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

+ W.P.(C) 1006/2024 & CM APPLs. 4205-4206/2024

SH. FIROZ AHMAD

..... Petitioner

Through: Mr. Nitin Dayal, Advocate with
Ms.Seema Singh, Advocate

versus

UNION OF INDIA AND OTHERS

..... Respondents

Through: Mr. Zubin Singh, Advocate for
Ms.Nidhi Raman, CGSC for UOI.

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

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23.01.2024

CM Appl. 4206/2024 (for exemption) in W.P.(C) 1006/2024

1. Allowed, subject to just exceptions.
2. Accordingly, present application stands disposed of.

W.P.(C) 1006/2024 & CM Appl. 4205/2024

3. Present public interest petition has been filed challenging paragraph 5 of the Notification bearing number G.S.R. 834(E) dated 10th November, 2023 issued by the Department of Higher Education, Ministry of Education (“impugned Notification”) whereby Rule 7(iii) of the Indian Institute of Management Rules, 2018 (the “Rules”) dealing with the eligibility criteria of a Director of an Indian Institute of Management (“IIM”) has been amended.
4. Learned counsel for the petitioner states that by way of the impugned Notification, the eligibility criteria for the post of a director of an IIM under



Rule 7(iii) of the Rules has been excessively widened from “*distinguished academic with PhD or equivalent*” to “*distinguished academic with first class degree in both Bachelor’s and Master’s level, and with PhD or equivalent from a reputed institute*”. He states that the aforesaid amendment has no nexus with the objective of attracting a visionary leader and institution builder as Director and is detrimental to the interest of both the institution and the prospective students.

5. Learned counsel for the petitioner states that the aforesaid amendment is in violation of recommendations of the Bhargava Committee Report (i.e. IIM Review Committee Report) dated 25th September, 2008, wherein it was stipulated that the selection criteria for the post of a Director should be broad based to attract the best available talent and to further ensure that the possibility of political factors coming into play in the selection process is ruled out. He further states that such broadened qualification requirement is extraneous and unrelated for considering a candidate for being appointed to the post of Director of an IIM as such qualification has the effect of preventing qualified candidates who are otherwise eligible to be considered for being appointed as Director of an IIM. He also submits that such an amendment is contrary to Section 8 of the Indian Institute of Management Act, 2017.

6. Though this Court has grave doubts that the relief canvassed in the present petition can be sought in a Public Interest Litigation, yet it intends to dispose of the present petition on merits.

7. Section 34(2)(b) of the Indian Institutes of Management Act, 2017 (for short ‘IIM Act’) empowers the Central Government to make rules to provide for the terms and conditions of service of the Director under Section 16(2) of the IIM Act. Section 16(2) of the IIM Act reads as under:-



“16. Director.

.....
(2) *The Director shall be [appointed by the Board with prior approval of the Visitor, in such manner and subject to such terms] and conditions of service as may be prescribed.”*

8. By stipulating additional qualification of “*first class degree in both Bachelor’s and Master’s level and with PhD or equivalent from a reputed institute*”, the respondents are only ensuring that the best available talent is considered for the post of Director at IIM. This Court is of the view that stipulation of a higher merit for a post in an educational institution cannot be the basis to set aside the stipulation on the ground that it restricts the talent pool. In fact, the additional stipulation would reduce the possibility of political factors coming into play.

9. Moreover, Section 8(1) of the IIM Act mandates every IIM to be open to all persons irrespective of sex, race, creed, caste or class. The petitioner has failed to justify how the impugned Notification is violative of Section 8 and/or discriminatory on the basis of sex, race, creed, caste or class.

10. Accordingly, present writ petition and application, being bereft of merit, are dismissed.

ACTING CHIEF JUSTICE

MANMEET PRITAM SINGH ARORA, J

JANUARY 23, 2024

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