

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

**Case No.:-WP(C) No. 2804/2023
CMNos. 6627/2023 & 5775/2024**

*Date of Pronouncement:-12.12.2025
Uploaded on:- 17.12.2025*

**Irfan Yousuf, Age 31 years,
S/o Mohammad Yousuf Kumar,
R/o Buchwara, Dal Gage, Srinagar (Kashmir)**

.... Petitioner(s)

Through:- Mr. H A Siddiqui, Advocate.
Mr. Shamas Ud Din Shaaz, Advocate.
V/s

**1. Indian Institute of Technology
Th. its Director, IIT, Jagti NH-44,
Nagrota Campus Jammu.**

.....Respondent(s)

**2. Registrar, Indian Institute of Technology,
Jagti NH-44, Nagrota Campus Jammu.**

**3. Assistant Registrar, Indian Institute of
Technology, Jagti NH-44, Nagrota
Campus Jammu.**

**4. G.A. Digital World Pvt. Ltd., Sector 16,
Second Floor Aditya Mall, Indira Puram
near ICICI Bank Ghaziabad.**

.....Proforma Respondent(s)

**5. Laxmi Chand and Sons Pvt. Ltd. 65/57,
1st Floor, New Rohtak Road, Karol Bagh,
New Delhi.**

Through:- Mr. Pawan Kumar Hans, Advocate.
Ms. Pooja, Assistant Registrar,
Establishment, IIT Jammu is present in
person.

CORAM: HON'BLE MR. JUSTICE JAVED IQBAL WANI, JUDGE

ORDER(ORAL)

**1. The petitioner in the instant petition filed under Article 226 of the
Constitution of India has prayed for the following reliefs:-**

**(i) CERTIOARI, seeking to quash the decision of the
respondents as conveyed to the petitioner through their
e-mail dated 25.10.2023 read with e-mail dated**

30.10.2023 for cancellation of the candidature of the petitioner on the post of Laboratory Officer (Material Science Engineering) for IIT, Jammu advertised by the respondents vide Advertisement Notification No. 01 of 2023 dated 28.04.2023.

- (ii) Mandamus so as to direct and command respondents 1 to 3 to select and appoint the petitioner on the post of Laboratory Officer (Material Science Engineering) in view of non-joining of the selected candidate as per the Statutory Policy of Recruitment governing the selection and appointment in all the IITs of the country including IIT, Jammu, on the basis of the valid experience and qualification of the petitioner keeping into consideration his placement at Serial No. 1 in the waiting list and the post having fallen vacant by non-joining of the selected candidate.***
- (iii) Any other appropriate writ, order or direction which though not prayed for yet is deemed just and expedient, may be issued in favour of the petitioner and against the respondents.”***

2. The facts emerging from the record, as are stated in the petition are that the petitioner claims to have obtained a degree of Bachelor of Technology in Metallurgy Material Engineering from NIT Srinagar in the year 2017 and applied for appointment to the post of Technical Assistant in NIT Srinagar in the year 2019, whereupon he came to be engaged as Technical Assistant in Central Workshop on monthly honorarium of ₹25,000/- (Rupees Twenty Five Thousand) with two days' break and that the said engagement of the petitioner came to be extended till September, 2020, whereafter the NIT Srinagar outsourced such engaged contract based employees to an Agency, namely, M/S G A Digital Web Word Private Ltd., being respondent 4 herein and that though the petitioner worked in NIT Srinagar till July, 2023, yet his services came to be put on the disposal of the said respondents 4 & 5 being outsourced agencies w.e.f. August, 2023.

It is further stated that the respondent-Indian Institute of Technology, Jammu (*for short, "IIT"*), respondent 1 herein issued an Advertisement Notice on 28.04.2023, inviting applications therein for filling up the various posts of Laboratory Officer (Material Science Engineering) including a post under OBC Category in the pay scale of ₹35,400-1,12,400, in response to which, the petitioner being possessed of the eligibility applied along the necessary requisite documents including the experience certificate issued by NIT Srinagar dated 20.03.2023, as also an experience certificate issued by respondent 3 dated 06.07.2023.

It is next stated that the application form of the petitioner after being scrutinized by the respondent 1 herein vide Notification dated 03.07.2023 was notified to be deficient for not having the salary certificate for the period of November, 2020, whereupon the petitioner furnished the same through e-mail dated 07.07.2023 and uploaded on the website of the respondent 1 herein, which was duly accepted.

It is further stated that in terms of Notification dated 23.08.2023 issued by the respondent 1 herein, petitioner was declared as eligible in a list issued by the respondents and was placed at Serial No. 3 therein the said list, whereafter declaring the petitioner eligible, the respondent subjected him to a written test, which he successfully qualified, whereafter he was subjected to a technical viva-voce test, wherein the petitioner fared well.

It is next stated that the respondent, after completing the process of selection issued a selection list on 04.12.2023, wherein the petitioner was shown to be figuring at Serial No. 1 in the waiting list in the OBC category, however, before that on 16.10.2023, the petitioner was called upon by the respondent through e-mail to furnish experience certificates annexed with his application form, which the petitioner furnished on 18.10.2023 through e-mail and on 16.10.2023 itself, petitioner was informed by the respondent 1 that his candidature is provisionally under waiting list for the post in question, as the respondent 1 had verified the experience certificates issued by the NIT Srinagar in favour of the petitioner, having been certified by NIT Srinagar in terms of letter dated 16.10.2023.

It is next stated that the respondent 1 addressed a Communication to the petitioner on 25.10.2023, providing therein that the documents/experience certificates submitted by the petitioner have not been verified by his employer-respondent 5 herein.

It is further averred that although the experience certificates of the petitioner have had been duly got verified by the respondent 1 through NIT Srinagar, yet the respondent 1 had sent the same for further verification to respondent 5 herein, however, at its Delhi address without seeking its verification from its office in NIT Srinagar and that on account of a Communication gap, *inter-se*, the office of respondent 5 at NIT Srinagar and its Delhi office, the experience certificates of the petitioner could not be got duly verified

by the respondent, although there was no requirement of re-verification of the same, as the respondent 5 have had been an Agency, wherein the services of the petitioner had been outsourced by the NIT Srinagar and the NIT Srinagar have had earlier verified the experience certificates of the petitioner, rendering him eligible and possessed of the requisite experience of three years for the post in question, although in fact, the petitioner have had more than three years of experience, firstly, for having worked in NIT Srinagar w.e.f. April, 2019 upto August, 2020 through respondent 4 herein, from August, 2020 till July, 2023 through respondent 5 herein and from August, 2023 till the date of filing of the application form.

It is next stated by the petitioner that since the application form of the petitioner along with the requisite experience certificates attached therewith were screened and verified by respondent 1 herein, whereupon consequently the petitioner came to be subjected to the process of selection being a written and viva-voce test, which the petitioner duly qualified and was placed in the waiting list at Serial No. 1 of the selection list issued by the respondent, the respondent 1 could not have got the said certificates re-verified.

It is lastly pleaded by the petitioner that the respondents, however, without any lawful justification, cancelled the candidature of the petitioner in terms of e-mail dated 25.10.2023, that too at the back of the petitioner and without affording him an opportunity of hearing.

3. The petitioner herein has challenged the cancellation of his candidature by the respondent 1 contained in e-mail dated 25.10.2023 and has assailed the same on multiple grounds urged in the petition.
4. **Objections** to the petition have been filed by the respondents 1 to 3, wherein it is stated that the candidature of the petitioner was cancelled for the post in question on the basis of incorrect information furnished by him in the application form, while invoking the General Instructions contained in Clause (b) in the Advertisement Notice, while admitting that the petitioner applied for the post of Laboratory Officer and furnished the documents including experience certificates attached therewith, which revealed that the period of employment of the petitioner with NIT Srinagar commenced from April, 2019 to November, 2020 and from November, 2020 onwards with Outsourcing Agencies, endorsed by the Deputy Registrar, NIT Srinagar in the experience certificate issued in favour of the petitioner on 16.10.2023.

It is further stated that the Advertisement Notice, in response to which, the petitioner applied, provided for making of a declaration by a candidate to the effect that the information provided therein the application form are true and correct and that no information has been concealed and that if it is found later that any information given in the application is incorrect/false or that the candidate does not satisfy the eligibility criteria, the candidature/appointment of the

candidate is liable to be cancelled/terminated and since the petitioner have had furnished false information regarding his experience, as such, his candidature came to be cancelled, also on account of the “General Instructions” contained in the Advertisement Notice at Clause 2(k).

Heard learned counsel for the parties and perused the record.

5. Having regard to the respective pleadings of the parties, as also the respective submissions of the appearing counsel for the parties, the moot question for determination of this Court in the instant petition would be as to whether the respondent 1 has validly and lawfully cancelled the candidature of the petitioner for the post in question.
6. Before proceeding to advert to the said question, it would be appropriate to refer to the following instructions contained in Clauses 1 (b) and 2 (k) of the “General Instructions” of the Advertisement Notice, which read as under:-

“1(a)

(b) *Candidates should read carefully the requisite minimum qualification, age and eligibility, experience criteria etc. laid down in the advertisement before applying for the relevant post. Since all the applications will be screened on the basis of date submitted by the candidate in the Online application form, the candidates must satisfy their suitability for the position to which they are applying. If any stage during the screening, recruitment and selection process and even after appointment. It is found that candidates have furnished false or incorrect information, their candidature will be rejected/cancelled/terminated immediately. The institute takes no responsibility for incomplete/incorrect information. No correspondence in this regard shall be entertained at a later date.”*

“Clause 2(k)

The Institute shall verify the antecedents or documents submitted by a candidate at any time, at the time of appointment or during the tenure of the services. In case, it is

detected that the documents submitted by the candidates are fake or the candidate has doubtful/unacceptable antecedents/background and has suppressed the said information, then his/her services shall be terminated forthwith and in addition, legal action may be initiated against such candidates/employee as per law.”

7. A reference to the essential qualification required for the post in question being also relevant herein is reproduced hereunder:-

(i) Masters Degree in Engg./Science/Computer Science or equivalent qualification in appropriate field with a minimum of 60% marks in the qualifying degree from a recognized University/Institute with one year or relevant experience.

Or

Bachelor Degree (four years) in Engineering or equivalent qualification in appropriate field with a minimum of 60% marks in the qualifying degree from a recognized University/Institute with three year relevant experience.

Or

Bachelor's Degree in Science or equivalent in appropriate field with a minimum of 60% marks in the qualifying degree from a recognized University/Institute with four years relevant experience.

Or

Three years' Diploma or equivalent in appropriate field (after 10+2) with a minimum of 60% marks in the qualifying degree from a recognized University/Institute with four years relevant experience.

(ii) Proficiency in the use of a variety of computer office applications, MS Word, Excel, Power point or equivalent is a must.”

8. Perusal of the record produced by the learned counsel for the respondents in compliance to an earlier direction passed as also the record appended by the respondents with the reply, indisputably suggest that the petitioner submitted his application form for the post in question on 10.05.2023 and after scrutinizing the said application form of the petitioner bearing No. LO/1100011599, the petitioner came to be subjected to the process of selection by the respondents, which consisted of a written examination as also a viva test and

consequently, the respondent declared on its official website the result of the said selection by notifying a final provisional list of shortlisted and non-shortlisted candidates on 23.08.2023, wherein the petitioner figured at Serial No. 3 amongst five eligible candidates.

9. Record would also reveal that earlier to the determination of the eligibility of the petitioner notified vide final provisional list dated 23.08.2023, the respondents have had issued a provisional list of shortlisted candidates on 03.07.2023, wherein the petitioner was shown at Serial No. 3 to be in the provisional list of non-eligible twenty three (23) candidates for the reason that the salary certificate of the petitioner was not attached for the period November onwards, requiring the said candidates to submit their certificates through e-mail by 12.07.2023, thus, manifestly suggesting the eligibility of the petitioner but non-furnishing of salary certificate had been verified and determined by the respondents, thereafter upon issuance of the final provisional list of shortlisted candidates notified on 23.08.2023, wherein the petitioner, as has been noticed hereinabove, is shown to be figuring at Serial No. 3 and thereafter the petitioner was shown in the waiting list at Serial No. 1 of the final selection list issued on 29.09.2023 in OBC category and had been thereafter informed through e-mail dated 16.10.2023 that his candidature is provisionally under waiting list for the post in question, requiring him to submit the documents, the experience certificate for the period mentioned in the application form latest by 20.10.2023 for

verification in terms of Clause 2 (k) of the Advertisement Notice, whereupon the petitioner had submitted the requisite documents/experience certificates and the respondent thereafter addressed the e-mail to the petitioner on 25.10.2023, informing him that the documents furnished by him are not verified by the employer, namely, M/S Laxmi Chand and Sons, being respondent 5 herein as per the application form submitted, thus, cancelling the candidature of the petitioner, in response to which, the petitioner have had submitted an e-mail, informing the respondents that his candidature has been wrongly cancelled while submitting an e-mail on 25.10.2023, indicating therein that on account of mis-interpretation/misunderstanding, his experience certificates have not been rightly verified.

10. Perusal of the said e-mail available on the record file of the respondents reveals that the petitioner had specifically detailed out his experience, submitted along with his application form in the shape of certificates therein the said e-mail as follows:-

- (a) On a contract basis having worked as Technical Assistant at NIT Srinagar from April, 2019 to August, 2020;
- (b) With Outsourced Agency, namely, M/S GA Digital Pvt. Ltd. in NIT Srinagar, being respondent 4 herein in NIT Srinagar w.e.f September, 2020 to July, 2023;
- (c) With Outsourced Agency, namely, M/S Laxmi Chand and Sons in NIT Srinagar-respondent 5 herein w.e.f August, 2023 till date.

Having regard to the aforesaid experience certificates furnished by the petitioner available on the file as well as the requisite experience sought in the Advertisement notice, the petitioner admittedly has to

his credit the requisite experience of three years on the date of the filing of application form and more than three years uptill July 2023, i.e., till his working with M/S G A Digital Pvt. Ltd. and the respondent 1 could not have, therefore cancelled the candidature of the petitioner on the basis of so called non-verification of experience certificate by respondent 5 herein, though the same stands subsequently verified by the said respondent 5 herein.

11. In view of the aforesaid position obtaining in the matter, the only inescapable conclusion that could be drawn by this Court is that the respondents have wrongly and without any lawful justification cancelled the candidature of the petitioner and in the process, delayed and denied appointment to the petitioner in breach and violation of his rights available to him in law and the Constitution, therefore, entitling the petitioner to not only the principal reliefs sought in the petition, but also to exemplary costs to be payable to him by the respondent 1.
12. Viewed thus, for what has been observed, considered and analyzed hereinabove, the instant petition succeeds, as a consequence whereof, the impugned e-mails/Communication dated 25.10.2023 is quashed and by issuance of a writ of mandamus, respondents are commanded to offer the appointment of the post of Laboratory Officer (Material Science Engineering) to the petitioner and treat him to have been appointed retrospectively from the date he was due to be appointed and entitled to all consequential benefits thereto except the monetary

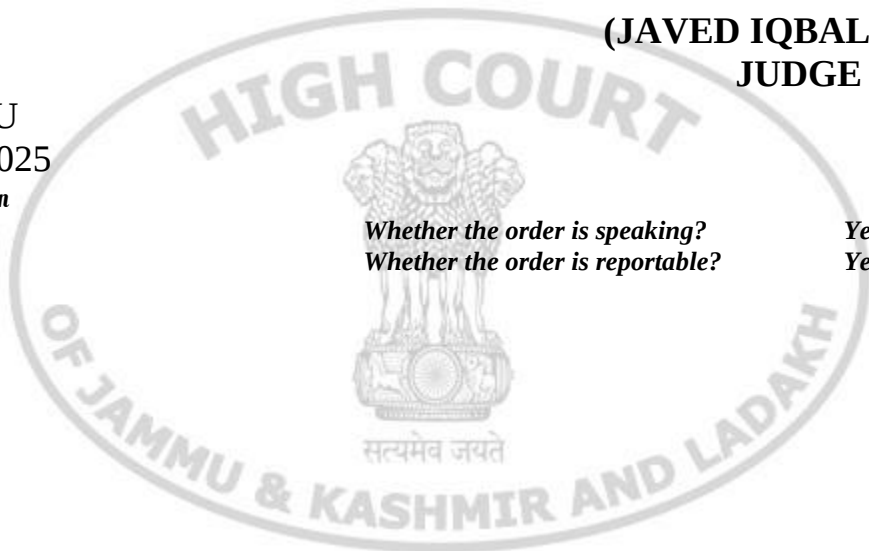
benefits. The respondents shall also pay an amount of ₹1,00,000/- (Rupees One Lac) as exemplary costs to the petitioner within four weeks' time.

13. ***Disposed of*** along with connected applications.

14. A copy of the record produced by the learned counsel for the respondents is directed to be retained on the record file of the instant petition by the Registry of this Court, whereafter original record be returned back to the learned counsel for the respondents against proper receipt.

(JAVED IQBAL WANI)
JUDGE

JAMMU
12.12.2025
Ram Krishan



Whether the order is speaking?	Yes
Whether the order is reportable?	Yes