

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

Reserved on: 17th November, 2022.

Pronounced on: 13th January, 2023

+ W.P.(C) 13896/2022

IKRA KHAN

..... Petitioner

Through: Mr. Govind Manoharan, Ms. Samiksha Godiyal, Mr. Nakul Ranjan and Ms. Shivalika Rudrabatla, Advocates.

versus

JAMIA MILLIA ISLAMIA

..... Respondent

Through: Mr. Pritish Sabharwal, SC for JMI with Prof. Shohini Ghosh and Prof. Syed Akhtar Husain.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

J U D G M E N T

SANJEEV NARULA, J.:

1. The Petitioner after being provisionally selected for admission to Ph.D. programme [hereinafter "***Programme***"] for academic session 2021-22 at Dr. AJK-Mass Communication Research Centre [hereinafter "***Centre***"], Jamia Millia Islamia [hereinafter "***University***"] was shocked to find her name deleted in the subsequent final list. She alleges that her selection was final in all respects and the University has arbitrarily and in violation of Ordinance No. 9 (IX), Part I of Ordinances and Regulation (Academic) [hereinafter "***Ordinance***"] denied her admission.

2. Chronology of events leading to publication of said final list: -

2.1 University issued a notification dated 21st March, 2022 inviting

applications for admission to the Programme from eligible students, for session 2021-22. Petitioner, who holds a Bachelor degree as well as Post Graduate degree from Aligarh Muslim University, Uttar Pradesh, applied for the same; her application registration ID being JMI07774160PH1 [hereinafter “**reg. ID.**”].

- 2.2 Petitioner appeared for entrance examination, conducted on 27th May, 2022.
- 2.3 On 5th July, 2022, University provisionally directed successful candidates, including the Petitioner to appear for interview, and submit their research proposal before respective department/ centre by 08th July, 2022. This deadline was later extended to 12th July, 2022.
- 2.4 University issued notice dated 06th July, 2022, announcing the schedule of interviews for 75 candidates and directing submission of documents listed therein in addition to research proposal by 12th July, 2022. Said list of candidates mentions Petitioner’s reg. ID at S. No. 5.
- 2.5 Pursuant to notice dated 15th July, 2022, 34 candidates, including Petitioner, who had duly submitted their research proposals were directed to appear for interviews on 19th and 20th July, 2022; Petitioner appeared before Centre’s Research Committee [hereinafter “**CRC**”] on 19th July, 2022.
- 2.6 University issued notification dated 11th August, 2022 containing a list of 19 provisionally selected candidates, wherein Petitioner’s reg. ID was mentioned at S. No. 5 under “Entrance Test Qualified Category” [hereinafter “**Initial Notification**”]. Per said notification, candidates were required to report to office of the Director of Centre, for verification/ submission of documents, and collect an ‘Offer Letter’

between 24th to 26th August, 2022. This date was revised to 7th to 9th September, 2022 *vide* notice dated 16th August, 2022.

- 2.7 The CRC held a meeting on 23rd August, 2022 (recorded in minutes dated 31st August, 2022) where further deliberations were held on said 19 candidates of which 11 were selected. Parallely, University again revised the date of collection of ‘Offer Letter’ to 12th to 14th September, 2022 *vide* notice dated 27th August, 2022, wherein it was stated that candidates seeking admission in Ph.D. programmes recommended by Board of Studies [hereinafter “**BoS**”]/ Committee of Studies [hereinafter “**CoS**”] were requested to complete admission formalities and Deans of faculties/ Directors of centres were requested to make arrangements for admission and verify documents at time of admission prior to issuing fee slip.
- 2.8 Subsequently, CoS held a meeting on 01st September, 2022 (recorded in minutes dated 08th September, 2022), wherein aforesaid 11 candidates recommended by CRC, were endorsed.
- 2.9 On 12th September, 2022: -
- (a) Petitioner visited University to complete admission formalities.
 - (b) On same day, *vide* a notification, list of 11 candidates selected and recommended by CRC and CoS, was published which did not contain Petitioner’s name or reg. ID. [hereinafter “**Impugned Notification**”].
 - (c) Another notification in File No. COE/(ET-2022)/JMI.2022 was issued on the same day, whereby candidates seeking admission in Ph.D. programmes recommended by BoS/CoS out of the provisional list sent to Deans of faculties/ HoDs/ Directors of

centres by the Controller of Examination, were requested to complete admission formalities from 12th to 14th September, 2022 and were further advised to enquire their final selection in the programme from their concerned centre.

- 2.10 Petitioner filed a representation with Respondent-University on 13th September, 2022 against the Impugned Notification, pursuant to which, a meeting was held on 20th September, 2022 between Respondent-University and Petitioner; however, no clarification was provided thereafter and hence, present petition has been preferred.

PETITIONER'S SUBMISSIONS

3. Mr. Govind Manoharan, counsel for Petitioner makes following submissions:

- 3.1 Respondent-University has acted in contravention of paragraph 2(g) of Ordinance, which envisages four stages of selection: (i) publication of eligible candidates to appear in entrance test; (ii) presentation of documents by shortlisted candidates and discussion of research area/presentation before CRC; (iii) recommendation of candidates based on criteria by CRC; and (iv) endorsement of said recommended candidates by BoS/CoS. Petitioner cleared all four stages which culminated into Initial Notification. Petitioner relies upon the doctrine of 'legitimate expectation' and Respondent-University cannot be permitted to go back on the promise held out to the Petitioner without any legitimate reason. The notifications issued by the Respondent are unequivocal representation to the Petitioner of her selection for the Programme. The sole requirement left to be fulfilled by Petitioner was

submission of documents and collection of 'Offer Letter', which was arbitrarily denied.

- 3.2 Notifications dated 16th and 27th August, 2022 which extended the deadline for collection of 'Offer Letter', did not substitute or replace the Initial Notification which declared Petitioner as a provisionally selected candidate. Hence, said notification was never recalled or superseded. In fact, notification dated 27th August, 2022 mentioned that all candidates recommended by BoS/ CoS were to complete admission formalities from 12th to 14th September, 2022 and collect the 'Offer Letter'. Pursuant thereto, Petitioner had visited the University on 12th September, 2022 for the same.
- 3.3 The Impugned Notification did not provide any reason for publication of altered list of candidates or for denying admission to Petitioner.
- 3.4 Petitioner is entitled to restitutionary relief of grant of admission, on account of violation of Article 14, 19 and 21 of the Constitution of India by University.¹
- 3.5 *Qua* CRC's subsequent meeting held on 23rd August, 2022 prior to Impugned Notification, which came to light in the proceedings – the same was an *ex-facie* deviation and departure from the Ordinance since there is no provision to such effect. University has also failed to provide an explanation despite multiple opportunities. Thus, the University 'altered the rules of the game, with the game still in progress'.² In the same vein, it is stated that an outsider, such as

¹ Reliance is placed upon decision in S. Krishna Sradha v. State of Andhra Pradesh & Ors, (2020) 17 SCC 465.

² Reliance is placed upon the decision of this Court in Aviral Shankar Pandey v. Delhi University, W.P. (C) 5623/2020, decided on 16th September, 2020.

Petitioner, must be protected in case of failure of a public authority from following its specified internal procedure.³

- 3.6 CRC, despite interviewing the Petitioner on 19th July, 2022, has re-considered Petitioner's candidature by way of additional internal deliberations. This is manifestly in contravention of Ordinance.
- 3.7 University's manifest arbitrariness is evidenced by self-contradictory versions submitted in the course of proceedings and pleadings – (i) in order dated 26th September, 2022, the Court recorded Dr. Kasim's submission that Petitioner's selection in Initial Notification was subject to further interviews of candidates by DRC/CRC and meeting with faculty members prior to making recommendation requiring endorsement by BoS/CoS, whereas the Court noted that there was no provision of such an internal meeting, and (ii) in order dated 31st October, 2022, University stated that list of candidates in Initial Notification was tentative as CRC had only awarded marks out of 30 upon a 'preliminary interview' given that marks of written exams were not known and accordingly, final list could not be prepared, however paragraph 2(g) of Ordinance contemplates only a single interview – neither a preliminary nor final interview. Moreover, reliance is also placed upon averments in the counter affidavit [paragraphs 9, 23 and 27-28] which state that CRC had provisionally selected/recommended candidates listed in Initial Notification for admission to the Programme. Thus, Respondent's acts are manifestly

³ Reliance is placed upon the decision in MRF Ltd. v. Manohar Parrikar & Ors and connected matters, (2010) 11 SC 374.

arbitrary, capricious and based on preference rather than reason.⁴

3.8 *Qua* Respondent's submission of non-availability of a supervisor in the specialised research area of Petitioner's research proposal – the same is an after-thought at the behest of University given that the research proposal was submitted even prior to conduct of interview itself. Further, such barrier to admission was not communicated to Petitioner till the course of proceedings in present petition.

RESPONDENT'S SUBMISSIONS

4. *Per contra*, Mr. Pritish Sabharwal, Standing Counsel for Respondent-University submits that:

4.1 Respondent-University has complied with paragraph 2(g) of Ordinance which envisages six steps: (i) shortlisted candidates called for interview by Centre, (ii) candidates have to bring original documents in interview for verification, (iii) discussion on broad area of research through presentation before CRC, (iv) CRC assesses the competency of candidates to pursue research and if proposed research would contribute to new/ additional knowledge, (v) CRC based on performance of candidates, recommends names, on basis of criteria like availability of seats, supervisor etc., and (vi) recommendation of CRC shall be endorsed by BoS/CoS, which is communicated to Dean of concerned faculty. The afore-said steps are not just followed by the Centre, but all 70 departments and centres of University.

4.2 CRC conducted a preliminary assessment of candidates and their

⁴ Reliance is placed on decision in *Sanchit Bansal & Anr. v. Joint Admission Board & Ors.*, (2012) 1 SCC 157; *Asha v. Pt. B.D. Sharma University of Health Sciences*, (2012) 7 SCC 389.

research proposals in interviews conducted on 19th July, 2022. At this juncture, CRC was not in receipt of the marks obtained by candidates in written examination. Only marks secured in the interview were submitted to Controller of Examination [hereinafter “*CoE*”] of University. No final list was prepared and no supervisor was assigned to any candidate.

- 4.3 Subsequently, Initial Notification was issued by CoE on the basis of cumulative marks secured in both – interview and entrance examination, which contained a list of 19 shortlisted candidates. Said list was to be forwarded to CRC for further deliberation, prior to approval from CoS. Consequently, CRC, in a meeting held on 23rd August, 2022 (recorded in minutes dated 31st August, 2022) deliberated availability of a suitable supervisor, competence of candidate *et al.*, per paragraph 2(g) of Ordinance and selected 11 candidates. The same was approved by CoS *vide* meeting held on 01st September, 2022 (recorded in minutes dated 08th September, 2022). On 8th September, 2022, a final list containing said 11 candidates was thereafter sent to Ph.D. Coordinator of University, i.e., CoE and Registrar, University. Thus, per paragraph 2(g) of Ordinance, names of 11 candidates recommended by CRC were duly endorsed by CoS, and Impugned Notification i.e., notification dated 12th September, 2022, was issued pursuant to the same.
- 4.4 Petitioner has misread the Initial Notification which was indubitably provisional in nature, for want of verification of documents and pending approval of CoS.
- 4.5 CRC meeting held on 23rd August, 2022 (recorded in minutes dated

31st August, 2022) noted in “comments” column vis-à-vis Petitioner that “*no available faculty member possess the requisite specialization in the research area of scholar as indicated at the time of interview*”. Assignment of a supervisor is critical for progress of Ph.D. scholars in terms of guidance and mentorship for the Programme. For this reason, admission to Programme is hinged on the availability of supervisors and not just seats. Every candidate takes at least 5 years to finish the Ph.D. programme and supervisors have limited vacancies as per University Grants Commission (Minimum Standards and Procedure for Award of M.Phil./Ph.D. Degrees) Regulations, 2016⁵ [hereinafter “*UGC Guidelines*”]. Selection of candidates needs to be judicious and vacancies cannot be filled within one session itself – as it would bar Ph.D. admissions for next few years.

- 4.6 Where candidates do not demonstrate required competence to carry out doctoral research or the proposals of candidates do not align with the expertise of existing supervisors, or are scattered or inconclusive in terms of determining a specialisation or have high levels of plagiarism/ ‘similarity index’ scores – their candidature is not considered in line with paragraph 5(a) of Ordinance.
- 4.7 Respondent’s admission process was not arbitrary and Petitioner cannot seek admission on the basis of ‘legitimate expectation’ and in consequence thereof, negate disapproval of her candidature by University.⁶

⁵ No. F.1-2/2009(EC/PS)V(I) Vol. II. Gazette notification dated 5th May, 2016, paragraph 6.5.

⁶ Reliance is placed upon decision in Ram Pravesh Singh and Ors. v. State of Bihar and Ors., 2006 SCC

ANALYSIS

5. Petitioner cleared written examination and was shortlisted for interview that was conducted on 19th July, 2022. Thereafter, University published notification dated 11th August, 2022, the linchpin of Petitioner's claim, which is reproduced hereinbelow:

“JAMIA MILLIA ISLAMIA, NEW DELHI -110025

(A Central University)

NAAC Accredited Grade ‘A++’

Ph.D. Admission 2021 – 2022

Date: 11-08-2022

The following candidates provisionally selected for admission to Ph.D. programme in the Dr. AJK-Mass Communication Research Centre. The selected candidates are required to report in the office of the Director, AJK-Mass Communication Research Centre from 24.08.2022 to 26.08.2022 for verification/ submission of documents and to collect Offer Letter.

Candidates are required to bring the following documents in original along with a set of self-attested photocopy of each of the document.

1. Admit card
2. Registration Form
3. Five copies of the recent passport size photograph
4. All degrees, certificates, mark-sheets
5. Proof of age based on the high school/ secondary school examination
6. Character Certificate
7. Migration Certificate (in original) must be provided within a month from the date of completion of admission, failing which admission is liable to be cancelled.
8. Proof of Permanent Address as filled in the application form: (Any one of the following: Passport, Aadhar Card, Driving License, Voter ID Card, Bank Passbook, Electricity Bill, Telephone Bill, Water Charges Bill, Certificate issued by Gram Pradhan, Certificate issued by Municipal Corporation).
9. Certification from an MBBS doctor or government hospital certifying blood group.
10. In case an Intervening/ Gap period is involved, the candidate shall submit a certificate/ affidavit from Class 1 gazette officer/ Notary Public for the entire intervening/ gap period showing year-wise pre occupation and non-

indulgence in any criminal activities after leaving the institution last attended.

11. *An Affidavit for not indulging in ragging activity as per prescribed proforma from candidate and guardian, issued by Oath Commissioner or 1st Class Magistrate.*
12. *A valid proof of exemption certificate.*

Controller of Examinations

xx .. xx .. xx

List of Selected Candidates

AJK-Mass Communication Research Centre

Category: Entrance Test Qualified Category

<i>SL. No.</i>	<i>APPLICATION ID</i>	<i>ROLL NUMBER</i>
<i>1</i>	<i>JMI07811217PH1</i>	<i>P1018016</i>
<i>2</i>	<i>JMI07796385PH1</i>	<i>P1018003</i>
<i>3</i>	<i>JMI07814117PH1</i>	<i>P1029002</i>
<i>4</i>	<i>JMI07833298PH1</i>	<i>P1018037</i>
<i>5</i>	<i>JMI07774160PH1</i>	<i>P1018032</i>
<i>6</i>	<i>JMI00755671PH1</i>	<i>P1018040</i>
<i>7</i>	<i>JMI07833565PH1</i>	<i>P1018011</i>
<i>8</i>	<i>JMI0781537PH1</i>	<i>P1029005</i>

xx .. xx .. xx

[Emphasis Supplied]

6. Elated with the selection, when Petitioner went to complete admission formalities, to her chagrin, another list *vide* Impugned Notification dated 12th September, 2022 was published wherein her name was deleted. The same reads as under:

**“AJK MASS COMMUNICATION RESEARCH CENTRE
JAMIA MILLIA ISLAMIA, NEW DELHI**

Date: 12.09.2022

**List of Provisionally Selected candidates for admission to Ph.D
Programme(Mass Communication and Journalism)-2021-22**

The following candidates have been selected for provisional admission to Ph.D. Programme in Mass Communication and Journalism on the basis of recommendation of Centre’s Research Committee and the recommendation of the Committee of Studies. Their admission will be subject to fulfilment of eligibility conditions laid down in Ph.D. admission Guidelines- 2021-22. The admission formalities are to be completed by provisionally selected candidates latest by 14th September, 2022 upto 1:00 pm in the office of the undersigned.

xx .. xx .. xx

Sd/-
(Director & Chairman, CRC)

**Director
AJK MCRC JM”**

[Emphasis Supplied]

7. Pitching her case on the basis of Initial Notification, Petitioner claims her selection is final and only admission related formalities i.e., collection of ‘Offer Letter’ remained. She has fervently pleaded arbitrariness and deviation in the admission process, and it is imperative to examine paragraph 2(g) of Ordinance, which governs the admission procedure:

“2. Admission Procedure

xxx ... xxx ... xxx

“(g) Interview and Provisional Registration in PhD Programme

The shortlisted candidates shall be called for interview by the concerned Department/Centre/Faculty. The candidates called for interview have to bring original documents for the verification at the time of interview. They will be required to discuss their broad research interest/area, through a presentation, before the concerned DRC/CRC. In the interview, the DRC/CRC shall ensure that the candidates possess required competence to pursue research, which can be carried out in the Department/Centre/Faculty and that the proposed research can contribute to new/additional knowledge. The DRC/CRC concerned, based on the performance of the candidates,

shall recommend the names of the candidates, in order of merit and on the basis of available vacant seats, for provisional registration to Ph.D. programme, along with the name(s) of supervisor and co-supervisor(s), if any, for each candidate. The recommendations of the DRC/CRC shall be endorsed by the BOS/COS, and communicated to the Dean of the concerned Faculty for further necessary action.”

8. As we can see, admission process, post shortlisting of candidates entails several crucial steps which include interview, verification of documents, presentation before CRC regarding research area/ interest; CRC making assessment of competence for making recommendation; endorsement of said recommendation by BoS/CoS and communication to Dean for further action. There can be no cavil about crucial task assigned to CRC in selection of candidates. It is required to subjectively evaluate whether candidates possess required competence to pursue research or not. They also have to examine whether the research work can be carried out in the department/centre/faculty of the University and if the proposed research can contribute to new/additional knowledge. On the basis of such evaluation, a recommendation is made in order of merit, and on the basis of available vacant seats, for provisional registration, along with the name(s) of supervisor, if any, for each candidate. Since Petitioner progressed to the stage of interview and has gotten as far as the Initial Notification, she predictably assumes that admission process is complete and her selection is final. Since the language of afore-noted notification asks her to complete the formalities, it does give the impression of certainty and thus she has a justifiable reason to draw such an assumption. Although the University has defended its action by pleading past practice, yet, in the opinion of Court, Initial Notification ought not have been published, as it is misleading for the candidates and to that extent Court finds this action of the University not to

be in conformity with the Ordinance. There is no other provision in the Ordinance which envisages such list to be published while the admission process was still ongoing. However, this incongruity cannot be the sole ground to allow the petition. In order to succeed, Petitioner has to establish that she was in fact selected or demonstrate manifest irregularity or arbitrariness in the admission process leading to her ouster. It has transpired that the Initial Notification was only tentative and not based on complete assessment of her candidature. CRC held further deliberations on 23rd August 2022, after publication of Initial Notification. Finding this to be odd, the Court has cautiously scrutinized CRC's minutes of meeting to determine if there was any indiscretion or wrongdoing on the part of the University. The relevant portion of minutes of CRC meeting held on 19th July 2022, (dated 29th July 2022) copy whereof was handed over across the board reads as under: -

“(iii) Interviews of PhD scholars for admission were conducted over the 19th and 20th of July and the marks were duly sent to the concerned section.”

9. It has been explained that since marks for written examination were not known to CRC at the time of interview, no merit list was drawn up and no supervisor was assigned to any student. Nevertheless, the Initial Notification although provisional, was issued by CoE based on marks of the interview and written exam. Actual deliberations, as per the University, were conducted on 23rd August, 2022, wherein competence of Petitioner and other candidates to pursue proposed research was assessed and it was weighed whether a supervisor could be assigned to mentor and guide the candidate in their proposed area of research. On the basis of this criteria, CRC finally selected only 11 of 19 candidates, which did not include Petitioner. The

relevant portion of CRC’s minutes of meeting held on 23rd August 2022 (published on 31st August, 2022) read as under: -

“CRC-2022:- Item – 02

Admission of candidates (2022-23) to MCRC’s PhD Programme on Mass Communication & Journalism.

- I. *The Officiating Director briefed the CRC members that 19 candidates had been given provisional admission to the PhD program at the MCRC. After due deliberation, the CRC took the following decisions about the 19 candidates who had been given provisional admission:*

<i>S. No.</i>	<i>Name & Roll No. of Applicant and their Research Proposal</i>	<i>Title of Proposal</i>	<i>Assigned Supervisor / Comments</i>
xx ..	xx ..	xx ..	xx
5.	<i>Ikra Khan P1018032</i>	<i>Meme – As A Tool Of Political Communication in India: History Scope & Its Effectiveness</i>	<i>No available faculty member possess the requisite specialization in the research area of scholar as indicated at the time of interview."</i>
xx ..	xx ..	xx ..	xx

10. In the opinion of the Court, deliberations for ‘qualitative assessment’ by CRC after award of marks for the interview is contrary to scheme of admission process contemplated under the Ordinance. Court is unable to appreciate why after awarding marks and announcement of results, further assessment was undertaken. Interview is the only time during the entire admission process that merit and suitability of both, candidates and their proposal, are evaluated and assessed. As per the Ordinance, comprehensive

assessment of candidates of competence is to be done on the basis of the interview, where the candidates discuss their broad research interest/area, through a presentation. CRC could have certainly continued with internal deliberations, after conducting interviews, but not after declaration of results of the interview. If the information presented during the interview was not adequate and only a rudimentary assessment could have been done on the basis of material presented by the candidates, then marks should not have been awarded and certainly, a list should not have been published, even so provisionally. This deliberative process which spanned over a period of time, after award of marks, is plainly irregular. The marks were awarded based on candidate's competence to pursue research, as judged in the interview. Once that was done, subsequent deliberations to ponder upon the competence is a flawed approach, beyond the remit of paragraph 2(g) of Ordinance and other provisions of the ordinance and is in breach thereof.

11. The list prepared after deliberations held on 23rd August 2022 was endorsed by CoS in meeting held on 01st September, 2022, and 11 candidates were selected for provisional admission which was sent to CoE and Registrar of University, and published in the Impugned Notification. Thus, the provisionally selected candidates as per Initial Notification were undoubtedly not endorsed by CoS as per paragraph 2(g) of the Ordinance and to that extent Petitioner's version of decisiveness is not made out. That apart, the final list as per Impugned Notification is also provisional in nature and subject to fulfilment of Ph.D. admission guidelines.

12. Next, turning to CRC's 'Final Assessment Sheet' of all shortlisted candidate which comprises of – interview marks, similarity index/ plagiarism level, along with comments on domain knowledge, familiarity

with existing literature, research acumen, and strength/ academic potential of research proposal. University has explained that these assessments are not made public so as to prevent prejudice against candidates who apply to other departments/ centres. Confidentiality of this process allows CRC members to express their opinion freely and openly. Nonetheless, as Petitioner has assailed CRC deliberations, we are constrained to reveal the reasons behind her non-selection:

**“AJK Mass Communication Research Centre
Jamia Millia Islamia, New Delhi
CRC Final Assessment Sheet**

S. No.	Applicant	Research Proposal Title	Similarity Check	Interview Marks	Comments	Selection
xx	..	xx	..	xx	..	xx
17	Ikra Khan Entrance Test	<i>Meme – As A Tool Of Political Communication in India: History Scope & Its Effectiveness</i>	39%	04	<i>The Proposal is weak and entirely composed of scattered material from the internet. The reading list given at the end of the proposal has no reference within the proposal. It is difficult to determine how much of the proposal is written by the candidate who does not appear to understand the Academic Expectations of a PhD. Difficult to assign supervisor. The high level of similarity checks is of concern. Clause 5(a): No Supervisor with suitable specialization</i>	<i>Not Selected</i>
xx	..	xx	..	xx	..	xx

13. CRC deliberated the candidature of all candidates, not just of the

Petitioner, and thereafter, proceeded to reject some candidates. She has not been singled out in this process. Apart from finding her proposal to be lacking merit, it has also emerged that CRC has rejected Petitioner's candidature in terms of paragraph 5(a) of Ordinance, as there was no available faculty member possessing requisite specialization in the research area of scholar. The relevant provision reads as under:

“5. Appointment of Supervisors and Co-Supervisors

(a) The allocation of supervisor for a selected scholar shall be decided by the DRC/CRC, on the basis of available faculty members who have vacancies and possess the requisite specialization in the research area of the scholar as indicated at the time of interview.”

14. The Court cannot step into merits of reasons for non-selection, which is a subject matter of experts. The admission to the Programme mandates assignment of a supervisor for each candidate. The supervisors have limited number of slots available under them per UGC Guidelines and the expertise of supervisor and topic of research proposal of candidate have to be in congruence for assignment of supervisor and successful completion of Ph.D. University has also contended that Mass Communication/ Journalism/ Media Studies are disciplines which are broad, diverse and evolve rapidly, and thus, it is not possible for any institution to possess the required expertise in each discipline. Thus, congruence between a supervisor's expertise and candidate's proposed area of research are critical towards grant of admission as well. Supervisor holds the responsibility for guiding the scholar from inception to completion in their doctoral project. A high level of academic competence is expected in the Programme, given that candidates are required to undertake in-depth research, academic responsibilities and score above 55% in each paper of coursework. In a case where a candidate does not possess the required competence, their

performance in the Programme would reflect poorly on their supervisor as well. As recorded in CRC's minutes of meeting held on 23rd August 2022 (published on 31st August, 2022), on account of resignation of a faculty member of Convergent Journalism, CRC did not recommend admission for students requiring specialised guidance in Journalism, in accordance with paragraph 5(a) of Ordinance. Given the limited seats with supervisors, CRC did not recommend admission for candidates, whose proposals/ interview performance indicated that the topic was too scattered/ inconclusive to determine the area of specialisation; or if plagiarism/ similarity levels were high; or if the candidate did not demonstrate requisite competence to carry out the doctoral project. University/ CRC is in best position to assess the candidature of Petitioner. In absence of any demonstrable malice, Court is not inclined to interfere with University's final decision *qua* competence of candidature of Petitioner.

15. Petitioner cannot invoke doctrine of legitimate of expectation on the basis of provisional selection, as no 'Offer Letter' was issued by the University. The Initial Notification, which ought not have been published at the stage when admission process was ongoing, was practically kept in abeyance by way of subsequent notifications dated 16th and 27th August, 2022 whereby the date for completion of formalities was finally extended to 12th September, 2022 and never really given effect. Moreover, Petitioner cannot seek admission to the Programme as a matter of right merely on account of a provisional selection. The Initial Notification categorically notified the Petitioner that her admission was subject to further steps and was not final. Petitioner's reliance upon subsequent notification dated 27th August, 2022, to claim legitimate expectation, is also of no consequence.

The said notice relates to all departments and centres of University offering Ph.D. programmes and not just the Centre/ Programme in question.

16. In *Aviral Shankar Pandey* (supra) relied upon by the Petitioner, the Court held that change in eligibility criteria is not permissible while the admission process was on-going. This decision is wholly inapplicable as there has been no change in eligibility criteria. Reliance upon *MRF Ltd.* (supra) to apply the 'doctrine of indoor management' is equally misplaced, as the said doctrine has no application to the facts of the present case. Likewise, *S. Krishna Sradha* (supra), which pertains to grant of admission to MBBS courses also cannot be applied to the facts of the present case as herein denial of admission is not on account of denial of fair treatment, but because she was not found to be meritorious.

Conclusion

17. For the reasons discussed above, departure from the stipulated admission process is manifest, which the Court disapproves. This finding will perhaps give some consolation to the Petitioner, but not entirely, as the Court finds no compelling ground to grant her any tangible relief. At this stage, annulment of entire admission process, which is complete, would cause extreme hardship to all candidates who have confirmed admissions and are progressing with their Ph.D. programmes. The Court has also considered the relief of granting admission to the Petitioner, without disturbing the admissions already granted, as a seat has been reserved by way of interim order. However, since she has been denied admission both on merits as well as under paragraph 5(a) of the Ordinance, and not because of a *malafide* action, such a relief also cannot be granted. Moreover, as it turns out, vacancy in Ph.D. programmes refers to not 'seats' available at the

centre/ department but to number of scholars a Ph.D. faculty member can be assigned for supervision. Court is informed that as per UGC Guidelines, there is a limitation regarding the number of candidates that can be supervised by a supervisor. Thus, selection of candidates needs to be judicious, and on consideration of several factors over which the Court cannot sit in appeal.

18. In light of the foregoing, the present petition is dismissed, along with pending application(s), if any. The interim order dated 26th September, 2022 is vacated.

Postscript

19. The Court hopes and expects that going forward, the University shall conduct admissions strictly as per the procedure laid down under the Ordinance.

JANUARY 13, 2023

as

SANJEEV NARULA, J

भारतमेव जयते