

(2013) 08 DEL CK 0245
In the Delhi High Court
Case No : Writ Petition (C) 1046 of 2012

Sanjeet Ruhel

APPELLANT

Vs

University of Delhi and Another

RESPONDENT

Date of Decision : 30-08-2013

Acts Referred:

Citation : (2013) 08 DEL CK 0245

Hon'ble Judges : V.K. Jain, J

Bench : Single Bench

Advocate : Manish Pratap Singh, for the Appellant; M.J.S. Rupal, for the Respondent

Final Decision : Dismissed

Judgement

V.K. Jain, J.—The only issue involved in this writ petition is as to whether the petitioner before this Court is entitled to allotment of a hostel room in Gwyer Hall of Delhi University. The petitioner before this Court got himself enrolled with Faculty of Law for Ph.D course with University of Delhi. In October, 2011, the petitioner applied for allotment of a room in Gwyer Hall, which is a hostel of Delhi University meant for lodging its students. However, the name of the petitioner did not appear in the list of the students who were allotted rooms in the said hotel.

Being aggrieved from denial of a room in the hostel, the petitioner is before this Court seeking the following reliefs:

- a. Quash the arbitrary admission process of allotment of seats without bifurcation;
- b. Direct the respondents to consider the meritorious candidature of the petitioner and allot the seat to the petitioner till the pendency of this petition;
- c. To direct the respondents to reserve a seat as a consequential relief as and when the vacancy arises;

d. Direct the respondents to adopt centralized admission process with bifurcation of seats for allotment in the hostel department/course-wise on the basis of merit; and

e. Impose pecuniary damages as against the respondent university and in favour of the petitioner for the expenses incurred because of the respondent university.

2. A perusal of the Bulletin of Information issued by the University of Delhi for allotment of rooms in its Gwyer Hall Hostel would show that a student seeking admission to the said hostel must:

(v) have cleared the terminal examination of the last course attended; xxx

(viii) not have an adverse disciplinary record in any hostel or university/college previously attended, nor any criminal cases.

3. The case of the respondent, as disclosed in the counter affidavit, is that the last course attended by the petitioner was M.A. in Philosophy and since he failed to clear the said examination, he is not eligible for admission to the hostel. It is further alleged that during the interview process, the petitioner created a ruckus and used derogatory language against the hostel authorities. It is also alleged that he forcibly barged into the hostel along with 10-15 students and resorted to filthy language. It is also stated in the counter affidavit that the Managing Committee of the hostel is vested with the power to prescribe the rules for admissions to the hostel concerned and the criteria for admission varies from hostel to hostel as the management to each hostel is competent to frame its own guidelines and rules for admission.

4. The respondent-university has placed on record a communication dated 20.1.2012 sent by Gwyer Hall to the Principal, St. Stephan College seeking, inter alia, the information as to whether the petitioner had cleared his M.A. Part-I (Philosophy), was a bonafide M.A. (Philosophy) Part-II student, had cancelled his admission or still his name was on the admission list. St. Stephen College in its response to the said letter intimated that though the petitioner took admission in M.A. (Philosophy), 2010, he did not appear in the examination and did not withdraw his name. However, thereafter a certificate dated 7.8.2012 was issued by the St. Stephan College certifying that the petitioner did not appear in M.A. (Previous) and Philosophy Course/Semester Examination held in November-December, 2010, his admission was cancelled for 2nd Semester April-May, 2011 as he did not appear for the course/semester examination.

5. The factual position which thus emerges is that the petitioner had taken admission in the academic year 2010-2011, in M.A.(Philosophy) Course at St. Stephan College. It is not in dispute that the petitioner did not appear in the semester examination which was held in November-December, 2010 and, therefore, his name was struck off from the rolls of the college w.e.f. April-May, 2011. As noted earlier, in order to be eligible to seek admission to the Gwyer Hall, a student must necessarily have cleared the termination examination of the

last course attended by him. Since the petitioner took admission in M.A. (Philosophy) for the academic year 2010-2011, that would be the last course attended by him. Admittedly, the petitioner did not appear in the terminal examination held by the university for the said course. The question which arises for consideration is as to whether a student who does not appear in the terminal examination is to be treated differently from the student who appears in the said examination but is unable to clear it or he has to be treated at par with the student who does appear in the examination but is unable to clear it. The purpose of stipulating a condition of this nature is to ensure that ex-students of the university do not get admission to the hostel by taking admission in a fresh course. The rooms available in the hostel of the university being limited, it is not possible to allot rooms to every student studying in the university and seeking to avail such a facility. The university, therefore, is justified in denying admission to those who are unable to clear the terminal examination in the last course attended by them. Not only the accommodation but the food in the university hostel being much cheaper than the boarding and lodging in the market, it is not uncommon for certain ex-students of the university to take admission in the hotel by registering in another course of the university though they may not at all be sincere towards their studies. The purpose of providing boarding and lodging in the university hostel is to place the bonafide students in an environment which is conducive for the students so that they are able to concentrate on their studies without having to lookout for accommodation and food in the market. Such a condition, however, does not apply to a student who is not serious with his studies and, therefore, is unable to clear the terminal examination of the last course attended by him. It is true that the petitioner before this Court did not appear at all in the terminal examination, but, that, to my mind, would make no difference since the net result would be the same irrespective of whether a student chooses not to appear in the examination or he appears but is unable to qualify in the said examination. Though the admission of the petitioner in M.A. (Philosophy) was cancelled with effect from 2nd semester ending April-May, 2011, the cancellation seems to have been done much after the petitioner had applied for allotment of a room in Gwyer Hall Hostel. This is evident from the fact that in response to the communication dated 20.1.2012 from Gwyer Hall, the college had clearly stated that the petitioner had not withdrawn his name till that time. In any case, what is material is as to what was the last course attended by the petitioner in the university at the time he applied for allotment of a room in the hostel. At the time he applied for the said allotment, M.A. (Philosophy) was the last course attended by him in Delhi University and he did not appear in the semester examination held by the university for the said course. Therefore, he was not eligible for allotment of a room in the Gwyer Hall Hostel.

The respondents have placed on record the decision taken by Admission Committee of Gwyer Hall in its meeting held on 24.8.2011. One of the decisions taken in the said meeting was that the student who was admitted in a course

and/or availed hostel accommodation on the basis of admission in a particular course, but failed to pass or did not appear in the examination for which he was provided accommodation, will not be considered for admission in Gwyer Hall. Admittedly, the petitioner was allotted a room in the Post Graduate Gwyer Hall Hostel of Delhi University, on the strength of his admission in M.A. (Philosophy) Course of the said university. Since admittedly the petitioner did not appear in the examination held by the university for the said course, the above referred decision of the Admission Committee squarely applies to him and he was not entitled for allotment of a room in PG Men's Hostel. Reference in this regard may be made to a letter dated 24.1.2012 written by Provost of Gwyer Hall, University of Delhi to the Warden of Gwyer Hall informing that the petitioner was admitted to the said hostel on the basis of merit provided by the Department of Philosophy, University of Delhi on 26.11.2010 and had stayed there as a bonafide resident till May, 2011. Thereafter he was provided guest accommodation w.e.f. June, 2011. This is yet another reason why the petitioner is not entitled for admission to Gwyer Hall Hostel of Delhi University.

For the reasons stated hereinabove, I find no merit in this petition and the same is hereby dismissed. There shall be no orders as to costs.