
(2015) 08 DEL CK 0244
In the Delhi High Court
Case No : LPA 500 of 2015

Shilpi Verma

APPELLANT

Vs

University of Delhi and Others

RESPONDENT

Date of Decision : 11-08-2015

Acts Referred:

Citation : (2015) 08 DEL CK 0244

Hon'ble Judges : G. Rohini, C.J.; Jayant Nath, J

Bench : Division Bench

Advocate : Vishwendra Verma and Shivali, for the Appellant; Mohinder J.S. Rupal, Advocates for the Respondent

Final Decision : Dismissed

Judgement

Jayant Nath, J—The present appeal is filed seeking to impugn the judgment dated 21.07.2015 of the learned Single Judge in W.P.(C) 6474/2015.

2. The brief facts leading to filing of the petition are that the appellant sought admission in M.Sc. (Fabric and Apparel Science) in Lady Irwin College, University of Delhi i.e. respondent No. 2. She has passed her High School and Intermediate from Central Board of Secondary Education. She took admission in the Bachelor of Design course in Satyam Fashion Institute, Noida which is affiliated to Smt. Nathibai Damodar Thackersey Women's University, Mumbai. The course of M.Sc. (Fabric and Apparel Science) was advertised by the respondents for admission. Selection was through an open competitive examination. The qualification stipulated was that the candidate should have 55% or above marks in aggregate in B.Sc. (Hons.) /B.Sc. (Pass) in Home Science from Delhi University or any other university whose examination is recognised by the University of Delhi as equivalent. There was an additional stipulation that the candidate should have passed any three subjects in the stipulated area. The relevant stipulated qualification for the said course reads as follows:-

3. It is the contention of the appellant that the courses stipulated in the above

noted advertisement at graduation level for admission to the course of M.Sc. (Fabric and Apparel Science) are the same which were studied by the appellant at her graduation level. In fact, it is stated that the appellant has studied four subjects instead of the three stipulated subjects. It is further averred that though the degree completed by the appellant is not named as B.Sc. or B.A. (Home Science), but she fulfils all the eligibility criteria. It is averred that mere difference of nomenclature in her graduate degree would not in any manner disqualify the appellant.

4. The appellant qualified in the examination and was called for counselling. However, in counselling she was denied admission.

5. A perusal of the impugned order shows that the order relies upon a decision which was handed over by the counsel for respondent No. 1 of the "PG Admission Committee (Home Science) " which had taken the decision that the course of Bachelor of Designs in which the appellant had done her graduation is not equivalent to B.Sc. Home Science (Pass or Hons.) of the respondent University.

6. In view of the said decision placed on record, the impugned order notes that respondent No. 1 university has not accepted the degree of Bachelor of Designs completed by the appellant as equivalent to B.Sc. Home Science (Pass or Hons.) of the respondent No. 1 university. The impugned order further noted relying upon the judgment of the Supreme Court in the case of *Guru Nanak Dev University Vs. Sanjay Kumar Katwal and Another*, (2008) 11 JT 543 : (2008) 13 SCALE 760 : (2009) 1 SCC 610 and *Basic Education Board, U.P. Vs. Upendra Rai and Others*, (2008) 2 CLT 845 : (2008) 2 JT 479 : (2008) 2 SCALE 407 : (2008) 3 SCC 432 : (2008) 1 SCC(L&S) 771 : (2009) AIRSCW 109 : (2008) AIRSCW 1560 that equivalency of a degree is a technical academic matter and cannot be implied or assumed and that without the university through which the admission is sought, recognising the examination held by the other institutions as equivalent, no directions for admission to the University can be issued by the Court. The writ petition was hence dismissed.

7. We have heard learned counsel for the parties and perused the record.

8. Learned counsel for the appellant has stressed that the respondent could not deny the appellant admission to the said course of M.Sc. (Fabric and Apparel Science). It is urged that the appellant was issued an admit card. She appeared for the entrance examination and was duly successful. It is submitted that now belatedly, her candidature cannot be rejected. It is secondly submitted that the university from where the appellant has completed her graduation course, namely, Smt. Nathibai Damodar Tharkersey Women's University, Mumbai is a university duly recognised by the UGC. The question of recognition of the same by the Delhi University-respondent No. 1 cannot arise inasmuch as it is not for the university to confer recognition on the university from where the appellant has completed her graduation.

9. Learned counsel for the respondents has submitted that a perusal of the admit

card would clearly show that the same stipulates that a candidate is being allowed in the test subject to fulfilment of eligibility conditions and verification of his/her documents after declaration of the result of the test. Hence, merely because the appellant was allowed to appear in the test and was issued an admit card, it would not confer any right or eligibility on the appellant to claim admission.

10. As far as the first contention of the appellant is concerned i.e. regarding issue of an admit card to the appellant the admit card clearly provides at the bottom as follows:

"1. The candidate is being allowed to appear in the test subject to fulfilment of the eligibility conditions and verification of his/her documents after declaration of result of the test. Merely qualifying the entrance test does not guarantee admission of the candidate to the course. The admission of the candidate will be considered in accordance with the University rules."

11. In view of the said clear instructions on the admit card, merely because the appellant was allowed to appear and has qualified would not confer any right on her to seek admission without fulfilling the necessary qualifying requirements.

12. As far as the second contention is concerned i.e. about the equivalence of the course done by the appellant, the contention of the learned counsel for the appellant is without merit. As per the advertisement issued by the respondents, the qualifications for the candidates for M.Sc. course in Fabric and Apparel Science have already been noted above. Hence, what is relevant is that the candidate seeking admission to the said M.Sc. course must have a B.Sc. (Hons.) / (Pass) in Home Science from the Delhi University "or any other university whose examination is recognised by the University of Delhi as equivalent". Relevant criteria is equivalence of the exam passed by the prospective candidates with the concerned stipulated course of Delhi University where the candidate is from outside Delhi University. This equivalence has to be recognized by Delhi University.

13. According to respondent No. 1-University of Delhi, the course done by the appellant Bachelor of Design is not equivalent to B.Sc. (Hons.) /(Pass) in Home Science of University of Delhi. The legal position regarding the issue of equivalence has already been dealt with by the learned Single Judge.

14. At the cost of repetition, we may refer to the judgment of the Supreme Court in the case of *Guru Nanak Dev University vs. Sanjay Kumar Katwal & Anr.* (supra) where the Supreme Court has dealt with the somewhat similar stipulation as the present one. The relevant qualification clause for the candidates in that case read as follows:-

"5..... Candidates who have passed bachelor's Degree of Guru Nanak Dev University or any other equivalent examination recognised as such by the University with not less than 45% marks; or Master's Degree of Guru Nanak Dev

University or of any other University recognised as equivalent there to."

15. The University in that case took a stand that the course done by the student in the facts of that case was not equivalent to the stipulated course. The Supreme Court further held as follows:-

"13..... Equivalence is a technical academic matter. It cannot be implied or assumed. Any decision of the academic body of the university relating to equivalence should be by a specific order or resolution, duly published. The first respondent has not been able to produce any document to show that appellant university has recognized the M.A. English (OUS) of Annamalai University through distance education as equivalent to M.A. of appellant university. Thus it has to be held that first respondent does not fulfil the eligibility criterion of the appellant university for admission to three year law course.

14..... What is more important is that the appellant university does not wish to treat correspondence course and Distance Education Course as being the same. That is a matter of policy. Courts will not interfere with the said policy relating to an academic matter."

16. To the above effect is also the judgment of the Supreme Court in the case of Basic Education Board, U.P. vs. Upendra Rai (supra).

17. In view of the above, we see no reason to differ with the view taken by the learned Single Judge.

18. The present appeal is dismissed.

19. No order as to costs.

CM No. 13614/2015 (stay)

In view of the dismissal of the appeal, the present application also stands dismissed.