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

+ **W.P.(C) 9355/2016**

MAHESH NATH SINGH

.....Petitioner

Through: Mr. Kuriakose Varghese, Mr. Akshat
Gogna, Mr. C. Ruby Thomas,
Advocates.

versus

NATIONAL COMMISSION FOR SCHEDULED CASTES & ORS.

.....Respondents

Through: Mr. Shaurya Banshtu, Advocate for
Respondent No. 1, 3 & 4.
Ms. Ishita, Advocate for R-2.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **10.02.2026**

1. This petition has been filed by the Petitioner, who belongs to the Scheduled Caste ("SC") category, assailing his non-selection pursuant to advertisement dated 1st June, 2013 issued by Respondent No. 2, Indian Statistical Institute ("ISI"), for filling reserved backlog vacancies under a special recruitment drive for the post of Assistant Professor.

2. The Petitioner contends that despite fulfilling the eligibility criteria and being called for a seminar/presentation, his candidature was rejected arbitrarily and on discriminatory considerations.

Background

3. The Petitioner submitted his application/resume in June 2013. ISI processed the application through its Divisional Committee. By



communication dated 12th November, 2013, the Petitioner was invited to deliver a seminar on 25th November, 2013. The said communication recorded that ISI could not offer the post of Assistant Professor to a candidate who had not completed three years after Ph.D., and that such candidates would be considered for Lectureship, if found suitable.

4. Thereafter, a Selection Committee was constituted by Office Order dated 28th August, 2014 to consider, *inter alia*, the Petitioner's candidature. In its meeting held on 1st September, 2014, the Selection Committee did not recommend the Petitioner. This decision was conveyed to the Petitioner through a letter dated 12th January, 2016, which also referred to developments concerning a subsequent recruitment drive advertised in December 2014.

Contentions

5. Mr. Kuriakose Varghese, counsel for the Petitioner, makes the following submissions in support of the petition:

5.1. The Petitioner belongs to the SC category, and he applied pursuant to the advertisement dated 1st June, 2013 issued by ISI. He fulfilled the advertised eligibility conditions, possessed a Ph.D. in the relevant discipline, had a consistent academic record, and possessed post-doctoral research and teaching experience. The CV filed with the petition, and the publications listed therein, indicate that the Petitioner satisfied the prescribed threshold and was entitled, at the very least, to be considered on merits in a fair and transparent selection process. The advertisement itself contemplated relaxation wherever applicable.

5.2. Despite satisfying eligibility and being processed through successive stages of evaluation, the Petitioner's candidature was rejected without any



cogent basis and without any contemporaneous, reasoned communication. The ISI, being an institution of national importance and “*State*” within the meaning of Article 12, is obliged to conduct recruitment in a manner that is transparent, non-arbitrary and consistent with Articles 14 and 16 of the Constitution. Where an eligible reserved-category candidate is screened out without disclosed reasons, the process becomes opaque and constitutionally suspect and the authority must disclose the basis of exclusion.

5.3. The Petitioner’s application was not rejected at the threshold. On the contrary, he was called upon by the competent functionary to appear for a seminar and presentation. The Institute thereby represented, at least implicitly, that he had crossed the preliminary eligibility scrutiny. Having subjected him to evaluation, ISI could not thereafter rely upon vague assertions of non-recommendation without disclosing the basis. The process, as applied to him, lacked procedural fairness as he was neither informed of any deficiency in eligibility nor informed of any assessed shortcomings.

5.4. The communication dated 12th January, 2016 records that a Divisional Committee had recommended his CV for further processing and that a Selection Committee later did not recommend him. The communication itself is symptomatic of arbitrariness as it does not disclose why he was found unsuitable, what criteria were applied, or whether the reserved vacancy was filled. The record reflects internal inconsistencies in the chronology and appears to have been retrofitted to justify an outcome already decided. Further, the decision was never communicated for nearly two years and was disclosed only during proceedings before NCSC.

5.5. The Petitioner pursued the matter by way of representations and by approaching the NCSC. ISI attempted to explain the subsequent standstill by



attributing it to an “*embargo*” imposed by the NCSC on recruitment and promotions. However, the Commission’s stated position is that no such embargo was ever imposed and the same was a convenient afterthought.

5.6. On discrimination, the Petitioner was effectively excluded from consideration and the reserved vacancy remained unfilled. The increase in backlog between the 2013 and 2014 drives and continued vacancy shows absence of genuine effort to fill reserved posts.

5.7. The Petitioner met with hostile treatment in the way he was handled in comparison to others. He was singled out on grounds extraneous to merit. In that context, institutional preferences, including linguistic and regional affinity, operated to his detriment and he was unfairly treated because he does not belong to the local Bengali-speaking milieu. Even if such bias is not apparent, the absence of disclosed reasons and the contradictory justifications offered over time lend credibility to such apprehensions.

5.8. Once the Petitioner was called to present and was processed through the selection pipeline, he had a legitimate expectation that his candidature would be evaluated on declared criteria and that the outcome would not be arbitrary or inscrutable. The refusal to furnish any meaningful reasons for his non-selection defeats transparency and makes it impossible to test the fairness of the process.

5.9. On relief, the decision is sought to be quashed insofar as it rejected his candidature without cogent reasons, and a direction to ISI to reconsider his candidature in accordance with the advertisement and constitutional norms. In the alternative, appropriate directions are sought to fill the reserved backlog vacancy through a lawful and transparent process, with due regard to the mandate of equality of opportunity in public employment.



6. Ms. Ishita, counsel for the ISI, opposes the petition and submits:

6.1. The Petitioner was not eligible for appointment as Assistant Professor under the 2013 advertisement because he did not meet the mandatory requirement of three years' post-doctoral research/teaching experience after Ph.D. The same was communicated to the Petitioner at the threshold in the letter dated 12th November, 2013, and he was considered only for Lectureship, subject to suitability.

6.2. The Divisional Committee processed the application and recommended it for further consideration. A duly constituted Selection Committee assessed suitability on academic merit including publications, teaching experience and institutional requirements and did not recommend him. The selection followed the governing recruitment rules and guidelines applicable to ISI and cannot be termed arbitrary.

6.3. Recruitment rules governing reserved category selection were available and known to the Petitioner and were duly followed. Non-recommendation represents an expert academic assessment and is not subject to judicial re-evaluation absent proven mala fides.

Analysis

7. The settled limits of judicial review in matters of academic recruitment must be borne in mind. A writ court examines legality, procedural fairness and adherence to the governing framework; it does not sit in appeal over the expert assessment of suitability nor re-weigh the relative merits of candidates. Interference is warranted only where the process is vitiated by illegality, material procedural irregularity, or *mala*



fides.¹ Further, even a candidate who has participated in the selection process, or whose candidature has been considered, does not acquire an indefeasible right to appointment merely because vacancies exist or he was found fit to be considered; a recruitment notification is only an invitation to apply and the employer is not bound to fill all notified vacancies, though its decision must be *bona fide* and non-arbitrary.²

8. The Petitioner's central premise that he was eligible for appointment as Assistant Professor under the 2013 advertisement is not borne out from the material on record. The letter dated 12th November, 2013 expressly recorded that ISI could not offer the post of Assistant Professor to candidates who had not completed three years after Ph.D., and that Lectureship would instead be considered if found suitable. The Petitioner participated in the process with this position clearly communicated to him. In these circumstances, he cannot assert an enforceable right to be considered for appointment as Assistant Professor, much less a right to appointment.

9. The Petitioner's attempt to characterise his non-selection as a rejection without reasons also does not carry the matter further. Non-recommendation by a Selection Committee in an academic recruitment, where suitability is assessed holistically, does not ordinarily require the employer to furnish comparative reasons to an unsuccessful candidate in the manner of a quasi-judicial order. In the absence of a statutory rule mandating disclosure of detailed reasons or marks, a writ court does not compel a selection body to justify its expert assessment unless the record

¹ *Dalpat Abasaheb Solunke & Ors. v. Dr. B.S. Mahajan & Ors.* (1990) 1 SCC 305.

² See: *Shankarsan Dash v. Union of India.* (1991) 3 SCC 47.



discloses demonstrable arbitrariness, bias or procedural illegality. The delay in communicating the outcome, by itself, does not establish arbitrariness once the decision is shown to have been taken by the competent expert body.

10. The allegations of discrimination are, in substance, unsupported by material particulars. The plea that the Petitioner was excluded because he is from Uttar Pradesh or because he is not Bengali-speaking is not supported by contemporaneous material or any identifiable act attributable to the Selection Committee. The law requires pleadings of *mala fides* and bias to be specific and substantiated, not conjectural. Courts do not infer discrimination in public employment based on suspicion or perception.

11. The Petitioner's reliance on the NCSC's stand that it did not impose an "*embargo*" also does not advance the core claim for appointment. Even assuming that ISI's reference to an "*embargo*" was misplaced, that circumstance does not convert the Petitioner's non-recommendation by the Selection Committee into a constitutional wrong warranting a writ of mandamus for appointment. At the highest, it reflects a controversy relating to subsequent administrative developments and does not establish that the Petitioner was unlawfully denied selection in the 2013 process.

12. The plea of legitimate expectation is equally unavailing. The act of calling a candidate for a seminar/presentation or processing a candidature through internal committees creates an expectation of fair consideration in accordance with the declared procedure; it does not create a right to selection or appointment, particularly where the employer had expressly indicated non-eligibility on an essential criterion.

13. The Petitioner has also urged that backlog vacancies have remained



unfilled. Filling reserved backlog vacancies is undoubtedly a constitutional obligation to be pursued with seriousness. At the same time, the existence of vacancies does not confer a right to appointment, nor can a mandamus be issued directing appointment of a particular candidate who does not establish an enforceable legal right. The remedy, if at all, lies in ensuring that recruitment is carried out lawfully and expeditiously, not in directing appointment contrary to the recruitment norms and suitability assessment.

14. In sum, the Petitioner has not demonstrated that the selection process was vitiated by illegality, material procedural irregularity, *mala fides* or arbitrariness warranting judicial interference. The writ jurisdiction under Article 226 cannot be invoked to convert dissatisfaction with a non-recommendation into a merits appeal over academic suitability.

15. For the foregoing reasons, the writ petition is dismissed. Pending applications, if any, also stand disposed of.

SANJEEV NARULA, J

FEBRUARY 10, 2026/ab