense does not mean standing by while the violation of a right is in progress, but assent after the violation has been completed and the claimant has become aware of it. It is unjust to give the claimant a remedy where, by his conduct, he has done that which might fairly be regarded as equivalent to a waiver of it; or where by his conduct and neglect, though not waiving the remedy, he has put the other party in a position in which it would not be reasonable to place him if the remedy were afterwards to be asserted. In such cases lapse of time and delay are most material. Upon these considerations rests the doctrine of laches.”

13. In view of the statement of law as summarised above, the respondents are guilty since the respondents have acquiesced in accepting the retirement and did not challenge the same in time.



If they would have been vigilant enough, they could have filed writ petitions as others did in the matter. Therefore, whenever it appears that the claimants lost time or whiled it away and did not rise to the occasion in time for filing the writ petitions, then in such cases, the court should be very slow in granting the relief to the incumbent. Secondly, it has also to be taken into consideration the question of acquiescence or waiver on the part of the incumbent whether other parties are going to be prejudiced if the relief is granted. In the present case, if the respondents would have challenged their retirement being violative of the provisions of the Act, perhaps the Nigam could have taken appropriate steps to raise funds so as to meet the liability but by not asserting their rights the respondents have allowed time to pass and after a lapse of couple of years, they have filed writ petitions claiming the benefit for two years. That will definitely require the Nigam to raise funds which is going to have serious financial repercussions on the financial management of the Nigam. Why should the court come to the rescue of such persons when they themselves are guilty of waiver and acquiescence?”

(Emphasis added)

18. No other candidate has come before the Court urging his/her rights and hence it can be said that the other candidates have deemed to acquiesce the list prepared by the respondent no. 1.

19. For the said reasons, the petition is allowed. In case the petitioner meets all other eligibility criteria, the petitioner shall be granted Rajiv



Gandhi National Fellowship for SC & ST candidate for the year 2012 only with respect to the title.

20. The petition is disposed of in the aforesaid terms.

JASMEET SINGH, J

MARCH 20, 2026/NG