



2025:DHC:8029



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

Decided on 11.09.2025

+ W.P.(C) 14023/2025

DR SURENDRA KUMAR GUPTAPetitioner
Through: Mr. Praveen Swarup, Advocate.

versus

DELHI SKILL AND ENTREPRENEURSHIP
UNIVERSITY & ORS.Respondents

Through: Mr. Shivendra Singh & Ms.
Prakriti Rastogi, Advocates for R-
1.
Mrs. Avnish Ahlawat, Standing
Counsel for GNCTD with Mr.
N.K. Singh, Ms. Aliza Alam & Mr.
Amol Rana, Advocates.
Mr. B.S. Rawat, CI DTTE for R-2.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

PRATEEK JALAN, J. (ORAL)

CM APPL. 57359/2025 (Exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

W.P.(C) 14023/2025 and CM APPL. 57360/2025 (stay)

1. The petitioner is serving as a Lecturer on deemed deputation to respondent No. 1 — Delhi Skill and Entrepreneurship University [“the University”], having originally been appointed by the Directorate of Training and Technical Education [“DTTE”], Government of the National Capital Territory of Delhi [“GNCTD”].



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2. By way of this writ petition, under Article 226 of the Constitution, the petitioner challenges the notice dated 29.08.2025 issued by the University, whereby candidates were called for interview for the post of Registrar, but his name has been excluded.

3. I have heard Mr. Praveen Swarup, learned counsel for the petitioner, Mr. Shivendra Singh, learned counsel for respondent No. 1 – University, and Ms. Aliza Alam, learned counsel for GNCTD.

4. By an advertisement dated 01.01.2025, the University invited applications for various non-teaching posts, including one post each of Registrar, Controller of Finance, and Controller of Examination. The petitioner submitted applications for all three posts, but the present writ petition pertains only to the petitioner's application for the post of Registrar.

5. The qualifications mentioned in the said advertisement for the post of Registrar were as follows:

“7.	<i>Educations and other qualification required for direct recruits</i>	<i>Educational Qualification:</i> <i>Master's degree with at least 55% of the marks or its equivalent grade of B in the UGC seven point scale:</i> <i>Experience:</i> <i>Officers holding analogous post in Pay Level-14 (Pre-revised PB-4-Rs.37400-67000 with GP of Rs. 10,000 under the Central/StateGovt./University/Educational Institutes of higher learning/Statutory or Sem-Govt./Autonomous organization/Public Sector Undertakings.</i> OR <i>Holding the post of Dy. Registrar in Pay Level-12 (Pre-revised PB-3-Rs.15600-39100 with GP of Rs. 7600/-) and having at least 8 years of regular service in the grade.</i>
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		<p style="text-align: center;">OR</p> <p><i>Holding the post of Assistant Professor/Assistant Registrar (Sr. Scale) with 15 years of regular service.</i></p> <p style="text-align: center;">OR</p> <p><i>An IAS officer of AGMUT Cadre with one year service in the Senior Scale.</i></p> <p style="text-align: center;">OR</p> <p><i>An office of UTCS Cadre with one year service in the Junior Administrative Grade.</i></p> <p><i>Period of deputation – Shall not ordinarily exceed five years Every Registrar shall be entitled to be covered under superannuation scheme of the University.”</i></p>
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6. The petitioner submitted an application on 09.02.2025. By a communication dated 03.02.2025 addressed to the University, he submitted that the qualifications for all three posts should be in accordance with the norms of the University Grants Commission [“UGC”].

7. By the impugned notice dated 29.08.2025, the University called eleven eligible candidates to appear for interview for the post of Registrar. The petitioner is aggrieved by his exclusion from the said list.

8. It may be noted at the outset, that the petitioner does not dispute that he fails to fulfil the eligibility criteria mentioned above. However, it is his contention that the said eligibility criteria are inconsistent with the guidelines issued by the Ministry of Human Resource Development [“MHRD”] by a letter dated 02.11.2017 addressed to the UGC.

9. Mr. Swarup points out that, (i) candidates at Academic Level XII and above, with experience in educational administration; and (ii) persons with comparable experience in research establishments and/or other



institutions of higher education, are expressly included in the MHRD's letter dated 02.11.2017. However, he submits that these categories have been wrongly excluded in the University's advertisement.

10. Following issuance of the notice dated 29.08.2025, the petitioner addressed further communications to the University dated 04.09.2025 and 06.09.2025.

11. Having heard learned counsel for the parties, I am not inclined to entertain this writ petition, on the ground that the petitioner, having participated in the recruitment process by responding to the very same advertisement, cannot challenge it after being found unsuccessful in the recruitment process.

12. Prayer (a) of the writ petition reads as follows:

*“(a) Issue a writ of certiorari or any other appropriate writ, order, or direction, **quashing the Advertisement dated 01.01.2025**, to the extent it lays down qualification criteria for the post of Registrar that are inconsistent with the binding norms and guidelines issued by the University Grants Commission (UGC) and the Ministry of Human Resource Development (MHRD), thereby rendering it discriminatory, arbitrary, and ultra vires¹.”*

13. It is evident therefrom that the petitioner does not argue that the eligibility conditions mentioned in the advertisement were misapplied to exclude him. The challenge rather is to the eligibility conditions themselves. Mr. Swarup also candidly accepts that this is the position.

14. As regards a challenge to eligibility conditions, the settled principle is that a candidate who has participated in the recruitment process cannot, upon being unsuccessful, challenge those very eligibility conditions. This position has been affirmed by several judgments of the Supreme Court,

¹ Emphasis supplied.



including *inter alia*, *Madan Lal v. State of J&K*², *Manish Kumar Shahi v. State of Bihar*³, *Ramesh Chandra Shah v. Anil Joshi*⁴, and *Mohd. Mustafa v. Union of India*⁵.

15. In *Ramesh Chandra Shah*, the Court observed as follows, upon a consideration of the earlier authorities:

“18. It is settled law that a person who consciously takes part in the process of selection cannot, thereafter, turn around and question the method of selection and its outcome.

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24. In view of the propositions laid down in the abovenoted judgments, it must be held that by having taken part in the process of selection with full knowledge that the recruitment was being made under the General Rules, the respondents had waived their right to question the advertisement or the methodology adopted by the Board for making selection and the learned Single Judge and the Division Bench of the High Court committed grave error by entertaining the grievance made by the respondents.”

16. The aforesaid judgment was, *inter alia*, cited in *Mohd. Mustafa*, with the following observations:

*“35. It is in this context, we have to examine whether the appellants are estopped from challenging the recommendations made by the Empanelment Committee, given the fact that they had taken a calculated chance, and not protested till the selection panel was made public. In our opinion, the ratio in *Madan Lal v. State of J&K*⁶, would apply in the present case as when a person takes a chance and participates, thereafter he cannot, because the result is unpalatable, turn around to contend that the process was unfair or the selection committee was not properly constituted. This decision, no doubt, pertains to a case where the petitioner had appeared at an open interview, however, the ratio would apply to the present case as the appellant too had taken a calculated chance in spite of the stakes, that too without protest, and then has belatedly raised the plea of bias and*

² (1995) 3 SCC 486; paragraphs 9 and 10.

³ (2010) 12 SCC 576; paragraph 16.

⁴ (2013) 11 SCC 309; [hereinafter as “*Ramesh Chandra Shah*”].

⁵ (2022) 1 SCC 294; [hereinafter as “*Mohd. Mustafa*”].

⁶ (1995) 3 SCC 486.



prejudice only when he was not recommended. The judgment in Madan Lal⁷ refers to an earlier decision of this Court in Om Prakash Shukla v. Akhilesh Kumar Shukla⁸, wherein the petitioner who had appeared at an examination without protest was not granted any relief, as he had filed the petition when he could not succeed afterwards in the examination. This principle has been reiterated in Manish Kumar Shahi v. State of Bihar⁹, and Ramesh Chandra Shah v. Anil Joshi¹⁰.”

17. Having regard to the undisputed position that the petitioner did not qualify under the eligibility conditions laid down, and that no challenge was instituted at the appropriate stage, the discretionary remedy under Article 226 of the Constitution is not available to the petitioner.

18. The writ petition is, accordingly, dismissed.

19. It goes without saying that the petitioner’s applications for the posts of Controller of Finance and Controller of Examination shall be considered on their own merits, in terms of the eligibility conditions for those posts.

PRATEEK JALAN, J

SEPTEMBER 11, 2025

‘pv/sd’/

⁷ *Ibid.*

⁸ 1986 Supp SCC 285.

⁹ (2010) 12 SCC 576.

¹⁰ (2013) 11 SCC 309.