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

+ **W.P.(C) 12423/2024 & CM APPL. 51672/2024**

DR FAIZANUR RAHMAN

.....Petitioner

Through: Mr. Abhik Chimni, Mr. Gurupal Singh, Ms. Pranjal Abral, Mr. Aryan Dasgupta, Ms. Moksha Sharma and Mr. Maarooof, Advocates.

versus

JAMIA MILLIA ISLAMIA

.....Respondent

Through: Mr. Pritish Sabharwal, SC with Ms. Shweta S. and Mr. Abhishek, Advocates.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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06.01.2026

1. This petition under Article 226 of the Constitution of India seeks quashing of the impugned order dated 23rd August, 2024 passed by the Respondent University, whereby the Petitioner's appointment as Professor in the Faculty of Law, Jamia Millia Islamia,¹ was cancelled on the allegation of a false declaration in his application, and further seeks a direction to the Respondent University to reinstate the Petitioner to the said post.

2. The Petitioner was serving the University as an Assistant Professor. In response to an advertisement for the post of Professor in the Faculty of Law, he applied and was recommended by the Selection Committee on 13th September, 2023. The Vice-Chancellor issued the letter for the said post on 27th September, 2023, under the authorisation of the Executive Council and



on the recommendation of the General Selection Committee. This appointment was on probation for one year from the date of joining.

3. Subsequently, the Executive Council in its meeting held on 31st July, 2024, did not confirm the recommendation of the Selection Committee, and pursuant thereto, the impugned office order was issued by the competent authority allegedly on the ground that the Petitioner had misrepresented his teaching experience.

4. Mr. Abhik Chimni, counsel for the Petitioner, contends that the University took this decision without observing basic procedural fairness. No show cause notice preceded the cancellation. The material relied upon was not furnished. The Petitioner was not given a chance to explain his experience record or clarify any discrepancy.

5. The University disputes the above claim, stating that it received a complaint dated 22nd July, 2024, alleging that the Petitioner had misrepresented his teaching experience to meet the ten-year eligibility requirement as of the closing date of the advertisement. On verification, the University claims to have found that the Petitioner had 9 years, 11 months and 4 days of teaching experience, as against 10 years and 28 days stated in his application.

6. The Petitioner, however, relies on a certificate dated 6th September, 2024 issued by the Registrar, Aligarh Muslim University, which establishes that he satisfies the ten-year requirement. The Petitioner's case is that the certificate was issued pursuant to a verification sought by the University, but the University did not wait for a reply or consider it before cancelling the appointment.

¹ "JMI"



7. Mr. Pritish Sabharwal, Standing Counsel for the Respondent University, submits that the certificate was received after the decision had already been taken and, in any event, the University proceeded on the basis of the disclosures made by the Petitioner in his application.

8. Two features of the dispute stand out. First, there is a genuine factual contest on the Petitioner's teaching experience and the computation of the qualifying period. Second, the cancellation order does not read as a routine decision on suitability during probation. It rests on an allegation of concealment and false declaration, which carries a clear stigma.

9. Although the Petitioner was on probation at the relevant time, the impugned order cannot be characterised as an innocuous termination simpliciter. The order proceeds on the premise that the Petitioner had concealed material information and made a false declaration regarding his teaching experience. Such an attribution goes beyond a mere assessment of suitability and imputes misconduct, thereby casting a stigma. The Supreme Court has consistently held that where a termination order, on its face or in substance, attributes concealment, misrepresentation or moral blame, it ceases to be innocuous and assumes a punitive character, even in the case of a probationer.² In such circumstances, the minimum requirement of affording the employee an opportunity to explain is mandatory. The absence of any opportunity of hearing before passing an order founded on allegations of misrepresentation renders the impugned action procedurally unfair and unsustainable.

10. Tested on that standard, the order dated 23rd August, 2024 cannot

² *Pavanendra Narayan Verma v. Sanjay Gandhi PGI of Medical Sciences* (2002) 1 SCC 520; also see *Jagdish Prasad v. Sachiv, Zila Ganna Committee* (1986) 2 SCC 338;



stand. The University cancelled the appointment on a charge of misrepresentation, yet did so without putting the allegation to the petitioner, without supplying the material it relied upon, and without granting any opportunity to respond. That process falls short of what fairness requires, particularly when the consequence is a stigmatic cancellation of appointment.

11. This Court does not consider it appropriate to decide the factual contest on teaching experience in writ proceedings at the first instance. The correct course is to require the University to reconsider the matter after a fair opportunity to the Petitioner, including consideration of the AMU certification and any other material the parties may place on record.

12. The order dated 23rd August, 2024 is, accordingly, set aside. The matter is remanded to the competent authority of the University for fresh consideration. The University shall, within two weeks, furnish to the Petitioner the material relied upon for the allegation of misrepresentation and issue a notice setting out the specific basis of the proposed action. The Petitioner may file a written response within two weeks thereafter, along with supporting documents. The University shall also grant the Petitioner a personal hearing if sought and shall pass a reasoned order within four weeks of receiving the response.

13. Pending a fresh decision on remand, the Petitioner shall continue on probation in terms of the appointment letter dated 27th September, 2023. Nothing in this order shall be construed as confirmation of the appointment as Professor. This order expresses no view on the merits of the parties' dispute and is confined to ensuring procedural fairness.

14. It must also be recorded that before Petitioner's appointment as



Professor, he served as an Assistant Professor in the respondent University. During the pendency of these proceedings, the University issued a communication dated 2nd January, 2026 and an office order of the same date permitting the Petitioner to resume duties as Assistant Professor in the Faculty of Law with immediate effect. The said communication also directed payment of arrears and allowances from 23rd August, 2024 till the date of resumption, subject to the outcome of the case.

15. Since the communication dated 2nd January, 2026 is expressly conditional on the outcome of the present petition, it is now directed that the University is at liberty to issue an appropriate communication in supersession of the said communication, consistent with the directions recorded above.

16. Disposed of along with pending applications.

SANJEEV NARULA, J

JANUARY 6, 2026

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