



NON-REPORTABLE

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

CIVIL APPEAL NO. OF 2025
(@ SLP (CIVIL) NO. 22269 OF 2023)

SAKSHI CHAUHAN

... APPELLANT

VERSUS

**DR. YASHWANT SINGH PARMAR
UNIVERSITY OF HORTICULTURE
& FORESTRY, NAUNI & ANR.**

... RESPONDENTS

J U D G M E N T

AUGUSTINE GEORGE MASI, J.

1. Leave granted.
2. Appellant herein has, in pursuance of the Prospectus issued in May 2020 by Dr. Yashwant Singh Parmar University of Horticulture & Forestry, Nauni, Solan, HP ("Respondent No.1" herein), sought admission in M.Sc/MBA (Agri Business Programme) for the Academic Session 2020-21.
3. Appellant applied in pursuance of the said Prospectus, having passed the Bachelor of Science (Hons.) in

Agriculture in the year 2020 from a private university, i.e., Eternal University, Baru Sahib, Sirmour, HP (“Respondent No.2” herein), which was affiliated/recognized by the University Grants Commission (“UGC” herein).

4. As per the Prospectus, entrance test was proposed to be held in the month of June 2020 but because of COVID-19 pandemic, the admission test for postgraduate programmes for the said academic session was cancelled, and a merit list of candidates was directed to be prepared by taking into account their Overall Grade Point Average (OGPA)/marks obtained in the qualifying degree, along with other weightages as prescribed originally in the Prospectus of May 2020. The minimum qualifying/eligibility prescribed in the Prospectus remained unchanged.
5. Appellant applied for admission in May 2020, and the said application was kept under processing and for consideration. What has been asserted is that the said application was never rejected and was accepted as being one fulfilling all the requirements for admission.
6. On 03.12.2020, Respondent No.1 put up a notice pointing out therein that the candidates who had passed

their B.Sc. degree from non-State Agricultural Universities/Central Agriculture Universities/ Central Universities (“SAUs/CAUs/CUs” herein) with Agriculture faculty, in accordance with the prescribed minimum qualification, were not eligible for allotment of seat in the M.Sc. programme.

7. On 11.12.2020, Respondent No.1 University had issued an addendum carrying out amendments in Chapter 3 of the Prospectus stating therein that candidates who had passed out from agricultural private universities/colleges not accredited by Indian Council of Agricultural Research (“ICAR” herein), even though affiliated to public funded/government institutions, are not eligible for admission.
8. On 15.12.2020, another addendum was issued stating that candidates having a B.Sc. 4-year degree in Horticulture/Forestry/Agricultural/Food Technology from agricultural private universities/colleges not accredited by ICAR, even though affiliated to public funded/government institutions, are not eligible for admission.
9. In pursuance thereto, two lists were prepared. One of candidates who, according to these criteria, were

eligible, and others who were ineligible. Since the Appellant had passed her B.Sc. Agriculture from a non-SAUs/CAUs/CUs facility, although recognized by the UGC, was declared non-entitled for allotment of seats in the M.Sc. programme. The candidature of the Appellant was, therefore, rejected.

10. The Appellant, under these circumstances, especially with reference to the ever-changing eligibility criteria for admission approached the High Court of Himachal Pradesh by filing a writ petition CWP No. 369/2021 along with another candidate. Wherein the challenge was to the change in criteria and the rejection of their candidature, with a prayer for direction to the Respondent No. 1 University to grant admission to the Appellant and her co-petitioner to M.Sc. (Agriculture) programme, strictly as per the merit of the candidates, against normal or self-financing seats, as they had applied for both the said seats.

11. While taking up the matter on 27.01.2021, an interim order was passed by the learned Single Judge directing Respondent No.1 to permit the Appellant and her co-petitioner to participate in the counselling. It was further mentioned that participation was not based on any expression of merits and would not bestow any right on

the Petitioners therein which would be subject to the outcome of the writ petition.

12. The Appellant was granted admission in M.Sc. Environmental Management against a self-finance seat, in which the Appellant took admission and continued with the said course. Writ petition was finally decided by the learned Single Judge *vide* order dated 06.03.2021, dismissing the same and holding that the Appellant was ineligible for admission to Respondent No.1 University, having passed her B.Sc. (Agriculture) from Respondent No. 2 (private university). Merit and other aspects with regard to the candidature of the Appellant were not adversely commented upon.
13. An intra-court appeal LPA No. 15/2021 was preferred only by the Appellant which came to be considered on 15.03.2021, when the Division Bench proceeded to stay the judgment of the learned Single Judge. On 19.04.2021, the Court proceeded to direct the Respondent No. 1 University to permit the Appellant to continue her studies provisionally to the course of M.Sc. Environmental Management and to attend classes.
14. The Appellant, in pursuance of the said provisional admission, proceeded to complete her course and was

awarded the degree on 04.05.2023. The appeal before the Division Bench came to be decided on 19.07.2023 *vide* which the said appeal was dismissed, upholding the judgment passed by the learned Single Judge. Leading to the challenge to the said judgment by way of the present appeal.

15. The learned Counsel for the Appellant referring to the above factual aspects and the manner in which the eligibility criteria at initial stage followed by clarifications/changes/addendums submitted that it led to a lot of confusion and uncertainty in the process of admission. Had the Prospectus been clear, the application of the Appellant as submitted in May 2020, should have been, at the very outset, rejected.
16. This exercise, if carried out in time, would have enabled the Appellant to seek admission in other institutions. Firstly, the Appellant was banking upon the competitive examination for admission to be held in the month of June 2020, and thereafter, on a decision being taken for admission to be based on the merit obtained in the graduation degree, the said process was also delayed extraordinarily by the issuance of the various addendums etc. as mentioned above. He, on this basis, contends that once the admission had been granted and

the Appellant had completed her course and that too successfully, leading to the issuance of postgraduate degree, the cancellation thereof, *vide* notification dated 05.08.2023, and withdrawal of the same by Respondent No. 1, University, is unsustainable.

17. Referring to the eligibility criterion, Counsel states that it was not apparent that a candidate from a private university would not be eligible for admission to the postgraduate course. According to the minimum qualification/eligibility clause as contained in the Prospectus, a candidate who had passed B.Sc. from a UGC-recognized university was eligible for admission, which the Appellant possessed. It is not disputed that Respondent No. 2 University, from where the Appellant had passed her B.Sc. Agriculture was recognized by the UGC. He, therefore, prays for the present appeal to be allowed.
18. An additional prayer has been made for exercise of powers under Article 142 of the Constitution of India to do complete justice in the present case, where the Appellant would suffer irreparable loss in case the degree, as has been withdrawn, is not restored to her.

19. On the other hand, Counsel for Respondent No. 1 University has supported the judgments as have been passed by the High Court and has asserted that the eligibility of the Appellant, if seen as per the original Prospectus criteria, would render her ineligible, and therefore the subsequent changes, if any, in the eligibility criteria did not affect the candidature of the Appellant. He, therefore, contends that a candidate who was ineligible and had been granted admission on provisional basis, conferring no right upon her, cannot be permitted to assert on completion of the course, as a matter of right for bestowing upon her a degree for which she was ineligible at the very outset.
20. He, however, does not dispute the fact that the Appellant had indeed fulfilled the requirements of attendance and other requirements, including the participation in the examinations with very good marks and having cleared the same, except for the initial ineligibility for admission in the course.
21. We have considered the submissions made by the Counsel for the parties and, on going through the impugned judgments especially with reference to the eligibility criteria as has been laid down in Clause 3.1 of the Prospectus of May 2020, the candidature of the

Appellant could be said to be not clearly falling in the category of eligible candidates.

22. There appears to be some confusion even at the end of Respondent No. 1 University requiring clarity at different stages, which is apparent from the Notice dated 03.12.2020, amendments through addendum in Chapter 3 of the Prospectus on 11.12.2020, and the addendum dated 15.12.2020, wherein at each stage, some additions were made with regard to a candidate being eligible or not for consideration for admission. Under these circumstances, the benefit should go to the Appellant, especially when she had completed her course with good marks by investing two years of hard work.
23. It is not in dispute that except for the initial ineligibility i.e., having passed her B.Sc. Agriculture from the private university which is also admittedly recognized by the UGC, the Appellant fulfilled the other eligibility criteria. It is not the case of Respondent No. 1 University that she did not possess a graduation degree. What has been pointed out is limited to the extent that it was from a private university.

24. It is also not in dispute that she had passed the relevant papers after fulfilling the course curriculum, including the minimum required attendance, etc.
25. By depriving her of her degree at this stage would not be appropriate and may end up in injustice to a student who had invested two important and valuable years of her career leading to an irreparable loss.
26. In our view, this would be a fit case where jurisdiction as conferred under Article 142 of the Constitution of India needs to be exercised for regularizing her admission to the M.Sc. Environmental Management course and thereafter upholding the conferring of the postgraduate degree on 04.05.2023. The consequence thereof would be that the withdrawal of the said postgraduate degree, *vide* notification dated 05.08.2023, would be rendered otiose.
27. As a result, the impugned judgments passed by the High Court by the Learned Single Bench as well as the Division Bench of the High Court of Himachal Pradesh would not subsist and are set aside. The Appellant shall be conferred with degree as completed by her in accordance with due process by Respondent No.1 University.

28. The present appeal is allowed in above terms.
29. There shall be no order as to costs.
30. Pending application(s), if any, shall stand disposed of.

.....CJI.
[B. R. GAVAI]

.....J.
[AUGUSTINE GEORGE MASIH]

**NEW DELHI;
JULY 22, 2025.**