



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

% Judgment reserved on: 21.05.2026
Judgment delivered on: 03.07.2026
Judgment uploaded on: *As per Digital Signature~*

+ **W.P.(C) 11316/2024**

MOHAMMAD ANEES & ORS.

.....Petitioners

versus

NATIONAL EDUCATION SOCIETY FOR
TRIBAL STUDENTS & ORS.

.....Respondents

Advocates who appeared in this case

For the Petitioners : Mr. Saaket Jain, Ms. Shivangi Anand, Mr.
Ankur Singhal and Mr. Sarthak Kumar
Meena, Advs.

For the Respondents : Mr Somesh Chandra Jha and Mr Anand K
Singh, Advs. for R-1.
Mr. Reavthy Raghavan and Ms. Vanshika
Verma, Advs. for R-3.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

JUDGMENT

V. KAMESWAR RAO, J.

CM APPL. 46877/2024 (Exemption)

1. Exemption is allowed, subject to all just exceptions.
2. The application is disposed of.

CM APPL. 28190/2026 (Permission to place on record reply filed by



respondent no. 3 in a similar matter [W.P. (C) No. 12244 of 2025])

3. For the reasons stated in the application, the same is allowed.
4. The application is disposed of.

W.P.(C) 11316/2024, CM APPL. 46876/2024

5. This petition has been filed by four persons, primarily against the respondent No. 1- National Education Society for Tribal Students, seeking the following reliefs:-

“A. Writ of Certiorari quashing the impugned emails dated 19.06.2024 vide which candidature of the Petitioners for EMRS Recruitment has been arbitrarily cancelled.

B. Writ of Certiorari quashing/modifying any list of candidates for the purpose of joining to an extent that it does not contain the Name/Roll No. of the Petitioners.

C. Declare the Para 5 of UGC Guidelines for Pursuing Two Academic Programmes Simultaneously 2022 and any clause of the subsequent circular to that effect wherein it has been said that No retrospective benefit can be claimed by the students who have already done two academic programmes simultaneously prior to the notification of these guidelines as unconstitutional as it is arbitrary and violative of Article 14 of the Constitution of India.

D. Writ of Mandamus directing the Respondent No.1 to treat the Petitioners as successful candidates in view of valid degrees submitted by them and further issue them joining letters for the post of PGT under EMRS.

E. Any other Order this Hon'ble Court may deem fit, ex aequo at bono.”

6. The learned counsel for the petitioners stated that the petitioners herein are successful candidates in Eklavya Model Residential Schools (EMRS) Recruitment, 2023, and have been selected as Post Graduate



Teachers (PGTs). Petitioner No. 1 and petitioner No.2 have been selected for the post of PGT (Hindi); petitioner No. 3 and petitioner No. 4 have been selected for the post of PGT (English) and PGT (Economics) respectively. According to him, despite being successful in all stages of the recruitment process, their documents having been duly verified by the concerned authorities, and having been issued provisional appointment letters, the respondent no. 1 had issued communications dated 19.06.2024 stating that on scrutiny of the documents, it was observed that the petitioners have pursued two degrees- Master of Arts (M.A.) and Bachelor of Education (B.Ed.) during the same period, which is not allowed as per the norms, making them ineligible for the posts they have applied and resulting in cancellation of their candidatures.

7. The submission of the learned counsel for the petitioners primarily is that the cancellation of the candidatures of the petitioners is for the reason that the petitioners have undertaken M.A. as well as B.Ed. courses simultaneously. In other words, they have pursued two different qualifications simultaneously, which according to the respondent No. 1 is impermissible. He stated that this stand is totally erroneous as pursuing two courses simultaneously has been always allowed by the respondent no. 3- University Grants Commission (UGC). According to him, there is nothing on record to indicate that the UGC has expressly barred students from pursuing two courses/degrees simultaneously. In fact, he relied upon a letter dated 20.02.2006 of the UGC, which was in reply to a communication of the Directorate of Education, Government of NCT of Delhi regarding validity of two degrees pursued simultaneously wherein the UGC has taken a stand that two courses can be pursued simultaneously, one through regular mode and



the other through distance mode. He also referred to the minutes of the meeting dated 29.12.2012 of the Expert Committee constituted by the UGC wherein it was decided that a student enrolled in a degree programme under regular mode may be allowed to pursue a maximum of one additional degree programme simultaneously under open/distance mode from the same or a different university.

8. The learned counsel has also made a reference to the 494th meeting of the UGC wherein a similar approval was granted. Further he has drawn our attention to an un-starred question No. 955 dated 11.12.2013 asked in the Parliament, whether the Government is planning to allow students to pursue multiple degree courses at the same time. Answering the question, the Government referred to the UGC meeting held on 31.07.2013 wherein it was stated that UGC has already approved the report of the Expert Committee on the matter of allowing students to pursue two or more degrees simultaneously on regular / distance / private / online / part time basis. According to him, un-starred question No. 405 answered on 25.02.2015 in the Parliament also corroborates the position that the UGC has allowed students to pursue two degree programmes at the same time, subject to the condition that one of the degrees should be in regular mode and the other in distance mode.

9. It is stated that on 15.01.2016, the UGC issued a public notice titled "*clarification on allowing students to pursue two degrees simultaneously*" in which it said that responses received thus far did not endorse the idea of allowing students to pursue two degrees simultaneously. However, according to the learned counsel for the petitioners, the same was with regard to two regular courses. The same would be clear from the notice



dated 01.05.2017 issued by the Mahatma Gandhi Central University, Bihar wherein it was clarified that as per the UGC notice dated 15.01.2016, students are not allowed to pursue two regular degrees.

10. Additionally, he has relied upon to Para 1(B) of the monthly summary prepared by the Ministry of Human Resource Department for the Cabinet for the month of May 2020, wherein it was stated that the UGC has approved the proposal to allow students to pursue two degrees at the same time-one in regular mode and the other in open and distance learning or online mode.

11. A reference is also made to the response received to an application under the Right to Information Act, 2005, stating that the UGC has issued guidelines on 13.04.2024 for pursuing two academic programmes simultaneously. The said response also stated that prior to 13.04.2022, with respect to pursuing two academic programmes simultaneously, the UGC has not framed any policy. According to the learned counsel, in the absence of a policy, there was no express bar on pursuing two degrees simultaneously. Despite the aforesaid position being there, the stand of the respondent no. 1 not to recognise the two courses undertaken by the petitioners, i.e., M.A. and B.Ed. courses, for appointment as PGTs is clearly illegal.

12. In fact, it is his submission that the respondent no. 1 has not shown any express bar put by the UGC for a student to pursue two courses. He has submitted that in view of the above, the appointments of the petitioners need to be revived from the date of their selection.

13. He has relied upon the judgment in the case of *Dharampal Satyapal Ltd. v. Deputy Commissioner of Central Excise, Gauhati and Others*, (2015) 8 SCC 519 to contend that the principles of natural justice are grounded in procedural fairness which ensures taking of correct decisions



and procedural fairness is fundamentally an instrumental good, in the sense that procedure should be designed to ensure accurate or appropriate outcomes.

14. On the other hand, the learned counsel for the respondent No. 1 stated that the respondent No. 1, an autonomous society operating under the aegis of the Ministry of Tribal Affairs, Government of India, conducted a centralised recruitment for EMRS with the object of attracting the best nationwide talent. The eligibility criteria as per the Recruitment Rules consisted of PG degree from any recognised university/institute, along with B.Ed. degree. He stated that the advertisement made it clear that if the candidates do not comply with the instructions, they would be summarily disqualified. The advertisement also stated that those applying in response to the advertisement should satisfy their eligibility for the post applied. It also stated that the candidate must have the certificate for the minimum required qualification at the time of submission of application. His submission is that the respondent No. 1 being an employer is lawfully entitled to prescribe rules disqualifying candidates who have pursued two qualifications simultaneously. He submitted that the eligibility criteria being a PG degree with a B.Ed degree, any candidate who has secured one of the qualifications through distance mode must be treated as ineligible for the post of PGT.

15. According to him, the advertisement expressly specifies one and only one way of achieving two qualifications simultaneously- i.e. pursuing a four year integrated Bachelor's course. A candidate having pursued a four year Bachelor's course would be treated as equivalent to a candidate having Bachelor's degree along with B.Ed degree. By expressly specifying one non-standard route for achieving the required qualifications, the respondent



No. 1 clearly excluded any other non-standard method, including the combination of simultaneous degrees possessed by the petitioners in the instant case.

16. He stated that since the advertisement does not specifically state that one of the qualifications can be obtained through distance mode, the same must be read to mean that both the qualifications must be secured through physical mode. He also highlighted the fact that a combination of the qualification acquired through physical mode and distance mode are invalid as per the applicable norms. A reference is also made to the judgment of the Supreme Court in the case of *Prof. Yashpal v. State of Chhattisgarh, (2005) 5 SCC 420*.

17. Even otherwise, it is his submission that the UGC has never endorsed simultaneous courses in a manner known to law either by way of executive action or by issuing any statutory instrument. In this regard, a reference has been made to the University Grants Commission (Open and Distance Learning) Regulations, 2017 issued by the UGC.

18. He has stated that the letters/meetings relied upon by the counsel for the petitioners never resulted in conclusive executive or legislative action by the UGC in terms of the UGC Act. He also referred to the judgment of the Supreme Court in the case of *Bachhittar Singh v. State of Punjab, 1962 Supp (3) SCR 713* to contend that until the relevant file notings, minutes of meetings, correspondences are finally effectuated in a manner known to law, the same remain inchoate. He also relied upon judgment of the Allahabad High Court in the case of *Bhaktiputra Rohtam v. Banaras Hindu University & Ors., 2024: AHC:24652*. He also relied upon the judgment of the Full Bench of the Madras High Court in the case of *R. Chitra and Ors.*



v. Member Secretary, Government of Tamil Nadu and Ors., 2021 (3) CTC 36.

19. It is also his submission that no vested right for appointment has been acquired by the petitioners on account of grant of provisional appointment letters.

20. He has prayed that the present petition be rejected.

21. We have heard the learned counsel for the parties and perused the record. From the aforesaid narration of the arguments as submitted by the counsel for the petitioners and respondent no. 1, it is clear that there is no guideline, direction or instruction of the UGC, which bars a candidate from pursuing two courses, one through regular/physical mode and second through distance mode. The reliance placed by the learned counsel for the petitioners on the guidelines issued in 2022 is sought to be answered by the respondent no. 1 by stating that the same specifically bars any retrospective effect, meaning that the same shall not have a bearing on a candidate acquiring qualification through both the modes prior to the date of its issuance. In other words, the submission of learned counsel for the respondent no. 1 is that the applicability of the guidelines is only prospective and the qualifications achieved through both the modes are invalid.

22. Suffice it to state, we have taken on record the affidavit filed by the petitioners, which has placed before us a copy of the short affidavit filed by the UGC in a similar matter pending adjudication, before the learned Single Judge titled ***Ankit Yadav v. National Education Society for Tribal Students & Ors., W.P.(C) 12244/2025***. Therein the UGC has made a reference to the guidelines issued in the year 2022 which clearly state that a student can pursue two academic programmes, one in full time physical mode and



another in open and distance learning (ODL/online mode) or up to two ODL / online programmes simultaneously. According to the UGC, the said guidelines have been partially modified in its 589th meeting held on 03.04.2025 to clarify that two academic programmes pursued simultaneously before issuance of the guidelines in accordance with the UGC First Degree and Master Degree/Regulations, statutes/ordinances of the university/universities concerned and by following the norms prescribed by Statutory Professional Council and the Distance Educational Council/Distance Education Bureau of the UGC wherever applicable shall be treated as valid.

23. In fact, the UGC makes a reference to a letter dated 05.06.2025 circulated to all universities and their affiliated colleges/institutions with a request to implement the revised guidelines for the benefit of the students. The aforesaid guidelines issued by the UGC do indicate that two courses pursued simultaneously through regular mode and distance mode are to be treated as valid. We deem it necessary to reproduce the relevant part of the affidavit filed by the UGC as under:-

“4) That, UGC has been constituted under the provisions of the University Grants Commission Act, 1956 (Act No. 3 of 1956) [the "Act"] which came into force with effect from 05.11.1956. The Act was legislated to make provisions for the coordination and determination of standards in universities. Under the provisions of the Act, UGC has been entrusted with the duty to take such steps as it may think necessary for the promotion and coordination of university education and the determination and maintenance of standards of teaching, examination, and research therein. The Act was amended from time to time as situations demanded by the Parliament. Furthermore, UGC has been vested



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with the power to recommend to any university, the measures necessary for the improvement of education and to advise them on the action to be taken to implement such recommendation(s).

5) That, the UGC issued the "Guidelines for pursuing two academic programmes simultaneously" in 2022. These Guidelines inter alia provide that a student can pursue two full-time academic programmes in the physical mode, provided that in such cases, class timings for one programme do not overlap with the class timings of the other programme". A copy of the UGC Guidelines for pursuing two academic programmes simultaneously is as annexed as Annexure- 3/1.

6) That, as per the Guidelines, a student may pursue:

(I) Two academic programmes, one in full-time physical mode and another in Open and Distance Learning (ODL)/Online mode:

(II) Up to two ODL/Online programmes simultaneously.

7) That, it is further clarified that the Degree or diploma programmes under ODL/Online mode shall be pursued with only such HEIs that are recognized by UGC/Statutory Council/Govt. of India for running such programmes. The Degree or diploma programmes under these guidelines shall be governed by the Regulations notified by the UGC and also the respective statutory/professional councils, wherever applicable.

8) That, the Guidelines further state that "these guidelines shall come into effect from the date of their notification by the UGC. No retrospective benefit can be claimed by the students who have already done two academic programmes simultaneously prior to the notification of these guidelines.

9) That, in its 589th meeting held on 3 April 2025, the Commission approved a partial modification of the 2022 Guidelines clarifying that two academic programmes, pursued simultaneously, before issuing of



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these guidelines, in accordance with the UGC First Degree and Master Degree Regulations, statutes/ordinances of the university/ universities concerned, and by following the norms prescribed by the statutory professional council(s) and the Distance Education Council/ Distance Education Bureau of the UGC, wherever applicable, shall be treated as valid.

10) That, the said clarification was formally circulated vide UGC letter dated 05.06.2025, Notification No.F.1-6/2007 (CPP-II) (Comp.No.108737) dated 5 June 2025 wherein all the universities and their affiliated colleges/institutions were requested to implement these revised guidelines for the benefit of the students. A copy of the said Notification is as annexed as Annexure-3/2.

11) That, the University Grants Commission frames the Regulations and makes the amendments thereof from time to time after detailed deliberations by the Expert Committee, which are mandatory in nature and cannot be overlooked at any stage, and all the Universities/Institutions/Colleges have been advised to strictly comply with them.”

24. We also reproduce the guidelines issued by the UGC for pursuing two academic programmes simultaneously in the following manner:-

“The National Education Policy - NEP 2020 states that pedagogy must evolve to make education more experiential, holistic, integrated, inquiry-driven, discovery-oriented, learner- centred, discussion-based, flexible, and, of course, enjoyable. The policy envisions Imaginative and flexible curricular structures to enable creative combinations of disciplines for study, that would offer multiple entry and exit points, thus, removing currently prevalent rigid boundaries and creating new possibilities for life-long learning and centrally involve critical and interdisciplinary thinking. With the rapid increase in demand for higher education and limited availability of seats in regular



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stream, several Higher Education Institutions (HEIs) have started a number of programmes in Open and Distance Learning (ODL) mode to meet the aspirations of students. It has also led to the emergence of online education. programmes which a student can pursue within the comforts of her /his home. The issue of allowing the students to pursue two academic programmes simultaneously has been examined by the Commission keeping in view the proposals envisaged in the National Education Policy NEP 2020 which emphasizes the need to facilitate multiple pathways to learning involving both formal and non-formal education modes.

In view of above, UGC has framed the following Guidelines.

Objectives

To allow the students to pursue two academic programmes simultaneously keeping in view the following objectives envisaged NEP 2020:

- *recognizing, identifying, and fostering the unique capabilities of each student, by sensitizing teachers as well as parents to promote each student's holistic development in both academic and non-academic spheres;*
- *no hard separations between arts and sciences, between curricular and extra- curricular activities, between vocational and academic streams, etc. in order to eliminate harmful hierarchies among, and silos between different areas of learning;*
- *multidisciplinarity and a holistic education across the sciences, social sciences, arts, humanities, and sports for a multidisciplinary world in order to ensure the unity and integrity of all knowledge;*
- *enabling an individual to study one or more specialized areas of interest at a deep level, and also develop character, ethical and constitutional values, intellectual curiosity,*



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scientific temper, creativity, spirit of service.

- *offering the students, a range of disciplines including sciences, social sciences, arts, humanities, languages, as well as professional, technical, and vocational subjects to make them thoughtful, well-rounded, and creative individuals.*
- *preparing students for more meaningful and satisfying lives and work roles and enable economic independence.*

Guidelines

1. *A student can pursue two full time academic programmes in physical mode provided that in such cases, class timings for one programme do not overlap with the class timings of the other programme.*
2. *A student can pursue two academic programmes, one in full time physical mode and another in Open and Distance Learning (ODL)/Online mode; or up to two ODL/Online programmes simultaneously.*
3. *Degree or diploma programmes under ODL/Online mode shall be pursued with only such HEIs which are recognized by UGC/Statutory Council/Govt. of India for running such programmes.*
4. *Degree or diploma programmes under these guidelines shall be governed by the Regulations notified by the UGC and also the respective statutory/professional councils, wherever applicable.*
5. *These guidelines shall come into effect from the date of their notification by the UGC.*

Provided that two academic programmes, pursued simultaneously, before issuing of these guidelines, in accordance with the UGC First Degree and Master Degree Regulations, statutes/ordinances of the university/ universities concerned, and by following the norms prescribed by the statutory professional council(s) and the Distance Education Council/Distance Education Bureau of the UGC, wherever applicable, shall be treated as valid.

The above guidelines shall be applicable only to the



students pursuing academic programmes other than Ph.D. programme.

Based on the above guidelines, the universities can devise mechanisms, through their statutory bodies, for allowing their students to pursue two academic programmes simultaneously as mentioned above.”

(Emphasis supplied)

25. Suffice it to state, the guidelines now issued by the UGC makes it clear that even those two academic programmes pursued simultaneously before issuance of the guidelines in the year 2022 shall be treated as valid.

26. We are conscious of the fact that these clarified guidelines were neither referred by the petitioners nor the respondent no. 1 in their pleadings. If that be so, we are of the view that the stand of the UGC taken through the affidavit filed before the learned Single Judge in ***W.P.(C) 12244/2025***, and the modified guidelines issued by the UGC need to be considered by the respondent no. 1 to take a decision on the validity of the qualifications of the petitioners for appointment to the posts of PGT (Hindi), PGT (English) and PGT (Economics).

27. The respondent No. 1 shall conclude this exercise within a period of six weeks from the receipt of the copy of this order. It shall pass a reasoned and speaking order.

28. If the decision of the respondent no. 1 is in favour of the petitioners then they shall be entitled to appointment on the aforesaid posts in accordance with the Rules. Their seniority shall be fixed as per their merit in the selection, with notional pay fixation, but without entitlement to any arrears.



29. It is made clear that if the petitioners are aggrieved by any order to be passed by the respondent No.1, they shall be within their rights to seek such remedy in accordance with law.

30. In view of the above, the petition is disposed of along with the pending application.

V. KAMESWAR RAO, J

MANMEET PRITAM SINGH ARORA, J

JULY 03, 2026/sr