

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/SPECIAL CIVIL APPLICATION NO.6117 of 2026

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DR. JAYESHKUMAR HARJIBHAI KAHODARIYA

Versus

JUNAGADH AGRICULTURAL UNIVERSITY

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Appearance :MR MITUL SHELAT, SENIOR COUNSEL ASSISTED BY MR MEHUL A SHARMA
for the Petitioner.

MR AMAR D MITHANI for the Respondent No.1.

MR DG CHAUHAN for the Respondent No.1.

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CORAM:HONOURABLE MR. JUSTICE NIRZAR S. DESAI

Date : 29/04/2026

ORAL ORDER

1. Learned Senior Advocate Mr. Mitul Shelat appearing with Mr. Mehul Sharma for the petitioner submitted that the petitioner applied for the post of Associate Professor pursuant to the advertisement published by the respondent No.1 - University in various newspapers on 1.10.2025 and though the petitioner is meeting with all the requirements as prescribed in the said advertisement, the petitioner's candidature is rejected on the ground that the minimum API score is not fulfilled.

2. According to learned Senior Advocate Mr. Shelat, the respondents have arrived at the above conclusion and rejected the petitioner's candidature on account of some arithmetical error committed by the present petitioner and actually, the petitioner is meeting with the API score requirement of the respondent No.1 University. He further submitted that though the petitioner preferred an application for allowing him to correct the API score

in the application form, the aforesaid request was rejected by the respondent No.1 University and, therefore, now though the petitioner is a meritorious and is qualified to appear in the interview, by all means as far as the other qualifications and requirements are concerned, the same is denied by the University and, therefore, this petition is preferred.

3. Learned Senior Advocate Mr. Mitul Shelat relied upon the decision of the Hon'ble Supreme Court **dated 2.1.2024 in the case of Vashist Narayan Kumar v. State of Bihar and others, in Civil Appeal No.1 of 2024** and submitted that if any mistake which is not intended to mislead or which is not factual wrong or misleading, the same is always allowed to be corrected as per the view taken by the Hon'ble Supreme Court in the above judgment and, therefore, the petitioner also deserves one chance to correct the API score in the application form and, therefore, without creating any equity or right in favour of the petitioner and as the petitioner is ready and willing to file an undertaking to that effect, the petitioner if otherwise fulfilling all other requirements as prescribed in the advertisement and for any other requirement which according to the respondent University, the petitioner is not meeting with the requisite criteria which is duly communicated to the petitioner, the petitioner may be permitted at least to appear in the oral interview for the post in question.

4. Learned Senior Advocate Mr. Mitul Shelat further submitted that interview for the post in question are not yet scheduled and the petitioner is ready and willing to file an undertaking before this Court as well as before the respondent No.1 - University within a period of one week from today, keeping

all the rights and contentions of both the sides open and with a clear understanding that mere participation in the interview for the post in question shall not create any right or equity in favour of the petitioner. He, therefore, prays that while issuing notice, this Court may allow the petitioner to appear in the oral interview, if subject to fulfillment of all other criteria.

5. Learned advocate Mr. Amar D. Mithani appearing for the respondent No.1 University has vehemently opposed the petition and submitted that in almost identical situation, a grievance was raised before the Delhi High Court and the Division Bench of Delhi High Court in the case of **Nisha Khan v. Delhi Police and another, Writ Petition (Civil) No.12698 of 2023 decided on 12.12.2025** rejected the similar prayer made by that petitioner and did not allow the said petitioner to make correction in the original application form and the said decision was confirmed by the **Hon'ble Supreme Court vide order dated 6.4.2026 passed in Special Leave to Appeal (Civil) No.11926 of 2026** and, therefore, the petitioner does not deserve any relief.

6. Mr. Mithani also relied upon the affidavit-in-reply filed on behalf of respondent No.1 - University and submitted that the petitioner is also not meeting with the requisite criteria related to experience and, therefore, on that ground also, the petitioner is not eligible and entitled to seek any relief and, therefore, the petitioner may not be allowed to appear in the oral interview. He further submitted that as per the petitioner's own application form, he is in the contractual employment whereas the statutory Rules meant for the recruitment for the post in question provides for experience on a regular post and, therefore, on that ground as well, the petitioner

is not fulfilling the requisite criteria and, therefore, the petition is required to be rejected.

7. In rejoinder, learned Senior Advocate Mr. Mitul Shelat submitted that the respondents cannot rely upon the material which is not communicated to the petitioner for declaring him disqualified and, therefore, as the petitioner's candidature is rejected or the petitioner is disqualified only on the ground that the minimum API score is not fulfilled, no other grounds can be considered at this stage and, therefore, the respondents cannot be permitted to improvise upon the ground of disqualification of the petitioner and, therefore, the petitioner may be permitted to appear in the interview if the petitioner satisfies all the other conditions.

8. In view of the above submissions made by learned advocates appearing for the respective parties, the Court is of the view that interest of justice would be served if the respondents are directed to consider at this stage only the ground for which the petitioner's candidature is rejected or the petitioner is held to be disqualified for the post in question. As per the reason stated for rejecting the candidature of the petitioner by way of communication, which is produced at page 100 of the petition which is in the form of a chart, is that "Minimum API score in Cat-II is not fulfilled." Therefore, prima facie, it seems that the respondent No.1 - University has held the petitioner not qualified for the post in question only on the above ground and no other grounds are stated in the communication that was made available to the petitioner or which is available on public platform.

9. In view of that, if the case of the petitioner is considered in view of the decisions relied upon by learned advocates for the respective parties and considering the fact that the decisions relied upon by learned Senior Advocate Mr. Mitul Shelat as well as learned advocate Mr. Mithani are, though on similar point, but the same are not on the point on which the petitioner's candidature is rejected.

10. Now considering the fact that at this juncture, since the petitioner is ready and willing to file an undertaking to the effect that if the petitioner is allowed to participate in the selection process for the post in question i.e. by allowing him to appearing the oral interview if he is meeting with all other requirements and subject to outcome of this petition, interest of justice would be served.

11. In view of the above, **issue notice to the respondents returnable on 21.9.2026**. Learned advocate Mr. Amar D. Mithani waives service of notice on behalf of respondent No.1 – University.

The respondents are directed to ignore the ground of not fulfilling the minimum API score by the petitioner and allow the petitioner to appear in the oral interview for the post in question if the petitioner is fulfilling all other criteria, except the one which is communicated to the petitioner and stated in the petition or mentioned in the affidavit-in-reply, subject to final outcome of this petition.

The petitioner is also directed to file an undertaking before this Court as well as before the respondent No.1 University

that mere participation in the oral interview shall not confer any right or create any equity in favour of the petitioner, within a period of one week from today before this Court as well as before respondent No.1 - University.

At this juncture, the ground raised by the respondent University in the reply of not having adequate experience of the petitioner is concerned, the same shall not come in the way of the petitioner as the same has not been communicated to the petitioner. However, it will be open for the respondent No.1 University to consider any other ground, for rejecting the petitioner's candidature, if it is legally available to the University and the petitioner is not meeting with any other requisite criteria prescribed in the advertisement in question. It is also directed to the respondent No.1 University to keep the result of the petitioner in a sealed cover and present before this Court as per the further order that may be passed by this Court.

Affidavit-in-reply filed on behalf of the respondent No.1 - University is taken on record.

(NIRZAR S. DESAI,J)

SAVARIYA