



2026:CGHC:3729
NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

Order reserved on 14.1.2026

Order delivered on 21.1.2026

WPS No. 11278 of 2025

1. Dr. Deepak Kumar Jaiswal S/o Chandrika Prasad Aged About 32 Years R/o Latori, Surajpur, Distt. Surajpur, Pin 497001, Chhattisgarh.

... Petitioner

versus

1. State of Chhattisgarh Through The Secretary, Department Of Agriculture, Mahanadi Bhawan, Mantralaya, Capital Complex Naya Raipur, Atal Nagar, Distt. Raipur, Chhattisgarh.
2. Indira Gandhi Krishi Vishvavidyala Through Its Vice Chancellor, Krishak Nagar, Raipur, Distt. Raipur, Chhattisgarh, 492012.
3. Screening Committee Constituted For The Recruitment Of Assistant Professor (Agronomy), Indira Gandhi Krishi Vishvavidyalaya, Krishak Nagar, Raipur, Distt. Raipur, Chhattisgarh, 492012
4. The Registrar Indira Gandhi Krishi Vishvavidyalaya, Krishak Nagar, Raipur, Distt. Raipur, Chhattisgarh 492012

... Respondent(s)

For Petitioner	: Mr. Ravi Singh and Mr. Benoon, Advocates for petitioner
For Respondent No.1	: Ms. Anuja Sharma, Dy. Govt. Advocate
For Respondent No.2 to 4	: Mr. Sangharsh Pandey, Advocate

SB: Hon'ble Mr. Justice Parth Prateem Sahu

C A V Order

1. Petitioner has preferred this writ petition seeking following reliefs:-

“10.1. The Hon'ble Court may kindly be pleased to direct the respondent authorities to consider the Ph.D. degree of the petitioner and award the deserving marks to the petitioner in lieu of the same.

10.2. The Hon'ble Court may kindly be pleased to quash the impugned Score-Card dated 28/08/2025 issued by the screening committee of Indira Gandhi Krishi Vishvavidyalaya, Krishak Nagar, Raipur, C.G. wherein, marks of Ph.D. degree are not awarded to the petitioner.

10.3. The Hon'ble Court may kindly be pleased to further direct the respondent authority to grant any other relief which this Hon'ble Court deems fit and proper in favour of the petitioner as per the facts & circumstance of the present case, in the ends of justice.”

10.4. Cost of the petition.”

2. Facts relevant for disposal of this case, in brief, are that pursuant to advertisement dated 04.10.2023 issued by respondent No.2 inviting applications from eligible candidates for appointment on different vacancies as advertised, petitioner submitted an application for his appointment on the

post of Assistant Professor (Agronomy). After scrutiny of application form submitted, the qualified candidates were issued score-sheet on 28.8.2025 based on their certificates/degrees of the qualification. After going through the score-sheet, petitioner came to know that he has not been awarded any marks for his qualification of Ph.D. Aggrieved with which petitioner has filed this writ petition.

3. Learned counsel for petitioner would submit that petitioner has completed Ph.D. Course much earlier in the year 2018 and provisional certificate in this regard was issued on 13.7.2023. Along with application form, petitioner submitted certificate of Ph.D. Course Work Examination-2018 in which it is clearly mentioned that petitioner has successfully completed the Ph.D. course work which was published on 24.3.2019. Petitioner has secured 7.98 GPA. In Ph.D. Course Work Examination 2018 of Vishwa Bharti Institute, calculation of marks is also provided under the head of clarification of results. Petitioner submitted these documents along with application form for his appointment in response to advertisement subject matter of petition. He contended that as per Clause 18 of the General Conditions of advertisement, applicants are to fill online application form carefully. Applicants can submit all documents as mentioned therein i.e. certificates, degrees, mark-sheets/ transcripts in support of

academic qualification and experience. Petitioner uploaded Ph.D. Course Work Examination certificate which provides award of marks by the Institute wherefrom petitioner pursued Ph.D. course and obtained said qualification. Said document was essential for authorities to award marks accordingly based on assessment of marks as made therein. Non-award of marks under Column of Ph.D. to petitioner in score-card is highly arbitrary. Even if the degree is not uploaded along with application form, the petitioner can submit relevant document at the time of verification of documents, which was obtained by petitioner in the year 2018 and therefore, respondents No.2 to 4 be directed to consider Provisions Degree Certificate (PDC) of Ph.D. and certificate of fulfillment of five conditions of Ph.D. award issued by the Registrar, Vishwa Bharti Institute in the month of July 2023. In support of his submissions, he placed reliance on decision in case of **Charles K Skaria and others vs. Dr. C. Mathew and others**, reported in **(1980) 2 SCC 752**; **Dolly Chandra Vs. Chairman, JEE and others**, reported in **(2005) 9 SCC 779**; **Ram Kumar Gijroya vs Delhi Subordinate Services Section Board and another**, reported in **(2016) 4 SCC 754**; and **Food Corporation of India vs Rimjhim**, reported in **(2019) 5 SCC 793**.

4. Learned counsel for respondent No.2 to 4 vehemently

opposed submissions of learned counsel for petitioner and submitted that a candidate who applied for any post advertised has to submit/upload all relevant documents along with application form as per clauses/conditions enumerated in the advertisement. In advertisement, there is specific clause under the general conditions i.e. Clause 17, which clearly mentions that applications not uploaded with copies of certificate, degrees, mark-sheets / transcripts in support of academic qualification and experience shall be rejected. Application of petitioner was considered because he was otherwise eligible as he has cleared NET exam and filed document in this regard and also awarded marks on having NET qualification. Referring to Clause 18 of General Conditions of advertisement, it is submitted that applications without uploading proper certificates/ mark-sheet/ transcripts / documents/reprints will not be scored. He contended that above two clauses forming part of general conditions of advertisement, clearly envisage that uploading of copies of documents in support of academic qualification is mandatory and application without documents in support of academic qualification, will not be scored. When petitioner submitted application with open eyes reading general conditions, then he may not be permitted to take advantage of his own wrong. He also contended that in email forwarded by the petitioner

dated 15.3.2025 (Annexure P-5), petitioner has admitted that he has not attached transcript of Ph.D. degree or Provisional Degree Certificate (PDC) and certificate fulfilling five conditions for the award of Ph.D. along with application form. He has also mentioned in this email that Ph.D. course as per criteria prescribed by University Grant Commission (UGC) was successfully completed by him on 12.7.2023. The contents of email of petitioner clearly show that petitioner failed to fulfill general conditions which are specifically provided in the advertisement and therefore, after participating in recruitment process, petitioner cannot claim that he should be awarded marks based on document which was not uploaded/attached along with application form.

5. Heard learned counsel for respective parties and perused the documents available in record of writ petition.
6. Advertisement (Annexure P-2) was published on 04.10.2023. As per advertisement, qualification for appointment on the post of Assistant Professor in Agriculture Colleges, candidate must have possessed Master's degree and cleared the National Eligibility Test (NET) along with one publication in National Academy of Agriculture Sciences, New Delhi (NAAS) rated referred journal. It further provides that essentiality of NET can be waived off for the candidates holding Ph.D. degree provided it has been done with course work as

prescribed by the UGC Regulations 2009 and candidates have atleast two full-length publications having a NAAS rating not less than four on the date of submission of application. Candidates with Ph.D. degree without course work will not qualify for NET exemption.

7. Along with writ petition, petitioner has annexed print out of his application form for the post of Assistant Professor (Regular) Academic Level 10 as Annexure P-3. Perusal of Annexure P-3 would show that though in the column of 'educational qualification / examination passed', petitioner has given details of Ph.D. in online application form as also of NET, however, as admitted by petitioner, he has not uploaded/attached PDC and certificate on fulfillment of five conditions of PhD award which are essential according to the qualification enumerated in advertisement. No document was uploaded in support of Clause-A (3) of advertisement except the PhD course work examination result. As per attachment details mentioned by petitioner, he has only attached certificate of class 10th, CG domicile certificate; caste certificate and non-creamy layer certificate for OBC.
8. Petitioner submitted copy of email dated 15.3.2025 as Annexure P-5 to writ petition. A glance of this email would show that it is in the form of claim objection against screening report for agronomy. Relevant portion of email is extracted

below for ready reference:-

“Remark 1: Doctoral Degree (PhD degree rejected)

I would like to clarify that I did not attach the transcript of my PhD degree. However, my PhD Course Work Examination-2018 certificate should not be confused with my PG transcript. The Course Work Examination-2018 certificate was uploaded only to justify my OGPA and the result was published on 24/03/2019.

I have successfully completed my PhD degree as per the criteria prescribed by UGC on 12th July 2023. Please find attached my Provisional Degree Certificate (PDC) and the certificate fulfilling the five conditions for the award of the PhD degree as required.”

9. Perusal of above extracted portion of Annexure P-5 would show that petitioner clearly mentioned that he did not attach transcript of Ph.D. degree; only course work examination 2018 certificate was uploaded to justify OGPA. Course work result was published on 24.3.2019. Provisional Degree Certificate is attached with email and not with form.
10. Perusal of documents, as mentioned by petitioner in aforementioned email, Annexure P-5, i.e. Ph.D. Course Work Examination, 2018 certificate, would show that with regard to said examination, result was published on 24.3.2019. However, provisional certificate enclosed along with writ petition issued by Vishwa Bharti would show that petitioner has qualified for the degree of doctorate in Philosophy on

12.7.2023 on presentation of a thesis on 'Weed Management in dry seeded rice under different tillage practices and its residual effect on succeeding yellow sarson" under the Department of Agronomy. Prior to 12.7.2023, petitioner was not having qualification of degree of Ph.D.

11. Course work as mentioned in the advertisement under 'essential' head for Assistant Professor in Agriculture Colleges, it is mentioned as Ph.D. without course work will not qualify NET exemption. From which it is clear that course work is part of essential qualification for getting exemption of NET which may be part of Ph.D. but the date of result of course work will in itself would not be treated as Ph.D. completed. From the say of petitioner and document submitted, PDC (Provisional Degree Certificate) was issued only in the year 2023 and the certificate fulfilling five conditions for the award of Ph.D. was also issued later. Therefore, even otherwise the document stated to be issued on 24.3.2019, which is in the form of publication of course work result mentioning GPA, will not amount to fulfillment of requirements clearly specified and mentioned in the advertisement under Clause 17 and 18 of General Conditions. In the letter (Annexure P-12) written by petitioner to respondent No.2, he further admitted that he has not submitted/uploaded PDC (Provisional Degree Certificate) and

certificate of fulfilling five conditions of Ph.D. award. From the contents it is clear that the essential document(s) for award of marks for Ph.D. qualification was not submitted.

12. In the above facts of the case, it cannot be said that respondents have committed error in any manner in not awarding marks for Ph.D. qualification to petitioner.
13. In case of **Bedanga Talukdar vs Saifudaullah Khan and others**, reported in **(2011) 12 SCC 85**, Hon'ble Supreme Court has observed thus:-

“30. A perusal of the advertisement in this case will clearly show that there was no power of relaxation. In our opinion, the High Court committed an error in directing that the condition with regard to the submission of the disability certificate either along with the application form or before appearing in the preliminary examination could be relaxed in the case of respondent No. 1. Such a course would not be permissible as it would violate the mandate of Articles 14 and 16 of the Constitution of India.

32. In the face of such conclusions, we have little hesitation in concluding that the conclusion recorded by the High Court is contrary to the facts and materials on the record. It is settled law that there can be no relaxation in the terms and conditions contained in the advertisement unless the power of relaxation is duly reserved in the relevant rules and/or in the advertisement. Even if there is a power of relaxation in the rules, the same would still have to be specifically indicated in the advertisement. In the present case, no

such rule has been brought to our notice. In such circumstances, the High Court could not have issued the impugned direction to consider the claim of respondent No.1 on the basis of identity card submitted after the selection process was over, with the publication of the select list.”

14. The subject matter in issue is recruitment on the post of Assistant Professor and appointment on the said post is to be made on the basis of merit. In the era of competition for getting employment, more particularly in government institutions, there is throat-cut competition. A candidate could not able to succeed by difference of even 0.001 mark in aggregate at the time of assessment of merit. Therefore, claim of petitioner is to be considered keeping in mind above aspect.
15. In the case at hand, claim of petitioner is that he has not been awarded marks for his qualification of Ph.D. In advertisement under general conditions in Clause 17 it is clearly mentioned that “application not uploaded with copies of certificates, degrees, mark sheets / transcript in support of academic educational and experience shall be rejected. Thus, it is apparent that, uploading of certificates. Degrees, mark-sheet/ transcripts along with application form was made mandatory in proof of the fact that candidate is having requisite qualification and consequence of not uploading the same is also mentioned therein.

16. If petitioner's score sheet, filed as Annexure P-1, is perused in the light of aforementioned specific clause contained in general conditions of the advertisement in question, it is clear that petitioner was awarded marks for uploading mark sheets of 10+2, graduation, post-graduate and NET. From this, it can be culled out that, petitioner has been awarded marks against the documents which he uploaded along with his application form, except for certificate or transcript of Ph.D, which was not uploaded.
17. Clause 18 of the General Condition of the advertisement clearly mentions that application without uploading certificate, mark-sheet/ transcripts / documents/ reprints will not be scored. In this clause, the employer has clearly mentioned that certificate, mark-sheet/transcripts / documents not uploaded will not be scored. When employer has categorically and specifically mentioned the importance of documents, the petitioner, who is claiming to have qualification of Post-graduation, Ph.D., has not uploaded relevant documents with regard to Ph.D. along with his application but for other certificates.
18. Under the scheme of selection, as is reflecting from the advertisement and the procedure adopted, merit of a candidate at first stage is to be considered based on the marks to be awarded for all essential qualification, as

mentioned in advertisement. Required qualifications are mentioned under the “essentials”. Due to non-award of marks for Ph.D., petitioner may have secured less marks than many of other candidates/aspirants, who were competing for getting appointment on the post of Assistant Professor (Agronomy).

19. In case of **Bedanga Talukdar (supra)**, Hon’ble Supreme Court has observed thus;

“29. We have considered the entire matter in detail. In our opinion, it is too well settled to need any further reiteration that all appointments to public offices have to be made in conformity with Article 14 of the Constitution of India. In other words, there must be no arbitrariness resulting from any undue favour being given to any candidate.

Therefore, the selection process has to be conducted strictly in accordance with stipulated selection procedure as specifically mentioned in general conditions clause of advertisement.

20. Petitioner in his email dated 15.3.2025 admitted that he did not attach transcript of Ph.D. degree and only uploaded along with email, Provisional Degree Certificate (PDC) and certificate fulfilling five conditions for award of Ph.D. Degree, as required. In letter dated 4.9.2025 (Annexure P-12), petitioner admitted that he did not upload PDC and certificate

of fulfillment of five conditions of Ph.D. award. In the aforementioned facts of case and admission of petitioner, it is not in dispute that petitioner failed to upload essentials for award of marks, which is first stage for assessing merit and preparing merit list. After starting of process and completion of part of selection process, petitioner cannot be permitted to add something to his application form requesting for awarding more marks on that, prejudicing the right of other candidates who got higher marks in score sheet. According to admission of petitioner, he uploaded course work exam certificate in proof of Ph.D.. Merely obtaining Ph.D. course work exam certificate itself is not complete document of Ph.D. As mentioned in Ph.D., there may be Ph.D. of two modes, one is plain Ph.D. and another with course work. After submitting all relevant documents, before awarding Ph.D., a student has to appear for viva-voce. It is also one state of assessment before degree of Ph.D. is awarded. Course work examination certificate from its appearance is clear that result of which was published on 24.3.2019, as mentioned therein whereas certificate fulfilling five conditions for award of Ph.D. Degree and PDC (Provisional Degree Certificate) was issued in 2023 and therefore, the course certificate cannot be considered as Ph.D. degree/transcript for Provisional Degree Certificate. In the above circumstances, submission of learned counsel for

petitioner that he has completed Ph.D. course in 2018-19 is not acceptable and is contrary to documents.

21. In case of **Charles K Sakariya (supra)**, which is relied upon by learned counsel for petitioner, the question for consideration was with regard to admission for post-graduation degree in University. In case of **Dolly Chandra (supra)** also, the issue of admission in college was involved. In case of **Rimjhim (supra)**, Hon'ble Supreme Court after taking note of facts and circumstances of that case, considering advertisement published therein observed that it is not specifically stating requirement of producing experience certificate along with application and therefore, ruled in favour of the respondent therein. Hence, the cases relied upon by the petitioner are of no help to him being distinguishable on facts.

22. For the foregoing discussions, I do not find any merit in this petition and accordingly it is dismissed.

Sd/-
(Parth Prateem Sahu)
Judge

roshan/-