

(1991) 04 AHC CK 0094

In the Allahabad High Court

Case No : Civil Miscellaneous Writ Petition No. 908 of 1991

Dr. Faizullah Peer and others

APPELLANT

Vs

Union of India and others

RESPONDENT

Date of Decision : 22-04-1991

Acts Referred:

Constitution of India, 1950 — Article 12, 14, 16

Citation : AIR 1991 All 309 : (1990) 1 AWC 747 : (1991) 1 UPLBEC 595

Hon'ble Judges : R.R. Trivedi, J

Bench : Single Bench

Advocate : Mr. B.D. Madhyan, for the Appellant; Mr. J.N. Tiwari, S.C., for the Respondent

Final Decision : Allowed

Judgement

1. In this petition counter and rejoinder affidavits have been exchanged between the parties. Shri B. D. Mandhyan, learned counsel appearing for the petitioners and Shri J. N. Tiwari, learned counsel appearing for the respondents, have agreed that this petition may be heard and finally disposed of at this stage.

2. The petitioners have filed this petition challenging the list of selected candidates for admission to doctoral degree programme in Indian veterinary Research Institute Izat-nagar, Bareilly (hereinafter referred to as I.V.R.I.) for the year 1990-91.

3. Necessary facts giving rise to this dispute are that in the months of May-June, 1990, respondent No. 3 published an advertisement inviting applications for admission to Master and Doctoral Degree Programme for which a competitive written examination was to be held on 28-7-1990. The advertisement has been filed as Annexure I to this petition. In this advertisement, total 18 disciplines have been mentioned for doctoral degree programme (Ph. D.). The eligibility for the aforesaid test mentioned in the aforesaid advertisement was at least 60% marks in aggregate in Master's Degree examination in the relevant subject for

Scheduled Caste and Scheduled Tribes candidates the percentage mentioned is 55%. As all the three petitioners applied for admission to Doctoral degree programme, the items relating to Master's degree programme in the advertisement are not relevant. In this advertisement the procedure for making application has also been mentioned and under a heading "Note" guide lines have been provided. Some of the guidelines which are relevant for the present writ petition are being reproduced below:--

(iii) A candidate may indicate two disciplines of his choice in order of preference in the column provided in the application according to the eligibility qualifications;

(iv) 15% and 7.5% seats are reserved for SC and ST candidates respectively.

(vi) Final selection will be based on academic career and performance in the Competitive Examination.

(viii) No. of Seats 10-15 seats are available in Biotechnology and 3-5 seats in rest of the disciplines.

(ix) Financial assistance in the form of IVRI Fellowship (Junior/Senior) shall be offered to the selected students on certain terms and conditions.

4. There is no dispute that the three petitioners submitted their application forms in time, complete in all respects, and they possessed requisite qualifications and were fully eligible as candidates for doctoral degree programme. They appeared in the written test and all the three petitioners qualified and were called for interview. They appeared before the Board and faced the interview. However, they were not shown as selected candidates in the list of the selected candidates published on 29-12-1990 nor in the subsequent list.

5. Petitioners have challenged the select list on various grounds. Shri B. D. Mandhyan, learned counsel for the petitioners has submitted that the name of petitioner No. 1 stood at serial No. 1 in the merit list prepared but he has been refused admission in the Institute in an arbitrary and mala fide manner on the ground that the application form was not submitted through Proper Channel and the petitioner No. 1 could not file the "No Objection Certificate" from his department. According to Shri Mandhyan there was no such requirement either in the advertisement or in the Information Bulletin given to the petitioners along with the application form. Petitioner No. 1 had applied for admission in subject Veterinary Medicine. . As second choice he mentioned veterinary parasitology.

6. Petitioner No. 2 applied for admission in Dairy Extension discipline. He was also fully eligible. He qualified in the written test. He is a Scheduled Caste candidate. However, his name did not figure in the select list prepared. Shri Mandhyan has challenged the action of the respondents in not including petitioners No. 2 in the select list on the ground that there was no mention in the advertisement that there will be interview and the respondents subsequently introduced the formality of interview so that the candidates of their choice may be selected. Shri Mandhyan has also challenged that allocation of 30% marks for

the interview was wholly illegal and arbitrary and it vitiated the entire selection proceedings. The learned counsel submitted that petitioner No. 2 had a good academic record. He possessed Master's degree and secured more than 60% marks. In written test also he secured very good marks. However, in the interview petitioner No. 2 was given five marks and thus he was arbitrarily rejected on the basis of the performance in the alleged interview.

7. So far as petitioner No. 3 is concerned, there is no dispute that he stood second in the merit list and he too did very well in the written examination as well as in the interview. In respect of petitioner No. 3 Shri Mandhyan has challenged the action of the respondents on the ground that according to the advertisement minimum 3-5 seats were available for admission in each discipline. Petitioner No. 3 who opted Animal Breeding as his discipline ought to have been admitted as the minimum seats were three and he stood second in the merit list. Shri Mandhyan has challenged the action of the respondents as mala fide and arbitrary in not selecting the petitioners, as they wanted to admit candidates on pick and choose basis according to their whims and likings.

8. Counter affidavit and supplementary counter affidavit have been filed by the respondents Nos. 3 to 5 denying the allegations of the petitioners. Shri J. N. Tiwari, learned counsel appearing for the respondents has submitted that the fact that there will be interview after written examination was made known to the petitioners by a Corrigendum issued along with the application form which has been filed as Annexure II to the writ petition and the petitioners had full knowledge that there will be interview test. It has been further stated that the Academic Council has approved the procedure of the Entrance Examination by written test and interview and there is no illegality. He has justified the allocation of 30% marks for academic record, 40% for written test and 30% for interview. Shri Tiwari has submitted that personality test by interview is necessary considering the special requirements as candidates in the doctoral degree programme since they are required to hold Seminars and they are also required to give lectures. As Research Scholars they have to meet Foreign Scientists. Considering these special requirements, the allocation of 30% marks for viva voce cannot be said to be arbitrary in any manner. Shri Tiwari further submitted that petitioner No. 1 could not be admitted as he failed to produce the "No Objection Certificate" from the department where he was employed. Petitioner No. 1 worked in this Institute for two years and his conduct was not good. Shri Tiwari has further relied on Item No. 5 of the Information Bulletin which reserves the right with the Director of the Institute to refuse admission to any candidate even though he may fulfill the academic requirements and is qualified for admission according to the criterion laid down in the Regulations. Shri Tiwari has further submitted that number of seats mentioned in the advertisement as 3-5 are not final and the availability of seats can vary which shall depend on various factors such as the number of suitable scientists to act as guides, the laboratory facilities for doing research work and the financial position of the Institute. According to the learned counsel for the respondents it was for the respondents

to decide as to how many candidates could be admitted in each discipline and it could be varied according to the circumstances prevailing in respect of each discipline. Shri Tiwari relied on Item No. 3.1 (iii) which provides that the information indicated in the bulletin is only for general guidance and could be modified/changed from time to time by the Institute. The information bulletin shall not be treated as a legal document.

9. In respect of petitioner No. 2 Shri Tiwari submitted that as he failed to secure the minimum marks for admission and he could obtain only five marks in the interview, he has been rightly refused admission and other Scheduled Caste candidates have been admitted.

10. In respect of petitioner No. 3, Shri Tiwari submitted that only one seat was available and the candidate who secured first position in order of merit has been admitted and the petitioner has rightly been denied admission. Shri Tiwari has strongly refuted the allegations of mala fide and arbitrariness alleged by the petitioners.

11. I have thoroughly considered the rival contentions advanced by the learned counsel and in my opinion, the question for determination is as to whether petitioners have illegally been deprived of opportunity to pursue research studies in arbitrary manner and the procedure for selection suffers from vice of arbitrariness. However, before considering the controversy involved in this writ petition, it will not be out of place to mention about the status of the Institute I.V.R.I. There is no dispute that the Institute I.V.R.I. is an Institute which is controlled and financed by the Indian Council of Agricultural Research. The Institute is financed wholly by the Union of India. In the case *P.K. Ramachandra Iyer and Others Vs. Union of India (UOI) and Others*, it has been held by Hon'ble Supreme Court that I.C.A.R. is governed by expression 'other authorities' in Article 12 being an instrumentality of Central Government, therefore, amenable to writ jurisdiction. In this case it was conceded by the Solicitor General appearing for the Union of India that it is not possible to contend that I.C.A.R. and its affiliates I.V.R.I. & I.A.R.I. could not be "other authorities" being instrumentalities of State against which writ jurisdiction could be invoked. As the respondent No. 3 is an authority within the meaning of Article 12 of the Constitution, its actions are subject to scrutiny by this Court and they must stand the test of reasonableness and fairness.

12. Considering the case of petitioner No. 1, there is no dispute that he stood first in order of merit and could not be refused admission. A perusal of the various documents filed by the petitioners and respondents reveals a very sad story and I feel satisfied that petitioner No. 1 has been refused admission in arbitrary and mala fide manner. Petitioner No. 1 was appointed on deputation for two years vide orders dated 22-7-1988 against the post of Technical Officer (parahemopro-tasta), and he joined on 29-8-1988. Under this appointment the petitioner was expected to continue upto 29-8-1990. The advertisement inviting applications for admission was published in May-June, 1990. The last date for

receipt of the application forms duly filled in, as mentioned in the advertisement, was 30-6-1990 without late fee and 5-7-1990 was the last date for receipt of application forms duly filled in with late fee. Thus during the relevant time the petitioner was under employment of I.V.R.I. itself and the petitioner No. 1 was not required to submit any "No Objection Certificate" or submit his application form through proper channel as alleged by the respondents. In the advertisement filed as Annexure I and in the information Bulletin also there is no requirement that the application form should be sent through proper channel or there should be any "No Objection Certificate" from the employer department. Only in the application form there is a column at page 5 which requires the candidate to state in the form of declaration in the following manner:--

(a) I am an employee of the and am, therefore, submitting my application through proper channel as required under the rules.

or

(b) I am an employee of the..... but am submitting my application directly. In the event of my selection, I shall make myself available to undertake the study.

or

(c) I am not employed and am, therefore, submitting this application directly.

13. A perusal of the aforesaid columns makes it clear that the idea behind seeking such a declaration from the candidate is that he shall make himself available, to undertake the study in the event of his selection. Columns (a), (b) and (c) have been mentioned as alternative to each other. No rule has been placed before me by the learned counsel for the respondents which required the petitioner No. 1 to submit his application through proper channel. In the absence of such a rule the petitioner No. 1 could submit his application with a declaration that he shall make himself available in the event of being selected for admission. In my opinion, as the petitioner was already in service with the respondent No. 3, no such formalities were required in respect of him. The fact that his application form was entertained and he was called for the written test and interview suggest that there was no infirmity in the application form of the petitioner and even though he stood first in the order of merit, he has been refused admission in arbitrary manner.

14. The aforesaid view taken by me is further corroborated from the other facts on record. Admittedly, in the advertisement as well as in the information bulletin the seats mentioned for each discipline were 3-5. After the interview was over, it appears that a list of the candidates was submitted before the Director along with document which has been filed as Annexure V to the supplementary counter affidavit. The list is of the date 29-12-1990. The Director, respondent No. 4, was thus fully aware that petitioner No. 1 who has secured first position cannot be stopped from being admitted, hence he approved 25 seats for admission in various disciplines. However, in Animal Breeding, at serial No. 1, Veterinary

Medicine, serial No. 13, and Veterinary Surgery, serial No. 18, no seats were allocated. This proposed allocation was approved by the Director the same day. The net result was that petitioner No. 1 and petitioner No. 3 could not be admitted as there were no seats available in the disciplines opted by them. However, after 29-12-1990 another list was published on 31-12-1990 admitting seven more candidates. The strange aspect of this list is that though the Director approved on 29-12-1990 the proposal that there are no seats available for the disciplines Veretinary Medicine and Animal Breeding, the candidates were admitted in the subsequent list in these disciplines. One candidate Shri A. K. S. Tomar was admitted in Animal Breeding and Shri D, Mandal was admitted in Veretinary Medicine. It is not clear from the documents filed by the respondents as to how the decision reached on 29-12-1990 not to admit any candidate in the aforesaid two disciplines was changed and two candidates were admitted. It is also admitted that the result of certain candidates from the Institute itself were not declared on 29-12-1990. They were declared on 31-12-1990 after the result of the other candidates was already known. The possibility of manipulation in these facts and Circumstances cannot be ruled out.

15. It has been said that a 10% financial cut was imposed on the Institute, hence due to financial constraints, respondent No. 3 could not afford to admit number of students as mentioned in the advertisement but from the documents it appears that this financial cut had no impact at all. In the session 1989-90, thirty two candidates were selected and in spite of the cut same number of candidates hi been selected by the respondents for the Session 1990-91. It goes a long way to show that the facts placed by the respondents to justify the refusal of admission to the petitioners No. 1 and 3 are wholly baseless. The respondents changed, at their wish, the number of seats which shall be clear from a perusal of annexures V and VII to the supplementary counter affidavit.

16. In discipline Extension Education opted by petitioner No. 2, vide order dated 29-12-1990 the Director approved only two seats which were filled in by admitting Shri Surjit Kumar Jha and Shri Arvind Kumar Thakur but on 31-12-1990 when the second list was published, Shri Prakash Khandekar and Shri B. K. Singh were also admitted. Thus in place of two, four candidates were admitted. There is no explanation whatsoever as to how and in what circumstances it had been done. In the facts and circumstances of the case, no other inference is possible except that the respondents were acting in a strange manner, to select candidate from I. V. R. I.

17. Along with the supplementary counter affidavit some papers have been filed to show that petitioner No. 1 was relieved from service of the Institute in the month of May, 1990. By filing these documents it has been tried to show that the petitioner No. 1 had ceased to be employee of the Institute and he ought to have submitted the application form through the parent department. However, some letters which were placed before me by Shri J. N. Tiwari, learned counsel for the respondents, show that petitioner No. 1 had not handed over the charge nor had

submitted his departure report for joining duty to the parent department. He applied for leave for two months with effect from 1-6-1990 to 31-7-1990. This leave was not subsequently sanctioned. All these facts were communicated to the respondents 3 to 5 on 9-11-1990. It shows that petitioner No. 1 continued to be in service of respondent No. 3 and there was no requirement of his obtaining any "No Objection Certificate". He could make himself available for completing the course even after resigning from service or could obtain a long leave from the parent department but respondents Nos. 3 to 5 are not justified in refusing selection to petitioner No. 1 who topped the merit list on this hypertechnical ground which has nothing to do with the merit.

18. So far as petitioner No. 3 is concerned, he stood second in order of merit which is not disputed. He ought to have been admitted. The minimum three seats were mentioned in the advertisement as well as in the information bulletin. There does not appear any obstacle in the way of respondents 3 to 5 to change the number of seats at their wish. If by order dated 29-12-1990 the Director could approve no admission in discipline Animal Breeding and on 31-12-1990 one candidate could be admitted who was subsequently declared as having secured 1st position, in my opinion, petitioner No. 3 could also be admitted but he has been refused admission in arbitrary manner.

19. So far petitioner No. 2 is concerned, he opted for discipline Extension Education. Initially by order dated 29-12-1990 only two seats were approved by the respondent No. 4 for this discipline. However, in place of two, four candidates were admitted. It has been stated that petitioner No. 2 could secure only five marks in the interview and hence he could not qualify for admission. Learned counsel for the petitioners contended that the respondents illegally introduced subsequently the test by interview which was not contemplated either in the advertisement or in the information bulletin. Learned counsel for the petitioners also submitted that there was no resolution of the academic council approving entrance examination by interview test. In this connection further submission of the learned counsel for the petitioners is that even if it is accepted that the respondents could introduce the interview test, the allocation of 30% marks is highly arbitrary and excessive. The petitioners sought admission in the Institute only for research work for which their academic standard is more necessary than personality and appearance. Shri Mandhyan has relied on the cases: *Ajay Hasia and Others Vs. Khalid Mujib Sehravardi and Others*, and *Ashok Kumar Yadav and Others Vs. State of Haryana and Others*,

20. Shri J. N. Tiwari, learned counsel for the respondents, on the other hand, submitted that the petitioners were fully aware of the fact that there will be interview test as a Corrigendum was supplied to the petitioners along with the application form which has been filed along with the writ petition as Annexure II. Shri Tiwari further submitted that the academic council in the year 1986-87 decided that the proportionate weightage be given for academic record, written test and interview for purpose of admission. The same criteria existed upto

1987-88. However, this practice could not be continued in 1988-89 due to the direction of the then Director and the academic council. Shri Tiwari has referred to para 3 of the supplementary counter affidavit. He further justified the allocation of 30% marks for the interview and relied on the cases *State of U.P. Vs. Rafiquddin and Others*, and *Majeet Singh, UDC and others Vs. Employees' State Insurance Corpn. and another*, , Shri Tiwari further sub-mitted that petitioner No. 2 being a Scheduled caste candidate was given due weight-age but he could not secure the minimum marks and other Scheduled caste candidates have been admitted.

21. I have thoroughly considered the arguments advanced by the learned counsels. The respondents could fix a procedure for examination to test the suitability of the candidates for admission in the Institute for doctoral degree programme as it is for the respondents to decide as to which kind of test will be suitable for picking up the best hands for research work. The Court cannot act as expert in such matters. However, the Court can consider as to whether the procedure adopted suffers from the vice of arbitrariness. It is not denied by the petitioners that by way of a corrigendum supplied with the application form it was made known to them that there will be interview test after written test. So they cannot have a grudge that it was introduced without notice to them. Even if there was no mention about holding of interview test after written test, it could be introduced subsequently. Though the respondents have failed to place before the Court any resolution of the academic council introducing test by interview also along with written test, however, it could be done even by Director of the Institute subject to subsequent ratification by the academic council. Viva voce test is a well recognized method of judging suitability of a candidate for admission or appointment to public services or institutions. Thus the petitioners' contention that the interview test was wrongly introduced by the respondents cannot be accepted. However, the contention of the learned counsel for the petitioners that allocation of 30% marks for interview test, suffers from vice of arbitrariness and it has vitiated the entire proceedings requires serious consideration. It is not denied that in doctoral degree programme the candidates are admitted for research work after obtaining Master's Degree in a particular discipline. There is no upper age limit for admission to the Institute. In my opinion, for research work the academic standard of the candidate is of vital importance than the personality test. A candidate may not have a charming personality or may not be very good in conversation but academically he may be very high and could carry out the research work with great interest. In the present case, 30% marks have been allocated for interview as against 40% for written test which clearly shows that there is sufficient chance of abuse and arbitrariness. Hon'ble Supreme Court in *Ajay Hasia's* case disapproved the allocation of 50 marks for interview as against 100 marks allocated for written test. In my opinion, 30% marks allocated for interview in the present case are too high and the case of *Ajai Hasia* is clearly applicable in the present case which related to the educational institution. Similarly in the case of *Ashok Kumar Yadav*

reported in AIR 1987 SC 454, Hon''ble Supreme Court held that marks allocated for Viva Voce test should not exceed 12.2% and direction was given that the practice should be followed throughout the country. Hon''ble Supreme Court also observed that there cannot be any hard and fast rule regarding precise weight to be given to the viva voce test against written examination.

22. I have considered the question from every angle. Even if the candidates admitted for the research work are directed to hold seminars and also to deliver lectures, the allocation of 30% marks for viva voce is on the higher side. In my opinion, the allocation of marks for viva voce should not exceed 15% and this would be in consonance with the view taken by Hon''ble Supreme Court in the cases mentioned supra. It is the case of the respondents that research work continues for about three years and the candidates admitted could learn teaching and giving lectures etc. but not to allow admission to them in spite of good performance in the written examination and academic record will cause great injustice and the chances that the country may be deprived of the services of eminent scientists cannot be ruled out.

23. The cases relied on by Shri Tiwari are distinguishable on facts. In case of Manjee Singh, Hon''ble Supreme Court approved 40% marks allocated for viva voce test as the candidates were being selected for the police service, whereas in the case of State of U.P. v. Rafiquddin, the test involved was for selecting candidates for Judicial Service. The aforesaid two Services cannot be equated with admission in an academic institution for research work or following pursuit of studies where personality is not of much importance.

24. There is yet another aspect of the case. Under Item No. 3.5 of the Information Bulletin there is reservation of 15% seats for Scheduled Caste and 7.5% seats for Scheduled Tribes. The reservation of the seats stated is interchangeable amongst the Scheduled Caste and Scheduled Tribes candidates depending upon the availability. Thus as the seats reserved are inter-changeable, there was reservation for this category of candidates to the extent of 22.5%. The respondents have selected 32 candidates for doctoral degree programme. According to the percentage prescribed out of 32, 7 seats should have been reserved for the candidates of the reserved category. It is not denied that petitioner No. 2 belongs to Scheduled caste category. The total candidates admitted of the reserved category are less than the quota fixed but for the arbitrary allocation of 30% marks for interview test, there was every chance of petitioner No. 2 having been selected as his academic record as well as the score in the written test was quite good.

25. In my opinion, for the reasons recorded above, the petitioner No. 2 has been illegally refused admission as the allocation of 30% marks for the interview test suffers from vice of arbitrariness and the petitioner No. 2 has fallen victim of the same.

26. Before proceeding further, it is observed that the practice in such institutions

of high academic interest should be uniform. It should not be subject to whim and wishes of the Director alone. As is clear from paragraph 3 of the supplementary counter-affidavit, one Director introduced the scheme and another Director for the reasons known to him, gave it up. The present Director has again opted to introduce the interview test. Such practice is highly objectionable. Such matters should not be left in the hands of Director alone. In my opinion, as the admission in the Institute also involves payment of Fellowship and the subjects of research are of high importance for the welfare of the country, the matter of admission in the Institute should be governed by the rules framed, having approval of respondents Nos. 1 and 2.

27. During arguments Shri B. D. Mandhyan, learned counsel for the petitioners, suggested that petitioner No. 1 is still prepared to submit "No Objection Certificate" if it is found necessary for admission. I enquired from Shri Tiwari as to whether the Institute will admit petitioner No. 1 if he furnishes "No Objection Certificate" from the department where he is employed. However, Shri Tiwari frankly stated that the Director, respondent No. 4, is not prepared to admit petitioner No. 1 at any cost and he has invoked his powers under Item No. 5 of the information bulletin. Shri Tiwari also handed over to me some reports about which light has not been thrown in the counter affidavit or supplementary counter affidavit. I have considered these documents. In my opinion, no reliance can be placed on these documents which are of the dates subsequent to the declaration of the result. A perusal of the documents will show that on 7-1-1991 petitioner No. 1 was found in unauthorised occupation of a room in the hostel. He stated that he was guest of the allottee Mr. Zafar Amin. The report is that the petitioner behaved arrogantly there and also claimed to be a terrorist trained in Pakistan. The other papers included the report of the Director to the Secretary of I.C. A.R. giving details about petitioner No. 1. In my opinion, so far the present writ petition is concerned, the allegations contained against the petitioner in these documents are wholly irrelevant. If the petitioner has any connection with terrorist activities, he can be suitably dealt with under law and may be punished. If he commits any act of indiscipline or terrorism, the authorities of the Institute will have free hand to take action against him, but he cannot be refused admission on basis of some facts for which he has not even been heard. The alleged power under Item No. 5 is wholly arbitrary and unreasonable and is violative of Article 14 of the Constitution of India. The Director can not be allowed to use such power to refuse admission to a scientist who had topped the merit list on the basis of subjective satisfaction.

28. There is one more aspect which needs consideration. Every candidate was required to give an alternative choice for some other discipline in case the discipline mentioned as first preference is not accepted. As the petitioners Nos. 1 and 3 secured first and second position, they were entitled to be considered for the alternative discipline mentioned by them in the application form. The application form pertaining to petitioner No. 1 has been filed along with supplementary counter affidavit as annexure 12 wherein two disciplines have

been mentioned. It can be assumed that other petitioners may also have mentioned another discipline as their alternative choice as required under note (iii). However, it does not appear as to why the second choice of the petitioners relating to the discipline mentioned as an alternative has not been considered. The action of the respondents in not selecting the petitioners is illegal for this reason also.

29. Now the question is that on the findings recorded what relief can be granted to the petitioners. By order dated 18-1-1991 the respondents were directed to keep three posts of doctoral degree programme starting from January, 1991, till 28-2-1991. The hearing of this petition commenced from 27-2-1991. However, it could not be concluded earlier due to paucity of time. Admittedly, the first trimester has started and the candidates selected by the respondents have studied in the Institute for over three months. In my opinion, it will not be proper to cancel the entire selection proceedings as the candidates already admitted have studied and pursued research work and also must have been paid Fellowship. However, at the same time, the petitioners cannot be asked to go without relief, even after establishing that they have been refused admission . illegally. As the petitioners approached this Court promptly and filed this petition on 18-1-1991, it is a fit case where the respondents 1 to 5 be directed to admit petitioners Nos. 1 to 3 in their respective disciplines and to pay them the Fellowship for which they may be entitled.

30. In the result, the writ petition is allowed. Respondents Nos. 1 to 5 are directed to admit petitioners Nos. 1 to 3 in their respective disciplines and to pay them the Fellowship for which they may be entitled. However, in the facts and circumstances of this case, there will be no order as to costs.

31. Petition allowed.