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

+ **W.P.(C) 40/2024**

BINDUSAR

.....Petitioner

Through: Mr. Furkan Ali Mirza, Mr. Shoaib
Khan, Mr. Usman Khan, Mr.S.G.
Rabbani, Ms. LubnaTanweer,Advvs.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr Ravindra Kanth, Mr. NilmaniKant
Das, Ms. Rachana Kumari, Advvs.

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

07.01.2026

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

“i) Issue writ of mandamus or any other appropriate writ, order or directions, directing the Respondent No.2 to grant the fellowship under National Fellowship for Scheduled Caste students.

ii) Issue writ of mandamus or any other appropriate writ, order or directions, directing the Respondent No. 3 to release the fellowship amount along with arrears from the date of declaration of result for the award of National Fellowship for Scheduled Students i.e. 19.02.2022.

iii) Pass an order awarding compensation of Rs. 50,000/- (Rupees Fifty Thousand Only) for the mental harassment and for legal



expenses incurred by the Petitioner.”

2. The brief facts of the case are that the petitioner belongs to the Scheduled Caste category and is pursuing Ph.D. from the Department of History, Aligarh Muslim University (“**AMU**”), Aligarh. The respondent No. 1 introduced National Fellowship for Scheduled Caste Students (“**NFSC**”) scheme for the benefit of Scheduled Caste students, respondent No. 2 namely the University Grants Commission (“**UGC**”) is the nodal agency for implementing the NFSC scheme, and respondent No. 3 is a Public Sector Undertaking under respondent No. 1 and is the fellowship disbursing agency for the NFSC scheme.

3. The petitioner applied for UGC-NET December 2020 cycle, and the examination took place on 29.11.2021. The petitioner subsequently qualified the exam *vide* result dated 19.02.2022 and became eligible for Assistant Professor. At the time of applying for the UGC-NET December 2020 cycle, i.e. on 26.02.2021, the petitioner was not enrolled in any Ph.D. course, and the petitioner had mentioned the same while applying for the aforesaid exam in the relevant column titled “Research/M.Phil/Ph.D./Ex-Serviceman details”, which reads as under:



Confirmation Page

Application No.	2105 1027 4255		
			
DO NOT SEND THIS PAGE TO NATIONAL TESTING AGENCY (NTA)			
CANDIDATE IS REQUESTED TO RETAIN THE PRINTOUT OF CONFIRMATION PAGE FOR FUTURE REFERENCE			
Personal Details			
Candidate's Name	BRUDSAR	Date of Birth	05-06-1996
Mother's Name	SPA DEVI	Category	SC
Father's Name	RAJ KUMAR	Gender	Male
If you are a PwD Candidate, do you have benchmark disability (40% or more) "Severe" where percentage is not defined?	No	Nationality	Indian
Do you belong to Minority Community?	No	Name of Minority Community	
Annual Income of the Parent/Guardian	Less or Equal to 30,000	Are You Diabetic?	NO
Subject Name in Post Graduate Exam	History		
Apply For			
Apply For	JRF & ASSISTANT PROFESSOR	Subject Opted for NET	History
1st Choice for Exam City	UTTAR PRADESH - ALIGARH	2nd Choice for Exam City	UTTAR PRADESH - AGRA
3rd Choice for Exam City	UTTAR PRADESH - GHAZIABAD	4th Choice for Exam City	UTTAR PRADESH - MATHURA
Decorate Details			
Whether already a doctoral student?	No		
Research/M.Phil/PhD/Ex-Serviceman Details			
Specialization, if Any			
Whether you Possess Research Experience in the subject of PG Degree	NO		
Whether M.Phil Passed	NO		
Whether Ph.D. Passed	NO		
Whether you are an Ex-Serviceman?	NO		
Contact Details			
Address	VILL, RAJNAGAR POST, RUSTAMPUR DISTRICT, ETAH	Locality	
City/Town/Village	ETAH	Country	India
State/UT	UTTAR PRADESH	District	ETAH
Pin Code	207001	Email Address	Me*****@gmail.com
Mobile Number	706***966	Land Line No., with STD code or any other Contact No.	7060385166
Fee Payment Details			
Payment Mode	Pay through SBI	Transaction ID	CPWADKVP63
Exam Fee	2500/-	Date of Transaction	26/02/2021 10:52:46
Fee Submitted On	26/02/2021		
DECLARATION			
I hereby declare that all the particulars given by me in this form are true to the best of my knowledge and belief and any mistake / misinformation, detected at the time of admission or at any stage in future, will result in the cancellation of admission card and date. I have read the information bulletin and understood all the procedures. In case I furnish any false information, my result will not be declared/ my candidature will automatically stand cancelled. I shall abide by terms and conditions therein.			
Images Uploaded by Candidate			
Photograph 		Signature 	
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IP Address : 132.154.118.107

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4. Subsequently, after applying for the UGC-NET December 2020 cycle, the petitioner secured admission to the Ph.D. course at the Department of History, AMU, Aligarh, on 24.03.2021.

5. The respondent No. 2, *vide* notification dated 16.06.2022 issued second list of candidates qualified for the award of fellowship under the NFSC Scheme for the December 2020/June 2021 cycle of UGC-NET. The petitioner also qualified for the fellowship in the said list.

6. The eligibility criteria for the award of fellowship to pursue M.Phil. and Ph.D. under the NFSC scheme reads as under:

“i. Fellowships shall be awarded to candidates for pursuing regular and full time M.Phil./Ph.D. courses in Universities/ Research Institutions recognized by UGC.

ii. Scheduled Castes candidates who have already secured admission and qualify NET examination will be given preference. Such candidates will be required to join the fellowship within 3 months of the issue of the JRF award letter.

iii. In case sufficient candidates, who have already secured admission are not available, candidates who have not yet secured admission will also be selected in the order of merit in the NET examination.

Such candidates will be eligible to receive fellowship under National Fellowship for SC scheme, subject to admission for M.Phil./Ph.D. in Universities/IITs/Institutions. A field should be added by the UGC in the application to capture the current educational status of the student. Such students, who have either cleared their post graduate course or are in their final year of the



course, shall be given preference for selection and would be allowed up to one year from selection to join. For other students a period of three years from the date of issue of award letter shall continue to be allowed for joining.

iv. A scholar is eligible to receive only one fellowship at a time. The scholar is required to declare that he/she will not accept/receive any other monetary benefit/scholarship/fellowship from any other source. In other words, a scholar who is awarded fellowship under this scheme shall not accept any other fellowship/scholarship or hold any appointment, paid or otherwise, or receive any emoluments, salary, stipend etc. from any other source during the tenure of the award (except in case of 'academic leave' of one year). In case, a scholar is already in receipt of any scholarship/fellowship, he/she will have to relinquish either the previous scholarship/fellowship/any other monetary benefit or to forgo the selection under this scheme.

v. A scholar who does not complete his/her research work during the period of fellowship shall not be eligible to apply again under this scheme. Similarly, a scholar who has completely or partially availed any of these fellowship for Ph.D. earlier shall also not be eligible for fellowship under this scheme.

vi. After two years of joining JRF, if the progress in the research work of the awardee is found satisfactory, his/her tenure will be extended for a further period of three years as Senior Research Fellowship (SRF) as per UGC Fellowship Guidelines issued from time to time in case of students enrolled for Ph.D. or M.Phil.+Ph.D.



vii. *With regard to combined course of M.Phil and Ph.D., Fellowship will be provided initially for 02 years for M.Phil and after upgradation to Ph.D course, for another 03 years.*

viii. *The fellowship shall be paid from date of issue of JRF award letter under the Scheme for National Fellowship or date of joining of the M.Phil./Ph.D., whichever is later.*

ix. *In case of integrated Ph.D. or M.Phil. to Ph.D., the maximum tenure is 5 years including M.Phil. period of fellowship. For doing M.Phil., fellowship shall be granted for two years or upto the date of submission of M.Phil. dissertation, whichever is earlier.*

x. *The maximum allowed gap period for continuation from M.Phil. to Ph.D. under this scheme shall be 2 years (from the date of declaration of result of M.Phil to date of admission to Ph.D.). However, the total tenure of fellowship shall remain five years excluding the gap period. No fellowship shall be paid during the gap period.*

xi. *The fellowship shall be granted upto the date of submission of Ph.D. thesis or five years of tenure, whichever is earlier. No extension is permissible beyond the total period of five years of fellowship.*

xii. *Employees of any University/College/Educational Institution/Central/ State/ UT Government shall be excluded from availing Fellowship, even if they are on Study Leave or Extra Ordinary Leave to pursue the M.Phil./Ph.D. course.”*

7. On 20.09.2022, a Fellowship Award Letter was issued by the respondent no. 2 to the petitioner and the same is reproduced as under:



ANNEXURE P7

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विश्वविद्यालय अनुदान आयोग
University Grants Commission
शिक्षा मंत्रालय, भारत सरकार
(Ministry of Education, Govt. of India)
बहादुरशाह जफर मार्ग नई दिल्ली- 110 002
Bahadurshah Zafar Marg, New Delhi-110 002



NATIONAL FELLOWSHIP FOR SCHEDULED CASTE STUDENTS FELLOWSHIP AWARD LETTER

No. F. 40-2/2019 (NET/Fellowships)

Date of Issue: 20.09.2022

Bindusar
S/O Raj Kumar
Vill; Ramnagar Post Rustamgarh District Etah, Etah, Etah
Uttar Pradesh, 207001, India



Roll No.: UP02003308
Subject: History
UGC-Ref. No.: 210510274255



Dear Candidate,

I am pleased to inform you that based on your qualifying for Eligibility for Assistant Professor in the **December 2020 & June 2021 (merged session) National Eligibility Test (UGC-NET)**, you have been selected for award of fellowship under the scheme of National Fellowship for Scheduled Caste Students (NFSC).

The tenure of the Fellowship is five years and it commences from the date of declaration of result for NFSC, i.e., **19.02.2022** (or) from the date of admission under M.Phil/Ph.D (or) from the date of joining M.Phil/Ph.D programme, whichever is later.

As per information provided by you while applying online for UGC-NET, you had already taken admission for M.Phil/Ph.D through regular and full time mode in a UGC recognized University / Institution. Accordingly, you are required to apply for fellowship not later than three months from the date of issue of this award letter. The University/Institution is requested to process for award of fellowship based upon this letter, in accordance with the Guidelines of National Fellowship for Scheduled Caste Students available at www.ugc.ac.in

It may be noted that the fellowship amount shall be disbursed through Canara Bank to bank account of the awardee (any bank) directly. UGC has developed a dedicated web portal (<https://scholarship.canarabank.in>) for capturing data of the awardee. The Universities/Institutions will link the data of the awardee with the master data on the UGC web portal with unique Maker and Checker IDs which have already been provided to them along with the passwords. The Universities/Institutions shall update the information on the master data (regarding monthly payment confirmation, HRA, up-gradation, resignation etc.) of the beneficiaries on monthly basis. Based on the data updated on UGC web portal by the concerned Universities/Institutions, the payment of the fellowship will be made to the beneficiaries (Detailed process available at https://www.ugc.ac.in/ugc_notices.aspx?id=2153).

The e-Certificate of Eligibility for Assistant Professor has already been uploaded on <https://ugcnet.nta.nic.in>. The eligibility of the candidate for availing the fellowship is to be ensured by the University/Institution.

With best wishes,

(Dr. Surender Singh)

Additional Secretary



8. Despite the Fellowship Award Letter, respondent No. 3 has not released the fellowship amount in favour of the petitioner.

9. Mr. Kanth, learned counsel for respondent No. 3, has drawn my attention to paragraphs 3 and 4 of the counter-affidavit, which read as under:

“3. That the petitioner requested to the University Grants Commission for the rectification of the discrepancy in the status of the petitioner but till date respondent No.2 has not rectified the status of the petitioner, therefore, the answering respondent No. 3 is unable to process the release of the fellowship under National Fellowship for Scheduled Caste Students (NFSC) Scheme.

4. That the answering respondent No.3 will not process the release of the fellowship amount alongwith the arrears from the date of declaration of result for the National Fellowship for Scheduled Caste Students to the petitioner from 19.02.2022 till the rectification of the discrepancies in the status of the petitioner by the respondent No.2 i.e. University Grants Commission.”

10. A perusal of the aforementioned paragraphs shows that the only ground for non-release of the fellowship amount is the inaction on part of the respondent no. 2 to make the required rectification of the discrepancies in the status of the petitioner.

11. Admittedly, despite the opportunity, respondent No. 1 and 2 have not filed a counter-affidavit, and there is no document on record to show that there is any discrepancy in the Fellowship Award Letter dated 20.09.2022, issued in favour of the petitioner.

12. Once there is a Fellowship Award Letter issued by the respondent No.2 and the same has not been withdrawn/set aside/modified, respondent



No. 3 cannot be permitted to deny the benefits of the said Fellowship Award.

13. For the said reasons, the petition is allowed. The respondent No. 3 shall release the arrears of the fellowship amount to the petitioner within a period of 4 weeks from today and continue to pay the same in accordance with the Fellowship Award Letter dated 20.09.2022.

14. Accordingly, the petition is disposed of.

JASMEET SINGH, J

JANUARY 7, 2026/DM