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

+ **W.P.(C) 1084/2026**

SHIV KUMAR

.....Petitioner

Through: Ms. Madhumita Bhattacharjee & Ms.
Sriva Choudhury, Advocates.

versus

UNIVERSITY OF DELHI & ORS.

.....Respondents

Through: Mr. Mohinder Rupal, Mr. Hardik
Rupal, Ms. Aishwarya Malhotra &
Ms. Tripta Sharma, Advocates for
University of Delhi.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **27.01.2026**

1. The Petitioner participated in the recruitment process for appointment to the post of Assistant Professor pursuant to Advertisement No. Estab. IV/291/2021 dated 20th September, 2021, issued by the University of Delhi. He was not selected and has filed the instant petition invoking Article 226 of the Constitution seeking the following reliefs:

“a) issue a writ of mandamus and/or any other appropriate writ, order or direction, quashing the corrigendum dated 01.11.2021, consequently setting aside the illegal selection/appointment of respondent no. 5, made pursuant to the recommendation of Selection Committee, Respondent No.4 herein dated 28.03.2023;

b) direct the Respondent 1 to 4 to consider the candidature Petitioner herein for the post of assistant professor in Library and Information Science Department, University of Delhi on the basis of its merit and in accordance with law;

-And-



c) pass any such further order or direction which this Hon'ble Court thinks and feels fit and proper in the facts and circumstances of the present case."

2. The petition is principally directed against the corrigendum dated 1st November, 2021, which reads as follows:

"In continuation with the Advt. No. Estab.IV/291/2021 Dated: 20.09.2021 and addendum dated 07.10.2021 following amendments to eligibility and shortlisting criteria is notified herewith:-

1. UGC vide letter No. F. No. 9-1/2010 (PS/Misc.) pt. Vol-II dated 12.10.2021 has extended the date of applicability of Ph.D. as mandatory qualification for direct recruitment of Assistant Professors from 01.07.2021 to 01.07.2023.

Accordingly, Ph.D. will not be a mandatory qualification for this advertisement.

2. The number of candidates to be shortlisted for interview are also being revised herewith as follows:

(i) The applicant securing less than 65 marks for University Departments will not be included in the list of shortlisted candidates.

(ii) A relaxation of 05 marks be given to candidates belonging to SC/ST/PwBD.

(iii) A minimum of 30 candidates for the first vacancy and 10 candidates for every additional vacancy shall be called for interview in order of their ranks in the list prepared by the Screening Committee on the basis of marks scored by the candidates for each category.

In view of the above following annexures to the advertisement under reference are re-notified herewith:

- Qualifications for the Assistant Professor in the University*
- Screening/Shortlisting guidelines for the Assistant Professor in the University*
- Frequently Asked Questions*

Further, the online Application Portal is also being made available. The last date for receipt of application is 22.11.2021 (upto 23:59 p.m.)

For details, please visit the University website www.du.ac.in and click "Jobs and Opportunities" under the Head "work with DU".

Any further addendum/corrigendum shall be posted only on the University website."

3. The Petitioner contends that the corrigendum unlawfully altered the eligibility criteria by dispensing with the requirement of a Ph.D. degree, thereby vitiating the recruitment process. On that premise, it is urged that Respondent No. 5, who does not possess a Ph.D. degree, would have been



ineligible but for the corrigendum. The selection and appointment of Respondent No. 5 is, therefore, liable to be set aside. It is further urged that the Petitioner, a Scheduled Caste candidate holding a Ph.D. degree, was more meritorious and has been wrongly overlooked. Reliance is placed on the decision of the Supreme Court in ***Anmol Kumar Tiwari v. State of Jharkhand***.¹

4. Confronted with the Court's query on waiver and acquiescence, counsel for the Petitioner submits that the challenge is jurisdictional in character and goes to the root. It is urged that the "rules of the game" could not have been altered after initiation of the recruitment process. Reliance has been placed on the judgement of the Supreme Court in ***Tej Prakash Pathak & Ors. v. Rajasthan High Court & Ors.***²

5. The Court has considered the aforementioned facts and submissions but is not persuaded. First, the corrigendum was issued before the last date for submission of applications and before the process of screening, shortlisting, and interview. It reopened the portal and extended time to apply. This is not a case where an eligibility condition was altered after the selection process had advanced to a stage that would render the change unfair to the field of candidates. Further, the corrigendum, on its face, sought to align the recruitment with the prevailing UGC directive mentioned therein, and it was applied uniformly to all candidates. The Petitioner has not placed any material indicating that the University acted *de hors* the applicable regulatory framework or that the corrigendum was issued in colourable exercise of power.

¹ (2021) 5 SCC 424.

² 2024 INSC 847.



6. Secondly, the Petitioner admittedly participated in the selection process with full knowledge of the corrigendum. In service law, participation with open eyes ordinarily forecloses a subsequent challenge to the governing terms of the process, especially where the impugned stipulation was part of the notified eligibility regime before the process meaningfully commenced and was applied across the board, rather than being introduced later to the prejudice of a defined set of candidates. The present petition, instituted in 2026 to assail a corrigendum issued in 2021 and a recommendation made in March 2023, also suffers from delay which, in the discretionary jurisdiction under Article 226, is a crucial factor against interference, especially when the relief sought would unsettle a concluded appointment.

7. The reliance placed on ***Tej Prakash Pathak*** does not assist the Petitioner. In the present case, the corrigendum was issued prior to the last date for submission of applications, the portal was reopened, and the amended criteria operated uniformly for all candidates. The record discloses no element of manifest arbitrariness, discrimination, or a tailor-made relaxation designed to benefit Respondent No. 5.

8. The submission founded on comparative merit is also misconceived. Once the corrigendum came into force and a Ph.D. ceased to be a mandatory qualification, possession of a Ph.D. could, at best, be an additional credential to be evaluated under the applicable selection rubric. It does not, by itself, create an enforceable right to appointment or invalidate the selection of an otherwise eligible candidate. The Petitioner has not established, by reference to the applicable scoring matrix, the screening marks, the interview assessment, or the final merit position, that Respondent No. 5 was ineligible



or that the selection suffered from perversity, *mala fides*, or violation of any mandatory procedure. The reliance on *Anmol Kumar Tiwari* is misplaced. The decision does not hold that possession of a higher qualification, by itself, confers a right to appointment. It reiterates that selections must conform to the notified framework, and that merit is to be assessed within that framework, not on the basis of a single additional credential.

9. In judicial review, the Court does not sit as an appellate authority over the comparative assessment undertaken by a duly constituted Selection Committee, unless the petitioner establishes ineligibility, a material procedural illegality, *mala fides*, or manifest perversity. None is demonstrated here. Respondent No. 5 cannot be treated as ineligible merely for want of a Ph.D., once the corrigendum, issued before the last date for applications and applied uniformly, made it clear that a Ph.D. was not a mandatory qualification for this recruitment.

10. In view of the above, the Court finds no merit in the present petition. The writ petition is accordingly dismissed, along with pending application(s), if any.

SANJEEV NARULA, J

JANUARY 27, 2026/hc