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

**Judgment reserved on: 20.11.2025**  
**Judgment pronounced on: 22.12.2025**

+ W.P.(C) 13481/2025 & CM APPL. 55362/2025

DR SACHIN KUMAR .....Petitioner

Through: Ms. Swathi Sukumar, Sr. Adv. and Mr. Rishabh Sharma, Ms. Ambica Sood, Mr. Ritik Raghuvanshi, Advs.

versus

NATIONAL INSTITUTE OF EDUCATIONAL PLANNING AND ADMINISTRATION THROUGH ITS VICE CHANCELLOR & ORS. .....Respondents

Through: Mr. Amitesh Kumar, Ms. Priti Kumari, Mr. Pankaj Kumar Ray, Advs. for R-1

Mr. Parmanand Gaur, Standing Counsel for UGC with Mr. Vibhav Mishra and Ms. Megha Gaur, Advocates for R-2

Mr. Raj Kumar, CGSC with Ms. Vandana Sachdeva, Mr. Ankit Choudhary and Mr. Sumit Choudhary, Advocates for R-3

**CORAM:**

**HON'BLE MR. JUSTICE C. HARI SHANKAR**  
**HON'BLE MR. JUSTICE OM PRAKASH SHUKLA**

**JUDGMENT**

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**22.12.2025**

**OM PRAKASH SHUKLA, J.**

**FACTUAL MATRIX**

1. The present writ petition has been instituted by the petitioner seeking omnibus relief(s) including (i) quashing of the impugned



Results dated 11.02.2025 issued by National Institute of Educational Planning and Administration<sup>1</sup> (hereinafter Respondent No.1) , as far as they deal with the results of the Persons with Disability<sup>2</sup> (ii) quashing of Advertisement No. A3/2023 dated 27.12.2023 (“impugned Advertisement” hereinafter) pursuant to which the recruitment was undertaken (iii) partial quashing of Clause 4.1.I.B (Note) of the University Grants Commission<sup>3</sup> Regulations, 2018 to the extent it provides that selection to the post of Assistant Professor shall be solely on the basis of performance in the interview round and (iv) quashing of the subsequent Advt. No. 2/2025-NIEPA (“New Advertisement” hereinafter) dated 06.06.2025 issued by Respondent No. 1. The petitioner has also sought consequential directions for re-advertisement and reconsideration of the petitioner’s candidature in accordance with law.

2. The material facts, as borne out from the record, are that Respondent No.1 issued an advertisement dated 27.12.2023 inviting online applications for recruitment to various faculty positions, including four posts of Assistant Professor. Out of these four posts, one post was notified as reserved for PwD candidates. The impugned Advertisement also stated that concession/relaxation would be provided to PwD candidates with more than 40% disability and the said impugned Advertisement also stipulated that the selection for the said post was based entirely on performance in the interview.

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<sup>1</sup> “NIEPA” hereinafter

<sup>2</sup> “PwD” hereinafter

<sup>3</sup> “UGC” hereinafter



3. The petitioner, who is admittedly a person with benchmark disability<sup>4</sup> having 75% locomotor disability, applied for the post of Assistant Professor under the PwD category on 07.01.2024. The application was thereafter subjected to scrutiny by the Screening Committee. As per the materials placed on record, the petitioner's application was evaluated, and he was awarded 73 marks out of 100 and was found eligible for the subsequent interview. Thereafter, Respondent No.1 published a list of shortlisted candidates for the subsequent interview round, which included the petitioner, and he was directed to appear before the Selection Committee on 03.02.2025.

4. Accordingly, the interview was conducted on 03.02.2025. Thereafter, on 11.02.2025, Respondent No.1 published the category wise result of the selection process. As per the declared results, candidates were selected under the categories of Unreserved, Other Backward Classes and Scheduled Castes. In so far as the PwD category was concerned, the impugned Results recorded that "*none of the candidates interviewed by the Committee was found suitable for the post*".

5. Following the declaration of the impugned Result, a series of applications under the Right of Information <sup>5</sup>Act, 2005 were filed by the petitioner seeking information regarding, *inter alia*, the reasons for non-selection, details of relaxation allegedly granted to PwD candidates, subject-wise distribution of vacancies, marks obtained, constitution of the Selection Committee, internal distribution of marks

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<sup>4</sup> "PwBD" hereinafter

<sup>5</sup> "RTI" hereinafter



obtained and the status of the unfilled PwD vacancy.

**6.** However, respondent No.1 declined to furnish several material details, while stating that no reasons were recorded by the Selection Committee for declaring "*none found suitable*" for the concerned PwD candidates; that there was no internal distribution of interview marks; that 13 PwD candidates were interviewed and that the unfilled PwD post would be treated as a backlog vacancy and carried forward as an EWS-PwD post. Meanwhile, pursuant to a separate RTI dated 03.04.2025 filed by Ms. Amrita Singh, the Respondent No.1 furnished the roster for Assistant Professors on 01.05.2025.

**7.** Subsequently, on 06.06.2025, Respondent No.1 issued a fresh Advertisement, bearing No. 2/2025-NIEPA, whereby the unfilled post of Assistant Professor under the PwD category was re-advertised. However, in the said new advertisement, the vacancy was notified as reserved specifically for EWS-PwD candidates, and not as a general PwD vacancy.

**8.** It is in this aforementioned backdrop that the petitioner has approached this Court by way of filing the present writ petition, challenging the impugned Result dated 11.02.2024, the impugned Advertisement dated 27.12.2023, the subsequent New Advertisement dated 06.06.2025, whereby the PwD vacancy is carried-forward as an EWS-PwD vacancy, and seeking appropriate reliefs in this regard.



## **CONTENTIONS OF THE PARTIES**

### **PETITIONER'S CONTENTION**

**9.** Ms. Swathi Sukumar, learned Senior Counsel on behalf of the petitioner submitted that the petitioner had nearly 16 years of teaching experience in the field of education and social sciences and suffered from benchmark disability with 75% locomotor impairment of both lower limbs, thereby falling within the protective ambit of the Rights of Persons with Disabilities Act, 2016<sup>6</sup>.

**10.** It was submitted that the petitioner had assailed the impugned Result dated 11.02.2025, the impugned Advertisement dated 27.12.2023, the subsequent New Advertisement dated 06.06.2025 and Clause 4.1.I.B (Note) of the UGC Regulations insofar as the said clause provided for selection to the post of Assistant Professor solely on the basis of interview performance.

**11.** Learned Counsel submitted that although one post of Assistant Professor had been expressly reserved for PwD candidates and despite the advertisement itself promising concessions and relaxations to persons having more than 40% disability, it was rather strange that no PwD candidate was selected, even though 13 PwD candidates, including the petitioner, were shortlisted and interviewed. It was contended that the impugned Result was completely silent on the application of any relaxed standards or separate cut-off for PwD candidates.

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<sup>6</sup> "RPwD Act" hereinafter



**12.** It was further submitted that the petitioner had secured 73 out of 100 marks in the screening process and was, hence, called for an interview. However, no reasons for non-selection of any PwD candidate were disclosed, nor were the details of relaxed standards or benchmarks provided.

**13.** Learned Counsel submitted that even in response to the specific RTI query regarding the nature of relaxation granted to PwD candidates, Respondent No.1 merely replied that there was no upper age limit, which, it was argued, could not be treated as relaxation in the context of selection standards whatsoever. It was contended that this demonstrated non-application of meaningful relaxed standards.

**14.** It was submitted that Clause 11.1 of the Office Memorandum<sup>7</sup> dated 15.01.2018 issued by the Department of Personnel and Training<sup>8</sup> mandated adoption of relaxed standards where reserved vacancies for PwBD candidates remained unfilled on general standards, provided the candidates were not found unfit. It was contended that Respondent No.1 had failed to apply the said mandate, contrary to the law as recognized by the Supreme Court in *In re: Recruitment of Visually Impaired in Judicial Services*.<sup>9</sup>

**15.** Learned Counsel further submitted that the failure to apply relaxed standards, prescribe a separate cut-off, and to ensure meaningful consideration of PwD candidates, amounted to denial of

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<sup>7</sup> "OM" hereinafter

<sup>8</sup> "DoPT" hereinafter

<sup>9</sup> 2025 SCC OnLine SC 481



reasonable accommodation, which was a positive obligation upon the State under the RPwD Act. Reliance in this regard was placed on *Vikash Kumar v. UPSC*<sup>10</sup>, *Kunal Singh v. Union of India*<sup>11</sup>, *Justice Sunanda Bhandari Foundation v Union of India and Anr*<sup>12</sup>, wherein the Supreme Court had held that reasonable accommodation was integral to ensure substantive equality and went beyond mere formal non-discrimination.

**16.** Learned Counsel submitted that the RTI replies furnished by Respondent No.1 revealed serious procedural lapses, inasmuch as Respondent No.1 refused to clarify whether Clause 11.1 of the DoPT OM was implemented or not, reduced the concept of relaxation merely to absence of upper age limit, admitted that no internal distribution of interview marks was maintained, and also revealed from the reservation roster that not a single PwD candidate had ever been appointed as Assistant Professor in NIEPA, thereby indicating systemic non-implementation of Section 34 of the RPwD Act, 2016.

**17.** Learned Counsel submitted that such conduct amounted to non-compliance with Section 34 of the RPwD Act, which mandated that no less than 4% of the cadre strength must be reserved for PwBD.

**18.** Learned Counsel further submitted that the entire selection process had been conducted exclusively on the basis of the performance in the interview as contemplated under Clause 4.1.I.B (Note) of the

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<sup>10</sup> (2021) 5 SCC 370

<sup>11</sup> (2003) 4 SCC 524

<sup>12</sup> (2014) 14 SCC 383



UGC Regulations, and such exclusive reliance on an interview as the sole criterion was arbitrary and unconstitutional.

**19.** In this regard, reliance was placed on *Ajay Hasia v. Khalid Mujib Sehravardi*<sup>13</sup>, wherein the Supreme Court held that interview, being highly subjective in nature, cannot be the sole basis of selection in public employment and may only be used as an additional or supplementary test.

**20.** Reliance was also placed on *Tej Prakash Pathak v. Rajasthan High Court*<sup>14</sup>, to contend that a selection process must satisfy the tests of consistency, transparency, and predictability, and that selection system based solely on an interview fails these constitutional parameters.

**21.** Learned Counsel further submitted that a 100% interview-based selection process was impermissible, particularly for an entry-level teaching post. Reliance was placed on *Ashok Kumar Yadav and Ors v State of Haryana and Ors*<sup>15</sup>, *Mohinder Sain Garg v State of Punjab and Ors*<sup>16</sup>, *Inder Prakash Gupta v State of J&K and Ors*<sup>17</sup>, and *State of Assam v. Arabinda Rabha*<sup>18</sup>, wherein it had been held that excessive weightage to interview led to arbitrariness and undermined fairness in selection.

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<sup>13</sup> (1981) 1 SCC 722

<sup>14</sup> 2024 SCC OnLine SC 3184

<sup>15</sup> (1985) 4 SCC 417

<sup>16</sup> (1991) 1 SCC 662

<sup>17</sup> (2004) 6 SCC 786

<sup>18</sup> 2025 INSC 334



22. It was further contended that the respondents had failed to demonstrate any rational nexus between the object sought to be achieved by relaxed standards for PwD and the method of selection adopted. Reliance was placed on the judgment of this Court in *Students Federation of India v. Union of India*<sup>19</sup>, wherein UGC Regulation 5.4 permitting admission entirely on viva-voce was declared arbitrary and violative of Article 14 of the Constitution of India.

23. It was further brought to the notice of this Court by the learned Counsel that the said judgment was substantially upheld by the Supreme Court in *Jawaharlal Nehru University v. Students Federation of India*<sup>20</sup>, wherein the Court found no fault with the conclusion that an admission process based solely on viva-voce was arbitrary and unconstitutional.

24. Learned Counsel further submitted that even under the UGC Regulations, 2010, the interview carried only 20% weightage for the post of Assistant Professor, and even in the draft UGC Regulations, 2025, exclusive reliance on interview had been consciously avoided. It was contended that the respondents ironically applied the norm in reverse by making interview the only criterion for an entry-level post, though it was not even the sole criterion for senior posts like Associate Professor and Professor. Reliance was placed on *Rashmi Mishra v M.P. Public Service Commission and Others*<sup>21</sup>, wherein it was held that while interview is relevant factor, excessive weight on the same

<sup>19</sup> 2018 SCC OnLine Del 11648 : AIR 2019 Del 69

<sup>20</sup> SPECIAL LEAVE PETITION (CIVIL) Diary No. 24410/2021

<sup>21</sup> (2006) 12 SCC 724



leads to arbitrariness and potential nepotism. For an entry level posts, academic merit and experience should also carry weight.

**25.** Learned Counsel further contended that the screening stage only involved verification of educational qualifications and did not involve any written or objective test. Therefore, if at all, any relaxation was to be granted to PwD candidates, it ought to have been provided at the stage of interview, and the absence of any objective parameters rendered the selection process wholly arbitrary.

**26.** Learned Counsel assailed the impugned Advertisement dated 27.12.2023 on the ground of vagueness, since it did not specify the concerned department or subject for which recruitment to the post of Assistant Professor was undertaken.

**27.** It was also submitted that Respondent No.1 had failed to adhere to its own Recruitment Rules and Service Regulations, 2019, which mandate that the relevant teaching discipline and areas of experience must be clearly notified in any faculty recruitment.

**28.** Learned Counsel further submitted that in response to an RTI query, Respondent No.1 stated that there was no department-wise vacancy, thereby rendering the recruitment process opaque, arbitrary and non-transparent.

**29.** It was submitted that Clauses 8.4 and 8.5 of the DoPT OM dated 15.01.2018 mandate that any unfilled PwD vacancy must be carried forward as it is, without altering its character.



**30.** Learned Counsel also relied on Clause 6.3 of the OM dated 31.01.2019, which prohibits the carry forward of unfilled EWS vacancies. In view thereof, conversion of a PwD vacancy into an EWS-PwD vacancy is stated to be illegal, arbitrary and contrary to service jurisprudence.

**31.** Learned Counsel submitted that reservation for PwD candidates was a horizontal reservation and must be applied across all vertical categories without dilution. The action of Respondent No.1 in narrowing and re-classifying the PwD vacancy defeated both the statutory scheme of the RPwD Act and the constitutional mandate of equality in public employment.

**32.** Learned Counsel thus submitted that the cumulative effect of non-implementation of PwD reservation, adoption of a 100% interview-based process for an entry-level post, and failure to provide reasonable accommodation and relaxed standards resulted in systemic exclusion of PwD candidates, and therefore a fresh, lawful and accommodation-based selection process restricted to the PwD candidates ought to be conducted.

### **RESPONDENT'S CONTENTION**

**33.** *Per Contra*, Mr. Amitesh Kumar, learned Counsel for the respondents submitted that the present writ petition is misconceived and not maintainable inasmuch as the petitioner raised objections only after being declared "not found suitable" after participating in the entire



selection process pursuant to Advertisement No. A3/2023 dated 27.12.2023 without any demur.

**34.** Learned Counsel submitted that in terms of the UGC Regulations, eligibility was first determined on the basis of minimum qualifications, including NET/Ph.D. and academic score as per Table 3A. It was averred that only eligible candidates were thereafter assessed by a duly constituted expert Selection Committee through an interview round. It was submitted that, being a statutory academic institution, Respondent No.1 was bound by the UGC framework and could not deviate or create a parallel selection mechanism.

**35.** Learned Counsel submitted that under Clause 3.4 of the UGC Regulations, a candidate was required to have minimum 55% marks at the Master's level and that a relaxation of 5% in qualifying marks was provided to Pwd candidates at both Bachelor's and Master's level only for the purposes of eligibility and assessment of a "good academic record", without providing any grace marks. It was contended that the petitioner had already availed this statutory relaxation at the eligibility stage itself.

**36.** Learned Counsel further submitted that the UGC Regulations did not contemplate or mandate any relaxation in the interview/viva component once a candidate had crossed the eligibility threshold. It was contended that the 5% relaxation under Clause 3.4 was confined only to eligibility determination and could not be extended into the selection stage of interview.



**37.** Learned Counsel argued that the mere fact that PwD vacancies remained unfilled could not be a ground to dilute standards or introduce relaxation *ex post facto*.

**38.** Learned Counsel submitted that since no minimum marks or cut-off were fixed for the interview, there was no benchmark against which any relaxation could be applied. It was argued that relaxation is possible only where a minimum standard is prescribed, and in the absence of such a standard at the interview stage, the question of granting relaxation to PwD candidates did not arise.

**39.** Learned Counsel submitted that the selection process had been conducted strictly as per the applicable UGC framework and institutional recruitment mechanism prevalent at the relevant time and was not based on any *post facto* interpretation. It was argued that courts ought not to rewrite recruitment criteria after the process has commenced or concluded.

**40.** Reliance was placed on the judgment of the Supreme Court in *Mandeep Singh & Ors. v. State of Punjab & Ors*<sup>22</sup>., wherein the Court had examined large-scale recruitment in higher education and emphasised the importance of adherence to recruitment procedures and institutional standards and cautioned against judicial interference in selection processes unless clear illegality or arbitrariness was shown. It was submitted that the present challenge similarly sought to question the recruitment methodology after participating in it and ought to not

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<sup>22</sup> 2025 INSC 834



be entertained.

**41.** Learned Counsel further relied upon the decision of the Supreme Court in *Allahabad University v. Geetanjali Tiwari (Pandey) & Ors.*<sup>23</sup>, wherein the Court was pleased to reiterate that universities and expert bodies are best suited to determine eligibility standards and recruitment norms, and that interference by courts is unwarranted unless such criteria are shown to be patently arbitrary or violative of statutory provisions. It was argued that the present recruitment process fell squarely within the domain of academic discretion and merit assessment.

**42.** It was further submitted that the interviews were conducted by a duly constituted expert Selection Committee, which assessed academic merit, research aptitude and domain knowledge of all candidates. Out of the 13 PwD candidates shortlisted, only 9 had appeared for interview. It was pointed out that the petitioner was placed at Serial No. 20, whereas another PwD candidate had scored the highest marks of 231. Learned Counsel further submitted that the petitioner was not the highest scoring candidate amongst the PwD candidates, and therefore no vested right accrued to him merely because a vacancy existed or because he belonged to the PwD category.

**43.** Learned Counsel submitted that the gap in performance between the PwD candidates and the selected candidate was substantial, and that even after accounting for reasonable accommodation, no PwD

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<sup>23</sup> 2024 SCC OnLine SC 3776



candidate could have been selected without diluting the essential academic standards required for a doctoral-level teaching and research institution.

**44.** Learned Counsel further averred that while the respondents remained conscious of their obligation to provide reasonable accommodation under the RPwD Act, such accommodation could not be interpreted to the extent of relaxing core academic standards in appointments to postgraduate and research-level teaching posts.

**45.** It was contended that the petitioner had never raised any objection to the procedure, scheme or criteria of selection at any stage prior to participating in the interview. Having taken a conscious chance in the process, he was estopped from challenging it after his non-selection, and the petition was hit by the doctrine of approbation and reprobation.

**46.** Learned Counsel submitted that the allegation regarding comparative merit or alleged comparatively higher score of the petitioner was not even pleaded as a specific ground in the writ petition. In the absence of any foundational pleading, it was argued, that such arguments could not be permitted at the stage of oral submissions.

**47.** Learned Counsel relied upon the judgment in *Neetu Devi Singh v. High Court of Judicature at Allahabad*<sup>24</sup>, wherein it was held that even in cases of horizontal reservation for PwD candidates, they are still

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<sup>24</sup> 2008 SCC OnLine All 110



required to secure minimum qualifying marks prescribed by the relevant authority and mere availability of vacancies cannot be a ground for relaxing such standards after the interview process is concluded.

**48.** Reliance was also placed upon *Taniya Malik v. High Court of Delhi*<sup>25</sup> and *Rajinder Pal Singh v. State of Punjab*<sup>26</sup>, where it was held that merely because vacancies had remained unfilled, minimum standards or cut-off marks could not be relaxed after the conclusion of the selection process.

**49.** Learned Counsel also relied upon the UGC Notification dated 18.07.2018, i.e., the UGC Regulations to submit that the respondents had strictly adhered to the statutory framework governing faculty recruitment and had not acted dehors the Regulations.

**50.** It was further argued that several judgments including *Lila Dhar v. State of Rajasthan and Ors*<sup>27</sup>, *State of UP v. Rafiuddin & Ors*<sup>28</sup>, *Kiran Gupta & Ors. v. State of UP & Ors.*<sup>29</sup>, and *Anzar Ahmad v. State of Bihar & Ors.*<sup>30</sup> have upheld an interview-based selection process and therefore, the method adopted by the respondents is legally permissible.

**51.** Reliance was also placed on *Tajvir Singh Sodhi & Ors. v. State of Jammu & Kashmir & Ors.*<sup>31</sup>, wherein it was reiterated that courts

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<sup>25</sup> (2018) 14 SCC 129

<sup>26</sup> 2012 SCC OnLine P&H 2017

<sup>27</sup> (1981) 4 Supreme Court Cases 159

<sup>28</sup> 1987 (Supp) Supreme Court Cases 401

<sup>29</sup> 2000 SCC Online SC 1395

<sup>30</sup> 1993 SCC OnLine SC 323

<sup>31</sup> 2023 SCC OnLine SC 344



must not interfere with recruitment policies unless shown to be in violation of statutory provisions or manifestly arbitrary, and that the choice of giving higher weight to interview fell within the domain of the recruiting authority.

**52.** Learned Counsel also submitted that the petitioner had participated in the recruitment process with full knowledge of the procedure and selection criteria and only challenged the process after being unsuccessful. It was contended that the challenge was an afterthought, triggered by non-selection.

**53.** It was further submitted that even on merits, the petitioner's case did not warrant interference, as he had not even secured the highest marks amongst PwD candidates, and no vested right accrued to him merely by virtue of the vacancy or his disability status.

**54.** Learned Counsel finally submitted that the writ petition did not disclose any arbitrariness, *mala fide* or violation of statutory provisions warranting interference and that the academic assessments made by an expert Selection Committee deserved judicial deference.

**55.** In view of the above, learned Counsel submitted that the present writ petition was devoid of merit and liable to be dismissed.

## **FINDINGS AND ANALYSIS**

**56.** This Court has carefully considered the contentions advanced on behalf of both sides and has examined the same in light of the



constitutional mandate, the statutory framework governing rights of PwD and the settled principles regulating public recruitment.

**57.** The controversy in the present writ petition does not merely concern the non-selection of the petitioner, rather, it raises a larger question regarding the legality and constitutional sustainability of the recruitment process adopted for posts reserved for PwBD under the RPwD Act. Though the respondents have sought to justify their actions on the ground of academic autonomy and compliance with UGC Regulations, such autonomy cannot operate in derogation of constitutional guarantees under Articles 14 and 16 of the Constitution of India and statutory rights conferred under the RPwD Act.

## **I. UGC REGULATIONS**

**58.** It is correct that the UGC Regulations enjoy statutory force by the virtue of Section 26 of the UGC Act, as recognised in *University of Allahabad (supra)*. However, this statutory force does not place these regulations above the Constitution of India.

**59.** Delegated legislation must always operate within constitutional boundaries and framework. It cannot be interpreted in a manner that authorises arbitrariness or dilutes statutory rights guaranteed under any Parliamentary enactment, such as the RPwD Act.

**60.** The respondents have relied heavily on Clause 4.1.I.B of the UGC Regulations, 2018, which stipulates that final selection shall be based on performance in interview. Clause 4.1.I.B of the UGC



Regulations, 2018, though permitting interview-based selection, does not authorise abandonment of fairness, transparency or being non-exploitative. Delegated legislation cannot override a Parliamentary enactment, nor can it be invoked to dilute substantive equality.

**61.** A holistic reading of the UGC Regulations reveals that Clause 4.1.I.B cannot be isolated from Clauses 5.2 and 6.0. A comprehensive reading of the regulatory framework, particularly Clauses 5.2 and 6.0, makes it abundantly clear that the intention of the UGC was never to replace objective academic evaluation with unfettered discretion of interview boards. Further, Clause 6.0 expressly mandates that the overall selection procedure must incorporate a transparent, objective and credible methodology of analysis of merits and credentials based on performance across different parameters and a grading system proforma. By reducing the selection solely to a subjective interview without any structured assessment of academic and research achievements in terms of the prescribed tables and proforma under Appendix II, the respondents have acted in direct deviation of Clause 6.0. We deem it apposite to reproduce Clauses 4.1.I.B, 5.2 and 6.0 herein below for the sake of convenience:

**“Clause 4.1:**

***“4.1 For the Disciplines of Arts, Commerce, Humanities, Education, Law, Social Sciences, Sciences, Languages, Library Science, Physical Education, and Journalism & Mass Communication.***

***I. Assistant Professor:***

***B. The Ph.D degree has been obtained from a foreign university/institution with a ranking among top 500 in the World***



*University Ranking (at any time) by any one of the following: (i) Quacquarelli Symonds (QS) (ii) the Times Higher Education (THE) or (iii) the Academic Ranking of World Universities (ARWU) of the Shanghai Jiao Tong University (Shanghai).*

*Note: The Academic score as specified in Appendix II (Table 3A) for Universities, and Appendix II (Table 3B) for Colleges, shall be considered for short-listing of the candidates for interview only, and the selections shall be based only on the performance in the interview.”*

**Clause 5.2:**

*“5.2. The Screening-cum-Evaluation Committee \_\_\_\_\_ on verification/evaluation of grades secured by the candidate through the Assessment Criteria and Methodology Proforma designed by the respective university based on these Regulations and as per the minimum requirement specified:*

*(a) In Appendix II, Table 1 for each of the cadre of Assistant Professor;*

*(b) In Appendix II, Table 4 for each of the cadre of Librarian; and*

*(c) In Appendix II, Table 5 for each of the cadre of Physical Education and Sports*

*shall recommend to the Syndicate/ Executive Council /Board of Management of the University/College about the suitability for the promotion of the candidate(s) under CAS for implementation.”*

**Clause 6.0:**

**6.0 SELECTION PROCEDURE:**

**I.** *The overall selection procedure shall incorporate transparent, objective and credible methodology of analysis of the merits and credentials of the applicants based on the weightage given to the performance of the candidate in different relevant parameters and his/her performance on a grading system proforma, based on Appendix II, Tables 1, 2, 3A, 3B, 4, and 5. In order to make the system*



*more credible, universities may assess the ability for teaching and / or research aptitude through a seminar or lecture in a classroom situation or discussion on the capacity to use the latest technology in teaching and research at the interview stage. These procedures can be followed for both the direct recruitment and the CAS promotions, wherever selection committees are prescribed in these Regulations.”*

**62.** Although Clause 5.2 is primarily invoked for Career Advancement Scheme (CAS) promotions, it reflects the normative philosophy underlying the UGC's regulatory regime namely, that academic evaluation must rest on verified academic performance and objective criteria before any final determination of suitability. Clause 5.2 envisages a Screening-cum-Evaluation Committee to verify and evaluate the academic scores of candidates on the basis of a standardized Assessment Criteria and Methodology Proforma. These provisions collectively demonstrate that, while the interview holds significance at the final stage, it is intended to operate within a broader objective evaluative framework and not as a self-contained, standalone mechanism of selection.

**63.** Therefore, Clause 4.1.I.B must necessarily be read down to mean that interview performance can be the deciding factor only when it is preceded and accompanied by structured, transparent and objective academic evaluation as mandated under Clauses 5.2 and 6.0. The contention of the respondents that Clause 4.1.I.B of the UGC Regulations, 2018 mandates final selection solely based on one's performance in interview has to be understood in the light that the said selection should not be crystallised, unless preceded by the stipulation of Clause 5.2 and 6.0 of the Regulations. Any interpretation that permits



exclusive reliance on a wholly unstructured viva-voce/interview process would not only defeat the internal architecture of the UGC Regulations themselves but would also render the selection procedure vulnerable to arbitrariness, violating Articles 14 and 16 of the Constitution of India, especially in the context of posts reserved for PwBD under the RPwD Act, 2016.

**64.** These provisions indicate that the intent of UGC was never to substitute objective academic evaluation with a purely subjective viva-voce. Rather, an interview round was envisaged as the final, supplementary stage of assessment, building upon a structured and objective academic evaluation.

**65.** Clause 4.1.I.B, therefore, does not deserve to be struck down as unconstitutional *per se*. However, it must be read down to mean that the said clause cannot be construed as permitting or legitimising a wholly unstructured, unguided and exclusively interview-based selection process. Any interpretation to the contrary would render the selection vulnerable to arbitrariness and would violate Articles 14 and 16 of the Constitution of India.

## II. INTERVIEW-CENTRIC SELECTION

**66.** It is undisputed that the selection process adopted by Respondent No.1 was based exclusively on interview/viva-voce. No written examination or structured marking methodology was followed. The respondents have also admitted that there was no internal distribution of marks or predefined evaluation matrix for the interview. Further, no



reasons were recorded for declaring the reserved PwD post as “*none found suitable*”. Such an admission itself demonstrates the opacity and subjective nature of the process.

**67.** In our considered view, such a process strikes at the core of procedural fairness and transparency, which are essential constituents of Article 14 of our Constitution. In *Ajay Hasia (supra)*, the Supreme Court cautioned that viva-voce, by its very nature, is susceptible to subjectivity, and excessive or exclusive reliance upon it opens the door to arbitrariness and favouritism. Though the said decision was concerned with admissions of students in academic institutions, the constitutional principle it articulates that state action must be structured, reasoned and non-arbitrary applies with equal force to public employment.

**68.** Similarly, this principle was echoed in *Ashok Kumar Yadav (supra)* whereby the Supreme Court cautioned that excessive reliance on interviews makes the process vulnerable to manipulation and compromises equality of opportunity.

**69.** The respondents relied upon *Lila Dhar (supra)* and *Mandeep Singh (supra)* to justify the validity of an interview-centric selection process. However, this reliance is legally misplaced. In *Lila Dhar (supra)*, the Court did not authorise unconstrained viva-voce. On the contrary, it recognised permissible interview weightage only where structured evaluation and rational standards exist. Similarly, in *Mandeep Singh (supra)* the process was upheld because it was founded



on clearly defined parameters, structured evaluation and objective academic scoring, all of which are conspicuously absent in the present case.

**70.** The decision in *Students Federation of India* (supra) rendered by a Division Bench of this Court and thereafter affirmed by the Supreme Court in *Jawaharlal Nehru University*(supra), in paragraphs 29 and 30, distinguished between cases of admission in academic institutions as opposed to service appointments, while at the same time holding that even in service matters, excessive or exclusive reliance on viva-voce is constitutionally suspect in the absence of structured criteria and transparency. The Court observed that where no minimum qualifying marks or objective parameters are disclosed for the interview, the Selection Committee is effectively allowed to evolve its own hidden and undisclosed standards, which is impermissible in law since selection criteria must be fixed and declared at the inception of the process and cannot be left to unguided discretion. It further emphasised that lack of such structured norms often results in reserved category seats remaining unfilled, thereby defeating the very objective of reservation, and specifically observed that similar considerations apply to PwD, whose statutory reservations must be meaningfully implemented and not reduced to a mere formality through opaque and subjective procedures.

**71.** The principle is also well settled in *A.P. Public Service Commission v. B. Sarat Chandra*<sup>32</sup>, wherein it was held that the

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<sup>32</sup> (1990) 2 SCC 669



determination of eligibility cannot be left uncertain or deferred to the final stages of selection, as such an approach introduces arbitrariness and violates the requirement of a transparent and fair recruitment process.

**72.** Therefore, this Court holds that while viva-voce/interview may form an important component of academic recruitment, a purely interview-based process, devoid of objective scaffolding, violates the doctrine of non-arbitrariness under Articles 14 and 16 of the Constitution of India. It creates an opaque zone of discretion inconsistent with constitutional governance.

**73.** In the present case, since the concerned post of Assistant Professor is admittedly an entry-level post, this Court finds substance in the contentions put forth by Ms. Swathi Sukumar, learned Senior Counsel appearing on behalf of the petitioners, predicated on the decisions laid down in *Ajay Hasia (supra)*, *Lila Dhar (supra)* and *Ashok Kumar Yadav (supra)*, that recruitment to an entry-level post cannot be made solely on the basis of viva-voce/interview.

### **III. NORMATIVE FRAMEWORK OF THE RPwD ACT**

**74.** The RPwD Act is a rights-based, transformative legislation enacted to give a domestic effect to India's obligations under the United Nations Convention on the Rights of Persons with Disabilities, ratified by India on 1st October 2007. Its Preamble marks a decisive shift from a charity-centric approach to a constitutional rights framework grounded in dignity, autonomy, non-discrimination, meaningful



participation and equality of opportunity. These principles are not symbolic declarations but normative commands that form the basis tenets of the Act. Any public recruitment process which, though is *prima facie* neutral, but structurally excludes PwBD or reduces statutory reservations to a formal ritual, directly undermines the object of the Act and strikes at its core commitment of substantive equality and inclusion.

**75.** Section 3 of the Act mandates equality and ensures protection against discrimination. Section 20 further prohibits discrimination in all matters relating to employment, including recruitment and selection. Section 2(y) defines “reasonable accommodation” as necessary and appropriate modification to ensure equal enjoyment of rights. Section 34 mandates that not less than 4% of the cadre strength shall be reserved for PwBD, on a horizontal basis.

**76.** In *Omkar Ramchandra Gond v. Union of India & Ors.*<sup>33</sup>, a three-Judge Bench of the Supreme Court referred to Article 41 of the Constitution of India, which makes it the duty of the State to ensure effective and meaningful opportunities for PwD to secure the right to work and education. The Supreme Court, keeping the aforesaid benevolent principles in mind, observed that Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 was not found to be comprehensive, hence, it was replaced with the RPwD Act. Although, the said case was relating to admissions, the Court also dealt with the RPwD Act, including the mandate for

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<sup>33</sup> 2024 SCC OnLine SC 2860



inclusivity in education and the express recognition of the concept of reasonable accommodation, while discussing the United Nations Convention on the Rights of Persons with Disabilities and its tenets, as the main reason for the enactment of RPwD Act.

**77.** Reservations for PwBD candidates is thus not a matter of administrative discretion but a statutory obligation flowing from the constitutional value of substantive equality. Therefore, it must be meaningfully implemented, not performed as a mere ritual.

**78.** Further, this Court cannot be oblivious to the fact that the principle of reasonable accommodation captures the positive obligation of the State and private parties to provide additional support to PwD to facilitate their full and effective participation in society. The constitutionally guaranteed fundamental rights of equality, the six freedoms and the right to life under Article 21 will ring hollow if PwD are not provided the additional support necessary to make these rights real and meaningful. Reasonable accommodation is a societal obligation and the instrumentality through which PwD can realise and enjoy the constitutional guarantees of equality and non-discrimination. In this context, it would be apposite to quote R.M. Lodha, J's (as he then was) observation in ***Justice Sunanda Bhandare Foundation (supra)***, where he stated:

*"9. ... In the matters of providing relief to those who are differently abled, the approach and attitude of the executive must be liberal and relief oriented and not obstructive or lethargic."*

**79.** By implementing a process where relaxation and accommodation



were theoretically acknowledged but practically absent, the respondents reduced reservations for PwD to a symbolic formality, defeating the very soul of the RPwD Act.

#### **IV. LEGALITY OF ADVERTISEMENT AND FAILURE TO IMPLEMENT DISABILITY RESERVATION**

**80.** Though an advertisement is not liable to be struck down merely because a particular candidate was not selected, it must be set aside where its structure itself violates statutory and constitutional mandates.

**81.** In the present case, one vacancy was admittedly reserved exclusively for PwBD. Thirteen PwBD candidates were shortlisted and appeared for interview. All these candidates possessed the requisite academic qualifications, including NET/Ph.D. Yet, the result released by Respondent No.1 recorded that "*none of the candidates interviewed by the Committee was found suitable*".

**82.** The impugned Advertisement did not specify subject/discipline-wise distribution, or the evaluation criteria, and did not indicate whether or how the relaxed standards and reasonable accommodation would be implemented for PwBD candidates. It adopted a 100% interview-based mechanism without any procedural safeguards or objective metrics. Such vagueness and opacity offends the doctrine of certainty in public recruitment and breeds arbitrariness.

**83.** Further no cut-off marks, minimum standards or objective parameters were disclosed. No reasons were recorded whilst explaining



as to why not even a single candidate met the suitability threshold. No material has been placed before this Court to demonstrate how the assessment was carried out or what constituted “unsuitability”.

**84.** In these above-mentioned circumstances, this Court finds it difficult to accept that the outcome represents a genuine and reasoned assessment of merit of the petitioners-candidates. On the contrary, it *prima facie* indicates a failure of the selection process itself.

**85.** Such an outcome, viewed through the prism of constitutional morality, raises serious doubts. It suggests not the failure of the candidates, but the failure of the process itself. In *Vikash Kumar (supra)*, the Supreme Court held that reasonable accommodation is not a concession, but a facet of substantive equality, flowing from Articles 14 and 16 of our Constitution read with the RPwD Act. In the present case, beyond stating that there was no upper age limit, no modification, accommodation or relaxation in the evaluation process was shown to have been granted to PwD candidates. The relaxation demonstrated by the learned Counsel for the respondent appears to be merely facial and lip-service, which fails on the anvil of providing reasonable accommodation as envisaged by the Supreme Court in *Vikash Kumar (supra)*. Such a formalistic interpretation of relaxation cannot satisfy the high constitutional and statutory threshold envisaged in the RPwD Act.

**86.** Further, Clause 11.1 of the DoPT OM dated 15.01.2018, specifically provides that where PwD candidates are not selected on general standards, they may be selected on relaxed standards, provided



they are not found unfit. The Supreme Court in *In Re: Recruitment of Visually Impaired in Judicial Services (supra)* clarified that reservations for PwD must be implemented in a meaningful and effective manner, by adopting relaxed standards and reasonable accommodation so that structural disadvantages faced by PwD candidates are neutralised, rather than being reinforced by rigid procedures.

**87.** This Court cannot be oblivious to the systemic risk that, if such an approach is approved, institutions may routinely declare PwBD candidates “*not suitable*” in one or two cycles and thereby pave the way for de-reservation or conversion, effectively negating the legislative intent behind reservations for PwD.

## **V. CARRY FORWARD OF PwBD VACANCY**

**88.** PwBD reservation is horizontal in nature and cuts across all vertical categories. The respondents’ act of converting the PwBD vacancy into an EWS-PwBD vacancy alters its very nature and renders it inaccessible to non-EWS PwBD candidates, thereby violating Section 34 of the RPwD Act.

**89.** Section 34(2) of the Act contemplates that conversion or de-reservation of PwBD vacancies is permissible only when suitable candidates are not available for two consecutive recruitment years. In the present case, the respondents prematurely declared the vacancy as unfilled and proceeded to alter its character, thus, short-circuiting the statutory protection.



**90.** Clauses 8.4 and 8.5 of the DoPT OM dated 15.01.2018, mandates that unfilled PwBD vacancies must be carried forward as such, without altering their nature. Further, Clause 6.3 of the DoPT OM dated 31.01.2019, prohibits the carrying forward of EWS vacancies. The conversion of the PwD vacancy into EWS-PwBD vacancy not only alters the character of the reservation but has the effect of excluding otherwise eligible non-EWS PwBD candidates, thereby infringing Article 16 of the Constitution of India.

**91.** In the absence of any structured interview criteria, pre-defined benchmarks, application of relaxed standards or reasonable accommodation, the respondents' invocation of Clause 4.1.I.B of the UGC Regulations becomes a mere facade to legitimise an otherwise arbitrary and exclusionary process.

**92.** The preliminary contention raised by the respondents of estoppel on part of the petitioner due to participation is untenable. In *Dr. (Major) Meeta Sahai v. State of Bihar*<sup>34</sup>, the Supreme Court clarified that participation in a selection process does not preclude a candidate from assailing the legality of the process where the challenge goes to the root of the procedure and alleges violation of statutory and constitutional norms. In the present case, the petitioner challenges the very structure and legality of the recruitment mechanism, rendering the doctrine of estoppel inapplicable.

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<sup>34</sup> (2019) 20 SCC 17



**93.** In the light of foregoing discussions, this Court records the following conclusions:

- a) The reservation of the post for PwBD was not implemented in conformity with the RPwD Act, 2016 read with the DoPT OM dated 15.01.2018 and the constitutional guarantee of substantive equality and reasonable accommodation.
- b) The 100% interview-based selection process, as actually applied by the respondents without structured criteria, objective benchmarks, internal distribution of marks or recorded reasons is arbitrary, unreasonable and violative of Articles 14 and 16 of the Constitution of India.
- c) The conversion of the PwBD vacancy into an EWS-PwBD vacancy is contrary to the horizontal nature reservations for PwD under Section 34 of the RPwD Act and is inconsistent with DoPT OM dated 15.01.2018 and 31.01.2019 governing the carry forward rule.
- d) Clause 4.1.I.B of the UGC Regulations, 2018 is not unconstitutional *per se*; however, it is read down to the extent that it shall not be applied to permit or sustain a wholly unstructured, unguided and exclusively interview-based selection process. The Clause must henceforth be interpreted and applied in consonance with Clauses 5.2 and 6.0 of the UGC Regulations of 2018, ensuring structured, objective and transparent evaluation of candidates prior to and alongside the interview stage.

**94.** As a logical corollary, this Court issues the following directions:



- a) The impugned Advertisement, to the extent it prescribes a 100% interview-based selection for a PwBD-reserved post without laying down a structured and objective evaluation framework, and the declaration of the PwBD post as "*none found suitable*", is hereby quashed.
- b) The subsequent conversion and re-advertisement of the said vacancy as an EWS-PwBD post is set aside as being violative of the horizontal reservation scheme and contrary to Clauses 8.4 and 8.5 of the DoPT OM dated 15.01.2018 and Clause 6.3 of the DoPT OM dated 31.01.2019.
- c) Respondent No.1 is directed to re-advertise the post of Assistant Professor reserved for PwBD candidates within a period of eight weeks from the date of pronouncement of this judgment, retaining the PwBD character of the vacancy in its original horizontal form and not converting or confining it to any vertical sub-category such as EWS-PwBD.

**95.** The writ petition is accordingly allowed in the aforesaid terms.

**96.** Pending applications, if any, stand disposed of. No order as to costs.

**OM PRAKASH SHUKLA, J**

**C.HARI SHANKAR, J**

**DECEMBER 22, 2025/pa**