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

+ **Date of Decision: 13.04.2026**

% **LPA 256/2026 & CM APPLs. 23764-66/2026 & 23768/2026**

ABC

.....Appellant

Through: Mr.Rishabh Kapur and Mr.Tanmay Gupta, Advs.

versus

INDIRA GANDHI DELHI TECHNICAL UNIVERSITY FOR
WOMEN & ORS.Respondents

Through: Ms.Avnish Ahlawat, SC with
Ms.Aliza Alam, Mr.Tanmay Ahlawat
and Mr.Mohnish Sehrawat, Advs for
R-1.
Mr.Abhik Chimni, Ms.Pranjal Abrol,
Mr.Gurupal Singh, Ms.Moksha
Sharma and Mr.Ayan Dasgupta, Advs
for R-2 & 3.

47

+ **LPA 258/2026 & CM APPLs. 23863-64/2026 & 23866/2026**

ABC

.....Appellant

Through: Mr.Rishabh Kapur and Mr.Tanmay Gupta, Advs.

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Through: Ms.Avnish Ahlawat, SC with
Ms.Aliza Alam, Mr.Tanmay Ahlawat
and Mr.Mohnish Sehrawat, Advs for
R-1.



CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE ANISH DAYAL

DEVENDRA KUMAR UPADHYAYA, C.J. (ORAL)

CM APPL. 23767/2026 in LPA 256/2026

CM APPL. 23865/2026 in LPA 258/2026

1. Having heard learned counsel representing the parties and perused the averments made in the instant applications, the applications are allowed and the delay of 13 days in filing the appeals is condoned.
2. The applications stand disposed of.

LPA 256/2026 & CM APPLs. 23764-66/2026 & 23768/2026

LPA 258/2026 & CM APPLs. 23863-64/2026 & 23866/2026

3. The issue involved in these two *intra-court* appeals and the subject matter thereof are intertwined and therefore, both the appeals have been heard together and are being decided by the common judgment and order which follows:

FACTS LEADING TO UNDERLYING CHALLENGE

4. Both the appeals concern themselves with the process of recruitment/selection to the post of Assistant Professor in the disciplines of **(1) Information Technology** and **(2) Computer Science Engineering**, conducted by the respondent – University.

LPA 258/2026:

5. On 10.09.2021, the respondent – University issued a recruitment notice (hereinafter referred to as the “**Advertisement No. 1**”) for filling up various teaching vacancies against the posts of Professor, Associate



Professor and Assistant Professor. In the discipline of Information Technology, 04 vacancies were advertised, out of which 01 was unreserved, 02 were reserved for Scheduled Tribe and 01 was reserved for Other Backward Classes. In the discipline of Computer Science Engineering, a total number of 09 vacancies were advertised, out of which 04 were unreserved, 01 was reserved for Scheduled Caste and 03 were reserved for Other Backward Classes and 01 was reserved for the candidates belonging to Economically Weaker Section. The advertisement also stipulated that two posts of Assistant Professors are reserved for PwBD candidates and further that candidate of any category i.e. UR/SC/ST/OBC/EWS may apply. The advertisement also prescribed that for persons with benchmark disabilities, reservation will be provided to persons suffering from the following disabilities **(i)** blindness and low vision, **(ii)** deaf and hard of hearing; **(iii)** locomotor disability, **(iv)** autism and intellectual disability, etc. and **(v)** multiple disabilities from amongst these categories of disabled. The relevant extract of the Advertisement No.1 is quoted hereunder:

“VACANCIES FOR THE POST OF ASSISTANT PROFESSOR PAY SCALE/ LEVEL : Rs.57,700 - 1,82,400 / Level-10, as per 7th CPC /UGC*

Sl. No.	Name of Discipline	Category					Total
		UR*	SC*	ST*	OBC*	EWS*	
1.	Information Technology	01	--	02	01	--	04
2.	Computer Science Engineering	04	01	--	03	01	09
3.	Architecture and Planning	--	01	--	03	--	04
4.	Physics	--	--	--	01	--	01
5.	Chemistry	--	01	--	--	--	01
	Total Posts	05	03	02	08	01	19

Note:



1. The numbers of posts advertised are indicative and can be varied as per the requirement of the University.
2. Abbreviations used are denoted as: UR-Unreserved, EWS-Economically Weaker Section, SC - Scheduled Caste, ST- Scheduled Tribe, OBC-Other Backward Classes, PwBD-Persons with Benchmark Disabilities.
3. Two Posts of Assistant Professor are reserved for PwBD candidate. Candidate of any category i.e(*UR/SC/ST/OBC/EWS) may apply.
4. For persons with benchmark disabilities, the reservation under clause (a) to (e) is asunder:-
 - a) blindness and low vision;
 - b) deaf and hard of hearing;
 - c) locomotor disability including cerebral palsy, leprosy cured, dwarfism, acid attacks victims and muscular dystrophy;
 - d) autism, intellectual disability, specific learning disability and mental illness;
 - e) multiple disabilities from amongst persons under clauses (a) to (d) including deaf-blindness, in the posts identified for each disabilities.

[Category of disability suitable/identified for appointments are (a) **VH** – Visually Handicapped {PARTIALLY BLIND/LOW VISION-PB/LV}; (b) **DD** – Deaf & Dumb {HEARING IMPAIRED-HH}; (c) **AUTISM**- Autism, intellectual disability, specific learning disability and mental illness; multiple disabilities from amongst persons under clauses (a) to (c) including deaf-blindness.”

6. The appellant admittedly is a PwBD candidate and has locomotor disability and as such in terms of the Advertisement No.1, he was entitled to seek reservation available to PwBD category candidates. He applied against the said advertisement for the post in the discipline of Information Technology.

7. In the 14th meeting of the Board of Management of the respondent – University held on 20.07.2021, a decision was taken at agenda item no.14.11, which was to consider the guidelines and screening criteria, etc. to be followed for direct recruitment for the posts of Assistant Professor, Associate Professor and Professor. Accordingly, the Board of Management approved the guidelines and screening criteria, etc., to be followed for direct



recruitment to the said posts. The guidelines approved by the Board of Management in its meeting held on 20.07.2021 is known as “Recruitment Document to the posts of Assistant Professor, Associate Professor and Professor in IGDTUW, Delhi” (hereinafter referred to as the “**recruitment document**”).

8. The recruitment document provides the procedure for submission of application, procedure for selection, procedure for short listing of the candidates, procedure to be followed for assignment of weightage/points for academic record, research performance, composition of the Screening Committee, procedure to be followed for final selection of candidates, etc. According to the said recruitment document, candidates applying for the posts of Assistant Professors are screened and on the basis of the criteria fixed for screening, those who qualify are subjected to a presentation followed by an interview. The Selection Committee thereafter considers the respective merits of the candidates on the basis of various parameters and accordingly, makes its recommendation for appointment. The recruitment document, *inter alia*, provides that the minimum percentage of marks for suitability for selection of a candidate shall be decided by the University; however, in any case, it will not be less than 50%. The relevant clause of the recruitment document is quoted hereunder:

“4. The minimum percentage of marks for the suitability of selection of candidates for each discipline shall be decided by the University. However, in any case, it will not be less than 50%.”

9. The appellant was subjected to screening along with other eligible candidates and, having been declared successful, was required to make his presentation and he was also subjected to an interview. The Selection



Committee, in its meeting held on 11.07.2022, evaluated the respective merit of the candidates on the basis of their performances in the selection process, and recommended one Dr. Himanshu Mittal (respondent no.2 in LPA 258/2026).

10. The appellant instituted W.P.(C) 7226/2023, challenging the recommendation made by the Selection Committee held on 11.07.2022, whereby the petitioner was not recommended for appointment in the PwBD category, whereas Dr. Himanshu Mittal was recommended for appointment. W.P.(C) 7226/2023 has been dismissed by the learned Single Judge *vide* impugned judgment dated 19.02.2026.

LPA 256/2026

11. An advertisement was issued on 27.02.2023 by the respondent – University (hereinafter referred to as the “**Advertisement No. 2**”) for recruitment for filling up various teaching positions in the University, including the vacancies for the post of Assistant Professor in the disciplines of **(1)** Information Technology and **(2)** Computer Science Engineering. As per the stipulation made in the Advertisement No. 2, 03 posts of Assistant Professors were reserved for PwBD category candidates. The relevant extracts of the Advertisement No. 2, dated 27.02.2023 is extracted herein below:

*“[VACANCIES FOR THE POST OF ASSISTANT PROFESSOR] ACADEMIC
PAY SCALE/ LEVEL : Rs.57,700 -1,82,400 / Level-10, as per 7th CPC /UGC]*

Sl. No.	Name of Discipline		Category					Total
			UR*	SC*	ST*	OBC*	EWS*	
1.	Information Technology		02	01	02	02	03	10
2.	Architecture and	A & P	--	--	--	02	--	04
		M.	--	01	--	01	--	



	Planning	Plan						
3.	Computer Science Engineering	04	--	--	--	--	--	04
4.	Management	03	01	--	01	--	--	05
	Total Posts	09	03	02	06	03	03	23

Note: 20 vacancies as backlog of the last recruitment (OBC-14, ST-4, SC-2) in all teaching posts (Professor, Associate Professor and Assistant Professor).

Note:

1. The numbers of posts advertised are indicative and can be varied as per the requirement of the University.
2. Three Posts out of Assistant Professor posts are reserved for PwBD, candidate of any category i.e. (*UR/SC/ST/OBC/EWS) may apply.
3. Abbreviations used are denoted as: UR-Unreserved, EWS- Economically Weaker Section, SC - Scheduled Caste, ST- Scheduled Tribe, OBC-Other Backward Classes, PWBD-Persons with Benchmark Disabilities.
4. For persons with benchmark disabilities, the reservation under clause (a) to (e) is asunder:-
 - (a) Blindness and low vision;
 - (b) Deaf and hard of hearing;
 - (c) Locomotor disability including cerebral palsy, leprosy cured, dwarfism, acid attacks victims and muscular dystrophy;
 - (d) Autism, intellectual disability, specific learning disability and mental illness;
 - (e) Multiple disabilities from amongst persons under clauses (a) to (d) including deaf blindness, in the posts identified for each disabilities.

[Category of disability suitable/identified for appointments are (a) **VH** - Visually Handicapped {Partially Blind/Low Vision-PB/LV}; (b) **DD** — Deaf & Dumb {Hearing Impaired-HH}; (c) **AUTISM**- Autism, intellectual disability, specific learning disability and mental illness; multiple disabilities from amongst persons under clauses (a) to (c) including deaf-blindness.”

12. The appellant being eligible for recruitment to the post of Assistant Professor in both these disciplines, applied under the PwBD category. He cleared the screening test and accordingly made his presentation and also appeared in the interview. On the basis of the overall performance of the respective candidates, the Selection Committee considered the candidatures for evaluating their respective merits, in its meeting held on 14.12.2023. On the basis of various parameters, such as academic record, experience and research, assessment of teaching aptitude and ability, assessment of domain



and interview performance, the Selection Committee found *none of the candidates suitable* for the post of Assistant Professor in the discipline of Information Technology.

13. So far as the post of Assistant Professor in the discipline of Computer Science Engineering is concerned, the Selection Committee, in this discipline as well, found that *none of the candidates was suitable* for the post.

14. As per the score card, the appellant in the discipline of Information Technology had scored 38 marks, whereas for the post in the discipline of Computer Science Engineering, he had scored 37 marks.

15. Since none of the candidates, including the appellant, had secured 50% benchmark for adjudging a candidate suitable for appointment to the post in question, the Selection Committee recommended that *none of the candidates was found suitable* for appointment. The appellant, being aggrieved by his non-selection pursuant to the Advertisement No. 2 as well, instituted the proceedings of W.P.(C) 4224/2024, which was clubbed with the earlier writ petition filed by him, namely, W.P.(C) 7226/2023. These are the two writ petitions which have been dismissed by the learned Single Judge by the impugned judgment, which is under challenge herein.

SUBMISSION ON BEHALF OF THE APPELLANT

16. Learned counsel representing the appellant in both these appeals has vehemently argued that the stipulation, as available in the recruitment document which prescribes 50% marks as threshold or benchmark for adjudging the suitability of the candidates, was not prescribed at the time of



issuance of both the advertisements, which according to was introduced after the advertisements were issued and therefore, non-selection of the appellant on the ground that he did not secure the threshold marks of 50% is vitiated for the reason that said introduction of threshold marks amounts to changing the “rules of the game after it has started”.

17. Heavily relying on the judgment in the case of ***Tej Prakash Pathak v. High Court of Rajasthan, (2025) 2 SCC 1***, which is a Constitution Bench of Hon’ble Supreme Court, it has been vehemently argued by learned counsel for the appellant that the said Constitution Bench judgment clearly lays down the legal principle that the rules of the game cannot be changed once the game starts and such principle is applicable not only in respect of prescription of eligibility criteria but also in respect of procedure for selection.

18. Based on the judgment of the Hon’ble Supreme Court in ***Tej Prakash Pathak (supra)***, it has been submitted on behalf of the appellant that the introduction of threshold marks of 50% for adjudging the suitability of the candidates after the recruitment process had started, is impermissible in law and therefore, the selection conducted by the respondents for the posts in question is illegal.

19. It is also the case of the appellant, as put forth by learned counsel representing the appellant, that prescription of 50% benchmark or threshold for adjudging the suitability of the candidate for appointment to the post in question is missing in the advertisement and therefore, any such prescription could not have been taken into account by the Selection Committee while making its recommendation which resulted in non-selection of the appellant



and a declaration that none of the candidates were found suitable. The emphasis of the learned counsel for the appellant is that the benchmark of 50% for adjudging the suitability of the candidate could have been applied by the Selection Committee only if such a prescription was made part of the advertisement and having not done so, the respondent – University proceeded with the selection, which is erroneous and any recommendation made on the basis of such erroneous selection process, is liable to be struck down.

20. Referring to the provisions of the Rights of Persons with Disabilities Act, 2016 (hereinafter referred to as the “**RPwD Act**”), learned counsel for the appellant has argued that the process of selection adopted by the respondent – University has resulted in defeating the right of the appellant, who admittedly is a person of benchmark disability and is eligible for appointment to the post in question in all respects. The submission in this regard is that an able bodied candidate was appointed ignoring the claim of the appellant.

SUBMISSION ON BEHALF OF THE RESPONDENTS

21. *Per contra*, learned counsel representing the respondent – University and the counsel representing the respondent no.2 in *LPA 258/2026*, have opposed the *intra-court* appeals and have submitted in unison that in the facts of the case, the judgment rendered by the learned Single Judge, which is under appeal herein, cannot be faulted with. It has been argued by them that the recruitment document, which embodies the guidelines for recruitment to the posts of Assistant Professor, Associate Professor and Professor in the respondent – University was approved by the Board of



Management in its meeting held on 20.07.2021 and the procedure given therein has been meticulously followed. It has also been stated that so far as the selection made pursuant to Advertisement No. 1 is concerned, the appellant had secured 37.2% marks on the basis of overall assessment made by the Selection Committee, which is much below the threshold or the benchmark for adjudging the suitability of a candidate, being 50% and therefore, he was not recommended for appointment to the post of Assistant Professor in Information Technology. It has also been argued that one candidate belonging to unreserved category, namely Dr. Himanshu Mittal (respondent no.3 in *LPA 258/2026*), had secured 65.4% marks, which was much above the threshold of 50% and therefore, he was recommended and accordingly appointed against one post of Assistant Professor in Information Technology. It has also been submitted that one post meant for PwBD was carried forward for recruitment in the next recruitment year and was included in Advertisement No.2.

22. It is also the contention of the learned counsel for the respondents that the advertisements which are issued for recruitment give general information to the candidates including the eligibility criteria, etc., however, merely because the decision taken by the Board of Management of the respondent – University in its meeting held on 20.07.2021, where the recruitment document was approved, was not made part of the advertisement, will not vitiate the selection process, if the guidelines contained in the recruitment document have been followed.

23. It is also argued on behalf of the respondents that the RPwD Act has not been violated in any manner for the reason that adequate provision for



reservation to the PwBD candidate was provided in the advertisement, and eligible candidates belonging to the said category were also subjected to the selection process. The submission, thus, on behalf of the respondents, is that the appeals ought to be dismissed.

ANALYSIS AND CONCLUSION

24. Having heard the learned counsel for the respective parties and perused the documents available before us on these appeals, we find that both the appeals merit rejection for the following reasons:

A. So far as the reliance placed by learned counsel for the appellant to the judgment of Hon'ble Supreme Court in ***Tej Prakash Pathak (supra)*** is concerned, there cannot be any quarrel about the legal principle laid down therein, according to which the norms/principles/rules applicable in a recruitment process cannot be changed once the process starts even in respect of the norms prescribed for adjudging the suitability of the candidates. The judgment in ***Tej Prakash Pathak (supra)*** clearly lays down that prescription not only in respect of eligibility but also in respect of suitability cannot be changed or altered in any manner once the recruitment process starts by issuance of advertisement. However, the facts which are not in dispute in this case clearly establish that the norms for adjudging the suitability available in the recruitment document were in existence prior to issuance of both the advertisements for the reason that the said norms/guidelines for adjudging the suitability which forms part of the recruitment document were approved by the Board of Management of the respondent – University in its 14th meeting held on 20.07.2021.



B. It is only that the prescription relating to 50% threshold or benchmark for adjudging the suitability was not made part of the advertisement; however, in our opinion, its absence in the advertisement will not vitiate the selection process if the Selection Committee has taken into consideration such a prescription for adjudging the suitability of the candidates during the process of selection. It is, in fact, not a case where the norms or parameters for adjudging the suitability has been changed after issuance of the advertisements, rather it is a case where the prescription relating to 50% benchmark/threshold for adjudging the suitability of the candidates for appointment to the posts in question were already in existence. The Advertisement No. 1, as already noted above, was issued on 10.09.2021 and the Advertisement No. 2 was issued on 27.02.2023, whereas the norms of 50% benchmark for adjudging the suitability was in existence since the decision was taken by the Board of Management of the University in its meeting held on 20.07.2021. Thus, it is clearly not a case where the parameters or norms for adjudging the suitability have been changed after the initiation of the recruitment process and therefore, for this reason, the judgment of Hon'ble Supreme Court in **Tej Prakash Pathak (supra)** does not help the cause of the appellant.

C. We have already noticed that the advertisements did not contain the prescription regarding 50% threshold/benchmark for adjudging the suitability of the candidates; however, it is not denied that such a prescription was available even before the Advertisement No. 1 was issued. The existence of the recruitment document with effect from the



date of the meeting of the Board of Management i.e. w.e.f. 20.07.2021 has not been denied by the appellant. What has been attempted to stress upon by the learned counsel for the appellant is that the said document was brought on record only in *W.P.(C) 4224/2024* which challenged the selection process adopted by the respondent – University pursuant to Advertisement No. 2 and the same was not brought on record of this Court in *W.P.(C) 7226/2023* which was filed earlier in point of time wherein challenge was to the selection process undertaken by the respondent pursuant to the Advertisement No. 1. The doubt cast, for the said reason, on the recruitment document, in our opinion is absolutely misplaced and is based merely on unfounded apprehensions. The respondent – University is a Government University having been created/ incorporated under Delhi Act No. 9 of 2012, and therefore, the doubts expressed by learned counsel for the appellant about the recruitment document, in our opinion, is not acceptable. The respondent – University is a public university, having been incorporated under State Legislature and therefore, such doubt may not be cast on the respondent – University merely because the recruitment document was not placed on record in *W.P.(C) 7226/2023*, which was filed at an earlier point in time.

D. We find ourselves in agreement with the submissions made by learned counsel representing the respondent – University that any advertisement issued for recruitment to a post, generally contains all relevant information including the criteria for determining the eligibility of the candidates which enables the eligible candidates to participate in



the selection process; however, minor details such as the process of selection to be followed by the Selection Committee, etc., if absent in the advertisement, will not vitiate the selection process.

E. As far as the submission of learned counsel for the appellant that the manner in which the selection in question have been undertaken by the respondent – University defeats rights of persons with benchmark disabilities is concerned, we may observe that no specific provision under the RPwD Act has been pointed out by the appellant which can be said to have been infringed in any manner. It is to be noticed that the RPwD Act prescribes statutorily a provision for providing reservation to PwBD, which in this case was provided and declared at the time of advertisement itself. It is also on record that the eligible candidates, including the appellant belonging to the PwBD category, were allowed to participate in the selection process; however, if the PwBD category candidates could not secure the threshold or benchmark prescribed for adjudging the suitability of the candidates, we do not find any infringement of any of the provisions of the RPwD Act. In view of what has been discussed above, we do not find any good ground to interfere with the impugned judgment and order passed by learned Single Judge.

F. Further, we may also note that the matter relating to alleged infringement of the provisions of PwD Act was taken up by the appellant before the Court of State Commissioner for Persons with Disabilities, GNCTD which, vide its order dated 27.01.2023, decided the issue by opining that “*there appears to be discrimination against*



complainant and because of various reasons as explained by respondent University to the Court about the transparency of the process of selection and low score of the complainant seem to be the only issue, but as per the selection criteria maintained by University, no suitable candidate was selected in the academic session 2021-22. However, the University confirmed that the vacancies for the person with disabilities are being carried forward in the current academic year i.e. 2023 and there will be three (03) vacancies now for the persons with disabilities and the complainant may apply again for the same.”

25. Resultantly, the appeals fail, which are hereby dismissed. The pending applications also stand disposed of.

26. However, there will be no order as to costs.

DEVENDRA KUMAR UPADHYAYA, CJ

ANISH DAYAL, J

APRIL 13, 2026
“shailndra”