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

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W.P.(C) 7018/2011

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**Judgment dated 13.08.2012**

AMIT RAHI

..... Petitioner

Through : Ms.Neelam Sharma and Mr.Rajat  
Sharma, Advs.

versus

JAWAHAR LAL NEHRU UNIVERSITY

THROUGH ITS VICE CHANCELLOR AND ORS ..... Respondents

Through : Mr.S.C. Dhandra, Ms.Sagari Dhandra and  
Mr.P.K. Sharma, Advs.

**CORAM:**

**HON'BLE MR. JUSTICE G.S.SISTANI**

**G.S.SISTANI, J (ORAL)**

1. Present writ petition has been filed by petitioner seeking a direction to respondent to grant direct admission to the petitioner in its Ph.D (Biotechnology) course for which he has been selected vide letter no.Admissions/13(ii)/2011-12 dated 29<sup>th</sup> July, 2011. It is further prayed that a direction may also be issued to the respondent University to provide the marks (subject wise) secured by the petitioner in M.Sc.
2. As per the petition, the petitioner completed his M.Sc in Biotechnology from Jawahar Lal Nehru University, respondent no.1, in the year 2008. The petitioner secured 5.59 points as cumulative grade point average out of maximum of 9 points on the grading scale. On completion of his M.Sc the petitioner was appointed as Junior Research Fellow in the Project titled as "Programme Cell ..... Diseases" on 15.5.2007, which was further

extended till the completion of the project. In the year 2008, petitioner was again appointed as Junior Research Fellow in another Project titled as 'Creation .... Bacillus Anthracis' for a period of one year w.e.f. 10.11.2008 till 9.11.2009, which was further extended till 31.1.2010. Thereafter in the year 2010 the petitioner was appointed as Senior Research Fellow in the project titled as 'Rabies DNA ..... Studies.

3. In February, 2011, respondent no.1 invited applications for direct admission to its Ph.D programme in Biotechnology. On 16.3.2011, the petitioner applied for direct admission to the Ph.D. programme in Biotechnology in respondent no.1 University. The petitioner received a call letter from respondent no.1 on 21.6.2011, inviting him to appear for Viva voce on 8.7.2011, on which date the petitioner appeared along with his mark sheets and certificates. On 8.7.2011 petitioner appeared in the viva voce conducted in the office of the SBT with his mark sheets and certificates. On 29.7.2011 the petitioner received a letter from respondent no.1 whereby he was informed that he has been selected for the direct admission programme to Ph.D (Biotechnology) programme, which was to commence from 10.8.2011 till 16.8.2011. The respondent no.1 selected only two candidates. Although the petitioner appeared before the University along with all the original documents, he was denied direct admission on the ground that he did not hold the essential qualification of 6 points on a 10-point scale in M.Sc and, thus, he was not eligible for direct admission to Ph.D Programme.
4. Learned counsel for the petitioner submits that the petitioner has secured 5.59 points in M.Sc and maximum 9 points can be awarded to any student as per the grading system of respondent no.1. Counsel for the petitioner has relied upon Clause (C) (I) (b) eligibility criteria for direct admission to its Ph.D programme, which reads as under:

“(C) Eligibility for admission

(i) Direct Admission to Ph.D Programme

(b) at least 2 years research experience in reputed institutions with research publication(s) comparable to M.Phil. standard. In addition, they should have obtained Master’s Degree with FGPA of 6.00 in the 10 point scale/ comparable standard or equivalent percentage.”

5. Learned counsel for the petitioner contends that denial of admission to the petitioner is not justified, it is arbitrary and in gross violation of the University rules as perusal of para (b) of the eligibility for direct admission to Ph.D programme, as provided in the prospectus of respondent no.1, is clear that the candidate should have obtained a Master’s Degree with FGPA of 6 in the 10-point scale/comparable standard or equivalent percentage. Counsel further contends that the petitioner was to secure at least 6 points in the scale of 10 at post graduation or comparable standard or equivalent percentage. Counsel next contends that 6 points on the scale of 10 is equivalent to 60% and, thus, in order to get admission the petitioner should have secured 60% at the post graduation level or on comparable scale, out of maximum 9 points he should have scored 5.40 which is again equivalent to 60%. Counsel contends that the petitioner has secured 5.59 points, out of maximum of 9.00 points, on the grading scale, which makes 62% meaning thereby that he possesses more than 60% which is required for direct admission to Ph.D. Counsel also contends that the petitioner meets all other criteria as well.
6. Learned counsel for the petitioner has drawn the attention of the Court to the response of the respondent to a query raised under the Right to Information Act, according to which, in order to seek direct admission to Ph.D programme a candidate, who has passed from a University, which

does not follow a 10-point scale, as required by JNU, would be considered for admission in case the candidate secures 55% marks in his Master's programme. It was further clarified that the JNU does not provide any conversion formula for conversion of grades awarded by into percentage. Counsel further submits that petitioner cannot be discriminated against as the petitioner has secured more than 55% marks.

7. Mr.S.C. Dhanda, learned counsel for the respondent, has opposed the present petition and has relied upon Explanation to paragraph 6.1 (iv) of the Academic Ordinance 13 of the University, which deals with admission to Ph.D course. Explanation to paragraph 6.1 (iv) of this Ordinance reads as under:

“Candidate should have at least 2 years research experience in a reputed institutions with research publication(s) comparable to M.Phil standard. In addition they should have obtained Master's degree with FGPA of 6.00 in the 10 point scale/comparable standard or equivalent percentage.”

8. Mr.Dhanda, learned counsel for the respondent, submits that reading of the above provision would show that a candidate must fulfill two basic requirements i.e. (i) two years research equivalent to M.Phil standard and (ii) have passed Master's Degree with FGPA of 6 in the 10-point scale/comparable standard or equivalent percentage. Mr.Dhanda further submits that the petitioner has secured only 5.59, thus, making him ineligible for grant of admission in the University. Mr.Dhanda further contends that as per the minimum requirement for admission to direct Ph.D course, the petitioner must have a Cumulative Grade Point Average (CGPA) of 6.00, which the petitioner does not fulfill and thus he is not eligible for a direction admission.
9. Mr.Dhanda has placed reliance on page 35 of the prospectus, which is published by the respondent University. Counsel has also drawn the

attention of the Court to internal cover of the prospectus, which reads as under:

“You fulfill the eligibility requirements as prescribed by the University for the field(s) of study you are applying for. Please note that permission to appear in the entrance examination is subject to your fulfilling minimum eligibility requirements prescribed for admission to the concerned programmes of study and as notified in the prospectus. You may therefore appear in the entrance examination only if you fulfill the eligibility requirements for the programmes for which you are admission. Despite this caution, in case you do not meet the minimum eligibility criteria prescribed for the concerned programmes and appear in the entrance examination, you will do so at your own risk and cost, and if at any stage, it is found that you do not fulfill the minimum eligibility requirements, the admission, if granted to you, shall be cancelled ipso facto.

This notice makes it clear that grant of admission will not confer any right to a candidate if he does not fulfill the minimum eligibility requirements.”

10. Mr.Dhanda submits that it is incorrect to suggest that the petitioner has been graded under a scale of 9 points. Mr.Dhanda further submits that as per paragraph 8.4 of Academic Ordinance 15, a student shall be graded in each course on a 10-point scale. Counsel contends that as per the prospectus all courses in the respondent University are graded as per this scale. Mr.Dhanda next contends that it is not possible to check the eligibility requirement initially as large numbers of candidate apply and it is only when the candidates come for registration and payment of fees the checking is done. Mr.Dhanda has relied upon University Ordinance 6.3, according to which, a student is to be graded in each course on a 10-point scale.
11. Learned counsel for the respondent submits that the petitioner has incorrectly interpreted Ordinance 6.3 as the grading commences from 0-9, which is a 10-point scale, and it is not necessary that the grading had to be

from 1-10. Counsel further submits that based on the grading of 0.9 the petitioner would have qualified in case he had secured FGPA of 6.

12. I have heard learned counsel for the parties and also perused the pleadings as also the University Ordinance and the prospectus. The University Ordinance as also the prospectus lay down the criteria, which has been fixed for admission to a student. While the eligibility criteria as laid down by the Ordinance has been reproduced above, it would be useful to reproduce 6.3 of University Ordinance as also note 1 and 2, which read as under:

“6.3 A student shall be graded in each course on a ten point scale, that is:

<b>Grade</b>	<b>Grade Point</b>
A+	9
A	8
A-	7
B+	6
B	5
B-	4
C+	3
C	2
C-	1
F	0

Note:

1. There shall be no rounding off of SGPA/CGPA/FGPA
2. The SGPA/CGPA/FGPA obtained by a student is out of a maximum possible 9 points.

(Emphasis Supplied)”

13. The same criteria have been laid down in the prospectus.
14. Learned counsel for the petitioner has submitted that the petitioner is eligible for direct admission to Ph.D programme in the Biotechnology as

he has secured 5.59 points out of a maximum of 9-points, whereas the petitioner is to be graded as per the University Rules. Para (b) of the Eligibility for Direct Admission to Ph.D programme, as provided in the Prospectus.

15. The main thrust of arguments of Ms.Sharma, learned counsel for the petitioner, is that the petitioner was to secure at least 6 points in the scale of 10 and 6 points in the scale of 10 is equivalent to 60% and since the case of the petitioner is being considered on a comparable scale out of maximum 9 points the petitioner should have scored minimum 5.40, which would be equivalent to 60% while the petitioner has scored 5.59. This submission of learned counsel for the petitioner in my view cannot be accepted. Clause 6.3 of the University Ordinance and Note nos.1 and 2, which have been reproduced above, would show that no rounding off is permitted and further the petitioner cannot derive any benefit on the petitioner being graded out of 9, as grading from 1 to 10 would commence from 1 and grading of 9 points has been shown to commence from zero. Petitioner cannot derive any advantage from the fact that the grading has been done out of 9 points as grade 1 to 10 is equivalent to grade from 0-9. Thus it cannot be said that on a scale of 9, petitioner requires 5.40 which would amount to 60% or 6 points out of 10. Since the petitioner has 5.59 points and rounding off is not permitted, the petitioner does not meet the eligibility criteria as set out in the prospectus and the University Ordinance.
16. In the case of *Varun Kumar Agarwal v. Union of India & ors.*, reported at 179 (2011) DLT 24, a Division Bench of this court has held that the terms of prospectus are binding and are strictly construed. It would be useful to reproduce para 14:

“14. Presently we shall refer to certain authorities in the field that

have dealt with sanctity of a prospectus or brochure and the legal impact when it is changed in the midstream. In *Dr.M. Vannila v. Tamil Nadu Public Services Commission*, 2008 (3) CTC 69, a Division Bench of the High Court of Madras has opined thus:

19.The principle that the prospectus is binding on all persons concerned has been laid by the Supreme Court in *Punjab Engineering College, Chandigarh v. Sanjay Gulati*, AIR 1983 SC 580. Following the same, a Division Bench of this Court has also observed in *Rathnaswamy, Dr. A. v. Director of Medical Education* (1986 WLR 207) that the rules and norms of the prospectus are to be strictly and solemnly adhered to. The same view is also taken by another Division Bench of this Court in *Nithiyan P. and S.P. Prasanna v. State of Tamil Nadu* (1994 WLR 624). The same principle is reiterated in the case of *Dr.M. Ashiq Nihmathullah v. The Government of Tamil Nadu and Ors.* reported in 2005 WLR 697. It is clear that the prospectus is a piece of information and it is binding on the candidates as well as on the State including the machinery appointed by it for identifying the candidates for selection and admission.”

17. The petitioner does not meet the eligibility criteria as the petitioner has not secured 6 points on the scale of 0-9 and, thus, no relief can be granted to the petitioner.

18. Accordingly, the petition stands dismissed.

**CM 9024/2012.**

19. Application stands dismissed in view of the order passed in the writ petition.

**G.S.SISTANI, J**

**AUGUST 13, 2012**

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