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(2025) 09 DEL CK 0729

In the Delhi High Court

Case No : Writ Petition (C) No. 10312 Of 2025, Civil Miscellaneous Application No. 55857 Of 2025

Manish Kumar APPELLANT

Vs

Union Of India & Ors RESPONDENT

Date of Decision : 25-09-2025

Acts Referred:
Constitution of India, 1950 — Article 46

Citation : (2025) 09 DEL CK 0729

Hon'ble Judges : Sachin Datta, J

Bench : Single Bench

Advocate : Sushant Singh, Bhaskar Chhakara

Final Decision : Disposed Of

Judgement

Sachin Datta, J

1. These petitions raise a common grievance, viz., the denial by the respondents of the petitioners' applications for scholarships under the National Overseas Scholarship (NOS) Scheme for 2025-26.

FACTUAL BACKGROUND IN W.P(C) 11317/2025

2. The petitioner is a 25-year-old student who has secured an unconditional offer to pursue MSc in Economics at the London School of Economics and Political Science. He applied for financial assistance under the National Overseas Scholarship (NOS) Scheme 2025-26, administered by the Ministry of Social Justice and Empowerment. It is his case that despite fulfilling all eligibility criteria – age, caste, academic merit, and family income (well below the Rs. 8 lakh threshold) his name appeared in the rejected list dated 01.07.2025 at Serial No. 204, with the reason cited as "Income Certificate of valid FY not furnished".

3. It is submitted that the petitioner furnished a valid Income Certificate issued

on 21.04.2025 by the Revenue Department, Government of NCT of Delhi, Office of the District Magistrate, Saket, South District, Delhi, declaring the annual family income as Rs.3,00,000 duly supported by a notarised affidavit and income certificates of previous years.

4. It is submitted that the petitioner personally visited the office of respondent no. 3 to ascertain the reasons for rejection. During the meeting, respondent no. 3 orally stated that the Income Certificate furnished by the petitioner did not explicitly refer to or mention the financial year and, therefore, the application had been rejected. It is further submitted that the practice followed by the respondent nos. 4 and 5 is to issue income certificates valid for six months, which do not expressly indicate the financial year.

5. While countering the contentions of respondent nos. 1 to 3 (viz. that, since the Income Certificate was issued on 21.04.2025 and not prior to 01.04.2025, the income mentioned therein should be considered as pertaining to the financial year 2024–2025), it is submitted that the petitioner applied for a family income certificate on 16.04.2025, i.e., after the issuance of the National Overseas Scholarship (NOS) Scheme for 2025– 26, and the certificate was duly issued on 21.04.2025. It is submitted that the mere factum of the certificate being dated 21.04.2025, and not prior to 01.04.2025, cannot be a ground to deny consideration of the said Income Certificate.

6. It is further submitted that Clause 8(e) of the NOS Guidelines provides that applicants may submit grievances within 30 days of declaration of results. While the Guidelines acknowledge the right of applicants to raise grievances, no express mechanism for handling such grievances has been put in place, nor is there any system for generating a complaint or grievance number. The petitioner made a grievance redressal representation within the stipulated period; however, no response or decision has been communicated by the respondents to date.

7. Being aggrieved therewith, the petitioner has filed the present petition.

FACTUAL BACKGROUND IN W.P(C) 10312/2025

8. The petitioner in W.P.(C) 10312/2025 is a 23-year-old student who has secured an unconditional offer to pursue MSc in Computer Science at the University of Glasgow. He duly applied for the National Overseas Scholarship (NOS) under the Ministry of Social Justice & Empowerment. It is the petitioner’s case that despite fulfilling all the eligibility criteria - age, caste, academic merit, and family income (being well below the prescribed threshold of□ 8,00,000) his name appeared in the rejection list dated 01.07.2025 at Serial No. 157. The reason assigned against his name was: “Income Certificate of valid FY not furnished.”

9. The income certificate relied upon by the petitioner was issued by the the Revenue Department of the Government of NCT of Delhi, office of District Magistrate, Rohini : North West District on 08.12.2023, declaring the annual

family income as only☐ 96,000/ -. It is submitted that the said certificate clearly pertained to the Financial Year 2023-24, which was the relevant year under the NOS Scheme. It is again emphasised that the GNCTD issues income certificate with six months validity, which do not expressly indicate the financial year. The petitioner has also relied upon subsequent/other certificates issued by the concerned authorities of the GNCTD, in support of his application for scholarship. Other certificates relied upon by the petitioner are annexed as Annexure P-2 (Colly).

10. It is submitted that the rejection of the petitioner's application is therefore incorrect, and contrary to the Scheme Guidelines. The income certificate dated 08.12.2023 was valid for FY 2023-24, and was accompanied by a family income affidavit. Despite this, the respondents disregarded the document and rejected the petitioner's candidature.

11. On 03.07.2025, under Clause 8(e) of the NOS Guidelines the petitioner submitted a representation by email to respondent no. 1 and requested reconsideration of his case. However, having received no response from the concerned respondent, the petitioner filed the present petition.

12. Vide order dated 21.07.2025 this Court in the present writ petition directed the concerned respondents to decide the said representation submitted by the petitioner within a period of 10 days from the date of the order.

13. Pursuant to the aforesaid directions the respondent no. 1 passed Order dated 29.07.2025 thereby observing that rejection of the application of Sh. Manish Kumar is in accordance with clause 8 (c) of the Guidelines of the NOS. The relevant observations made in the said order dated 29.07.2025 are reproduced as under –

"4. FINDINGS

4.1. And whereas, upon detailed examination, the following facts are clear:

a. The NOS Scheme mandates submission of an income certificate specifically for FY 2023-24.

b. The income certificate furnished by the Applicant does not explicitly mention the FY to which the income pertains.

c. As the certificate was issued after 01.04.2023 and before 31.03.2024 i.e. after the completion of FY 2022-23 and before the end of the ongoing FY 2023-24 and does not clearly indicate the applicable year of the income, the income mentioned in the certificate was considered as pertaining to the FY 2022-23.

d. Without a clear indication of the relevant financial year, the certificate cannot be presumed to reflect income for FY 2023-24 and hence fails to satisfy Clause 8 (c) of the NOS Scheme Guidelines.

e. The grievance was not received through the official channel but has been considered in the interest of fairness.

f. The rejection of the application was based on a valid ground and was in conformity with the clause 8 (c) of the Scheme Guidelines.

4.2. And whereas, the Applicant has argued before the Hon'ble Court that this is a hyper-technical ground and that rejection defeats the objective of the Scheme. While the Ministry acknowledges the importance of substantive justice, the integrity and fairness of a highly competitive, merit and need-based scheme like NOS hinges upon uniform adherence to documented criteria. Relaxing the requirement for one candidate would undermine the principle of equality among all applicants.

4.3. And whereas, the Ministry of Social Justice and Empowerment is committed to ensuring fair, transparent and efficient implementation of the NOS scheme.

5. Now therefore, in view of the facts mentioned above and after careful consideration of the documents uploaded by the Applicant by 02nd May 2025 i.e. the closing date of the portal, relevant provisions of the scheme, with the approval of the competent authority in the Ministry, it has been decided that the rejection of the application of Sh. Manish Kumar is in accordance with clause 8 (c) of the Guidelines of the NOS as the Applicant failed to submit an income certificate indicating gross family income for the financial year 2023-24, as mandatorily required under the relevant provisions of the Scheme Guidelines.

Accordingly, the representation of the applicant is disposed of."

SUBMISSIONS ON BEHALF OF THE PETITIONERS

14. Learned counsel for the petitioners submits that the income certificates furnished by the petitioners suffer from no infirmity.

15. It is the petitioners' case that the respondent authorities have denied them the benefit of the scholarship on wholly untenable grounds. The respondents are insisting upon income certificates in formats that are at variance with the practice and procedure adopted by the GNCTD for issuance of such certificates. It is submitted that a minor technicality is jeopardising a once-in-a-lifetime academic opportunity for the petitioners despite their merit. It is further emphasised that such an approach frustrates the constitutional mandate under Article 46 of the Constitution of India, which obliges the State to promote the educational and economic interests of the weaker sections of society.

16. Both the petitioners have emphasised that the deadline for the petitioners to enrol in the concerned foreign universities will expire soon and irreparable prejudice will be caused to the petitioner if relief is not granted.

SUBMISSIONS ON BEHALF OF THE RESPONDENT NO.1/UNION OF INDIA

17. A counter affidavit dated 12.08.2025 has been filed on behalf of the respondent no. 1 in W.P.(C) 11317/2025, wherein it has been averred that

petitioner had submitted an income certificate dated 21.04.2025. The said certificate was valid only for six months and did not specify the relevant financial year. It is submitted that Clause 8(c) of the NOS Scheme Guidelines requires submission of an income certificate indicating gross annual family income for the financial year 2023–2024. It is submitted that since the certificate was issued after 31.03.2025, it was assumed that the same pertained to the financial year 2024–2025 and not 2023–2024, as required.

18. It is contended that that since the petitioner failed to provide the required income certificate for the relevant financial year, the rejection of his application was justified.

19. It is further submitted that Clause 8(e) of the NOS Scheme Guidelines provides that grievances may be raised within 30 days from publication of the result. The grievance submitted by the petitioner is currently under consideration of the Ministry and will be duly responded to as per the prescribed procedure. Hence, the present Writ Petition is premature.

20. Similarly, a counter affidavit dated 12.08.2025 has been filed on behalf of the respondent no.1 in W.P.(C) 10312/2025 wherein it is averred that Clause 8(c) of the NOS Scheme Guidelines 2025-26 requires a certificate indicating gross annual family income for the financial year 2023-

24 during the application process. The income certificate submitted by the petitioner, dated 08.12.2023, does not explicitly indicate the financial year. It is submitted that since the certificate was issued after 31.03.2023 i.e. after the completion of the Financial Year 2022-23, the income was considered to pertain to FY 2022-23. Accordingly, it is submitted that it does not satisfy the requirement of Clause 8(c).

21. It is submitted that although Clause 8(e) allows grievances within 30 days of result publication, it was found that the petitioner’s grievance submitted on 03.07.2025 was sent to an incorrect email address and was therefore not received by the Department. It is further submitted that notwithstanding this procedural lapse, the Ministry has taken cognizance of the grievance in good faith and re-examined the application and documents in light of the Scheme provisions.

22. Learned counsel for the Union of India submitted that the NOS Scheme is competitive and subject to strict scrutiny, and that compliance with the mandatory requirement of furnishing an income certificate for the specified financial year is essential.

23. It is submitted that the scheme conditions are applied uniformly to all applicants to ensure transparency, fairness, and parity. Any relaxation granted in one case would amount to unequal treatment and create an uneven playing field vis-a-vis other candidates who have complied with the requirements in letter and spirit.

24. It is submitted that during the first phase of the Selection Year 2025-26, a total of 440 applications were received through the NOS portal. Out of these, 268 applications were rejected on various grounds. Of these rejections, 141 applications were specifically rejected on the ground of non-submission of a valid income certificate, either because the certificate did not mention the relevant financial year or was otherwise deficient. It is contended that if the present petition is allowed, it will inevitably open the door for similarly placed candidates to approach this Court on the basis of the present order. This would cause grave injustice to the large pool of applicants who have complied with the requirements of the Scheme and are awaiting the second round of the selection process, which has already commenced from 15.09.2025 (00:00 hours).

25. It is further emphasised that the NOS Scheme provides for 125 fresh awards each year, subject to the availability of funds. These slots are limited in number and are highly competitive. Any dilution of the eligibility norms not only creates inequity among candidates but also prejudices those who have complied with the requirements and are awaiting their opportunity in the next phase of the selection process.

REASONING AND CONCLUSION

26. Having considered the rival contentions of the parties, it is quite evident that the rejection of the petitioner's application on the ground of alleged infirmity or deficiency in the income certificates furnished by the petitioners, is untenable.

27. It is not disputed that the income certificate issued by the GNCTD is in a particular format over which the petitioner has no control. It is also not controverted by the respondents that the only reason for the rejection of the petitioners' application seeking scholarship was the infirmity in their income certificate. There is no dispute that, on all other counts, the petitioners are eligible for the scholarship.

28. It is also a matter of record that, out of the 125 scholarship offers, only 106 have been exhausted thus far. There is no dispute that the offers issued by prestigious foreign educational institutes to the petitioners, shall expire if the petitioner does not make the cut in the already concluded round of selection.

29. The certificate furnished by the petitioner in W.P(C) 11317/2025 is reproduced as under:-

30. The only reason for the rejection of the aforesaid certificate is the date it bears, i.e., 21.04.2025. Importantly, it is conceded by the respondent no.1/ Union of India that if the same certificate had been obtained by the petitioner a few weeks earlier, i.e., on or before 31.03.2025, the same would have been acceptable to the respondents.

31. The petitioner (in W.P (C) 11317/2025), is correct in contending that steps to obtain the requisite certificate could only be initiated after the issuance of the scheme itself. The fortuitous circumstance of the certificate bearing a particular

date (in the absence of any in-principle objection as to its veracity) cannot come in the way of the consideration of the said certificate. In fact, it is the case of the respondents that, for the purposes of the second round of the selection procedure, the very same certificate dated 21.04.2025 (in W.P (C) 11317/2025), would be deemed valid for considering the petitioners' application/candidature for grant of scholarship. There is no reason why the said certificate should not suffice for the selection round already concluded, especially since the petitioner holds a valid offer from prestigious foreign universities, which will expire shortly.

32. Arbitrariness is inherent in the stand of the respondents that the aforesaid income certificate dated 21.04.2025, furnished by the petitioner in W.P.(C) 11317/2025, is acceptable for the upcoming second round of selection but not for the concluded first round. Such a contention cannot be accepted.

33. Apart from that during the course of the proceedings, the petitioner in W.P (C) 11317/2025 has also brought on record income certificates dated 24.11.2020, 22.09.2021, 26.05.2022, 23.01.2023, and 20.03.2024, reflecting the petitioner's family income as ☐ 96,000, ☐ 96,000, ☐ 96,000, ☐ 1,50,000, and ☐ 2,10,000, respectively.

34. These certificates, read together with the income certificate dated 21.04.2025, unequivocally establish that the family income of the petitioners is well below the prescribed threshold☐ 8,00,000of. Thus, there is substantive fulfilment of the income criteria under the scheme.

35. In W.P(C) 10312/2025, the position is even more stark. In the said case, the petitioner has relied upon multiple income certificates, one of which is dated 08.12.2023, i.e., pertaining to the relevant financial year for which the income certificate is required. The various certificates issued in favour of the petitioner therein is annexed as Annexure P–2 (Colly) to the said writ petition.

36. It is particularly significant to note that the income certificate dated 08.12.2023 has a validity period of six months. Thus, it was valid till end of the entire financial year 2023–2024. Thus, the petitioner substantially complied with the requirement of furnishing an income certificate relatable to the concerned financial year.

37. Again, there is no fundamental or in-principle objection regarding the veracity of the certificates or as to whether the petitioner fulfills the income criteria. The only 'technical reason' for the rejection of the petitioner's application was that the concerned certificate/s relied upon by the petitioner did not bear a particular date. For the same reasons recorded in W.P.(C) 11317/2025, and in light of the fact that the certificate dated 08.12.2023 was valid for six months, such a technical objection is wholly untenable and cannot come in the way of the huge career opportunities presented to the petitioners in the form of offers by the concerned universities.

38. The petitioners in W.P(C) 10312/2025 and W.P(C) 11317/2025 have affirmed

that, if the present petitions are allowed, they will forthwith accept the offers by the concerned foreign universities and will not participate in any further rounds of the selection procedure for the selection year 2025-26 or for subsequent years.

39. In the circumstances, since the rejection on the ground of the alleged infirmity in the income certificate/s has been found to be untenable, the present petitions are allowed. The respondents are directed to immediately process the grant of the requisite scholarship to the petitioners under the National Overseas Scholarship (NOS) Scheme. The requisite formalities shall be completed expeditiously so as to enable the petitioners to join the concerned universities, i.e., the London School of Economics and Political Science in the case of the petitioner in W.P(C) 11317/2025, and the University of Glasgow in the case of the petitioner in W.P(C) 10312/2025, prior to the deadline prescribed by the respective universities. The visa formalities shall also be expedited in order to enable the petitioner to join and report to the universities, within the time granted for the said purpose.

40. Having adverted to the controversy arising in the present petitions, this Court is of the considered view that there is an urgent need to streamline the process relating to the requirement of income certificates under the National Overseas Scholarship (NOS) Scheme. There is lack of clarity in the existing procedure, which places undue hardship upon candidates who otherwise fulfill the substantive eligibility criteria.

41. It is also imperative for the GNCTD to update its formats so that the income certificates issued by it expressly reflect the financial year/ period to which it pertains, rather than the same being a matter of inference.

42. The respondents, including the GNCTD, shall, accordingly, take appropriate steps in this regard.

43. The petitions are disposed of in the above terms. Pending applications also stand disposed of.