

**(2011) 12 DEL CK 0311**

**In the Delhi High Court**

**Case No :** Writ Petition (C) 7616 of 2011 and CMs 17235 of 2011, 17843 of 2011

Aridaman Singh

APPELLANT

Vs

University of Delhi and Others

RESPONDENT

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**Date of Decision :** 14-12-2011

**Acts Referred:**

**Citation :** (2011) 12 DEL CK 0311

**Hon'ble Judges :** Hima Kohli, J

**Bench :** Single Bench

**Advocate :** Deepender Hooda, for the Appellant; Maninder Acharya, Advocate for R-1 and R-2/University and Mr. Anurag Mathur, Advocate for R-3/College, for the Respondent

**Final Decision :** Disposed Off

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## **Judgement**

Hima Kohli, J.—The present petition is filed by the petitioner praying inter alia for directions to respondents No. 1 and 2/University and respondent No. 3/College to carry out admission of the petitioner to B.A. (Programme) first year course under the sports quota (basketball). The alternative relief sought by the petitioner is for directions to the respondents to conduct fresh trials of sports quota (basketball) and grant admission to him in the aforesaid undergraduate course.

2. Pertinently, the present petition came to be filed by the petitioner on 18.10.2011, whereas it is an admitted position that as per the directions issued by the Supreme Court, admissions to the undergraduate courses are required to be completed on or before 31.08.2011 on an annual basis.

3. Notice was issued on the present petition on 20.10.2011 and thereafter, a counter affidavit has been filed by the respondent No. 3/College. As per the petitioner, in June 2011, he had applied for admission to the first year B.A. (Programme) course in respondent No. 3/College under the sports quota category (basketball) for the academic session 2011-12. On 28.06.2011, the petitioner was called for appearing for the trials which were to be held for

selection in the sports quota. On 07.07.2011, the petitioner appeared in the interview alongwith the relevant documents. It is the case of the petitioner that he was finally selected by the Committee constituted by respondent No. 3/College alongwith four other candidates under the sports quota (basketball). However, on the eve of the commencement of classes, respondent No. 3/College cancelled all the admissions made under the sports quota on account of an objection raised by other candidates that the trials held for selection in sports quota were unfair and biased. The petitioner claims that thereafter he contacted respondent No. 3/College to enquire about the fate of those who had applied for admission under the sports quota, but as per respondent No. 3/College, the matter was not in their hands anymore and he was informed that the final decision rested with respondents No. 1 and 2/University. After waiting for a long time to receive a communication as regards his admission, the petitioner has filed the present petition stating inter alia that due to the negligent and adamant attitude of the respondents, he and other similarly placed candidates selected for getting admission to seats allotted under the sports quota are at the brink of losing an academic year.

4. Respondent No. 3/College has filed an affidavit through its Principal, wherein it is stated that the present petition is highly belated. On merits, it is submitted that in all 377 applications, including that of the petitioner, were received by it for grant of admission in the sports quota category. The trials for various courses were to be conducted from 28.06.2011 to 30.06.2011. A notice to the said effect was issued by respondent No. 3/College on 14.06.2011. While steps were being taken to select candidates in the sports quota category, complaints were received by respondent No. 3/College as also respondents No. 1 and 2/University in respect of irregularities committed by the Sports Admission Committee constituted by the Staff Council of the College in selecting candidates in the said quota. It is averred that based on the aforesaid complaints, respondents No. 1 and 2/University initiated an enquiry. Pending the aforesaid enquiry, respondent No. 3/College issued a notice dated 27.07.2011 to the effect that an admission list was not being finalized under the Sports/Extra Curricular Activity category for the undergraduate courses in the academic year 2011-12. On 01.08.2011, respondents No. 1 and 2/University informed respondent No. 3/College that the matter had been examined and prima facie, discrepancies were found in the admissions made under the Sports and Extra Curricular Activity category. As a result, respondent No. 3/College was advised by respondents No. 1 and 2/University to take appropriate remedial action.

5. Counsel for respondent No. 3/College states that in view of the aforesaid observation made by respondents No. 1 and 2/University, the Governing Body of respondent No. 3/College resolved in its meeting held on 10.08.2011 that a three member committee would be constituted to look into the stated discrepancies. It was further decided that pending the report of the said committee, no student would be admitted under the Sports/Extra Curricular Activity category. However, as the list of the members of the Enquiry Committee could not be finalized,

respondent No. 3/College did not admit any student under the Sports/Extra Curricular Activity category, which is 5% of the total number of the seats in the undergraduate courses in all streams offered by respondent No. 3/College. Pertinently, 5% of the aforesaid total seats translates into 37 seats.

6. On 23.11.2011, as it was observed that respondent No. 3/College had not indicated the steps taken by it to fill up the vacant seats under the Sports/Extra Curricular Activity category, the Principal of respondent No. 3/College was called to appear alongwith the relevant records on the next date, i.e., 24.11.2011. On 24.11.2011, the Principal of respondent No. 3/College was present in Court alongwith the relevant records and the Court had an occasion to interact with him. Thereafter, respondent No. 3/College was called upon to file an additional affidavit stating inter alia as to whether 5% seats, which fall under the Sports/Extra Curricular Activity quota continued to remain vacant or had been filled up and if so, the manner in which they had been filled up.

7. Now an additional affidavit has been filed by respondent No. 3/College on the aforesaid aspect. It is submitted by the counsel for respondent No. 3/College that the total sanctioned strength of the College for the undergraduate courses for the academic year 2011-12 is 752 seats, which includes the Sports/Extra Curricular Activity category. Against the aforesaid 752 seats, respondent No. 3/College has admitted an additional number of 136 candidates, thus totaling to 888 students as on 25.11.2011. Out of a total of 37 seats under the Sports/Extra Curricular Activity category, 9 candidates are stated to have been admitted under the Extra Curricular Activity category and the remaining 28 seats in the said category, which remained unfilled, have been filled up from the surplus students, who had applied to the College for admission. He states that the aforesaid additional admissions had to be undertaken on account of a change in the norms of admission implemented for the academic year 2011-12. He further states that not only have the 5% seats, which were lying vacant in the Sports/Extra Curricular Activity category, been filled up, excessive students have been admitted by respondent No. 3/College on account of the changed norms. He, therefore, assures the Court that none of the seats have remained vacant and gone abegging and instead, excessive students have been accommodated by respondent No. 3/College in the current year.

8. Counsel for respondents No. 1 and 2/University states that as far as the University is concerned, under Ordinance XVIII (6-A), the Staff Councils of the Colleges are required to organize admissions and the University has no role to play in that regard. She further states that in the present case, respondents No. 1 and 2/University had to hold trials for filling up the seats in the Extra Curricular Activity category on account of orders passed by a Co-ordinate Bench in W.P. (C) 5678/2011 entitled *Nayna Jain and Ors. vs. University of Delhi*. It is further stated by learned counsel for respondents No. 1 and 2/University that the University is taking necessary steps to lay down appropriate guidelines for the constitution of an Extra Curricular Activity Selection Committee and a Sports

Quota Selection Committee in all colleges, so that in future no such eventuality arises, whereby trials for the Sports/Extra Curricular Activity category are held but are not given effect to due to some arbitrariness or illegalities committed in the selection process. She states that the aforesaid steps have been undertaken by respondents No. 1 and 2/University in compliance of the order dated 15.09.2011 passed in the aforesaid writ petition.

9. In view of the above affidavit filed by respondent No. 3/College, this Court is satisfied that the remaining 28 seats in the Sports/Extra Curricular Activity category have not gone abegging and have been duly filled up. As regards the case of the petitioner, to start with, it may be noted that the present petition is hit by gross delay and laches on the part of the petitioner in approaching the Court for relief, inasmuch as even though the cut-off date for admission to the undergraduate courses in Delhi University had been fixed by the Supreme Court as 31.08.2011, the petitioner chose to approach this Court, as belatedly as on 18.10.2011. It may also be noted that in the present case, no vested right has accrued in favour of the petitioner, for the reason that he had only participated in the trials and no final decision had been taken after conducting the same. Rather, the entire process has lapsed due to various reasons, one of them being that the tenure of the Governing Body of respondent No. 3/College had lapsed on 31.08.2011 and as a result, no steps could be taken in furtherance of the decision taken on 10.08.2011 in the meeting of the Governing Body, to constitute a committee of experts to look into the process of selection under the Sports/Extra Curricular Activity category and to examine whether the rules and norms were being duly followed, besides fixing responsibility for the irregularities committed, if any. In such circumstances, no further orders are required to be passed in the present petition, which is disposed of.

10. While parting with the present case, this Court would like to emphasize that the respondents No. 1 and 2/University should expedite the process of framing of guidelines, to be followed by the colleges affiliated to the University for filling up of seats under the Sports/Extra Curricular Activity category, by making the said admission process completely transparent and untainted by any irregularity or and by ruling out the eventuality of any arbitrariness on the part of the colleges, more so when in today's day and time, there is a cut throat competition between students, each one vying for every precious seat, which have become almost unobtainable due to the high academic standards set by colleges for admissions. It is very disappointing that in the present case, those students, who had been successful in the trials held for the Sports category, were left in a lurch, on account of the delayed action on the part of respondents No. 1 and 2/University and respondents No. 3/College, apart from other intervening circumstances. In such a background, it is deemed expedient to direct respondents No. 1 and 2/University to ensure that the guidelines required to be laid down by the University in this regard, are in place well before the commencement of the coming academic session 2012-13 and they are given effect to by all colleges for filling up seats under the Sports/Extra Curricular Activity category.

11. A copy of this order be given DASTI to the counsel for respondents No. 1 and 2/University to be placed before the Vice Chancellor of the University, for perusal and compliance.