
(2018) 07 DEL CK 0440

In the Delhi High Court

Case No : Writ Petition.(C) No. 7050 OF 2018

Siddhant Singh

APPELLANT

Vs

Hindu College And Ors

RESPONDENT

Date of Decision : 13-07-2018

Acts Referred:

Constitution of India, 1950 — Article 226, 227

Citation : (2018) 07 DEL CK 0440

Hon'ble Judges : SIDDHARTH MRIDUL, J

Bench : Single Bench

Final Decision : Disposed Off

Judgement

SIDDHARTH MRIDUL, J (ORAL)

CM APPL.26764/2018 (Exemption)

Exemption granted subject to all just exceptions.

The application is disposed of accordingly.

W.P.(C) 7050/2018 & CM APPL.26763/2018 (Stay)

1. The present petition under Articles 226 and 227 of the Constitution of India, instituted on behalf of the petitioner, seeks a direction in the nature of

mandamus to Hindu College, as well as, the University of Delhi, respondent Nos. 1 & 3 herein respectively, to forthwith admit the petitioner to the

B.A (Honours) Political Science course (hereinafter referred to as the "subject course") for the academic session 2018-21. The petitioner in the

present petition prays as follows:-

"In view of the aforementioned facts and circumstances, it is humbly prayed that this Hon'ble Court may be pleased to admit this petition, and

direct as follows:

(a) Declare that the non-grant of admission to the petitioner by the respondents No.1 and 2 (as sought vide letters and email dated 06.07.2018) was

illegal;

(b) Pass a writ of mandamus or such other appropriate writ or order directing grant of admission to the petitioner who was given the registration

No.180274800 to the course as stated hereinbelow:

(i) Against respondent No.2 for the course of B.A. History (Hons.);

(ii) In the alternative to the prayer (b)(i) hereinabove, against respondent No.2 for the course of B.A. Programme;

(iii) In the alternative to the prayer (b)(ii) hereinabove, against respondent No.1 for the course of B.A. Political Science (Hons.);

(c) Declare that the omission of the respondent No.3 of not having directed the respondent No.1 and 2 to conduct the admissions as per the guidelines

set out by the respondent No.3 in its Bulletin (binding on the Respondent No.1) was illegal; and

(d) Pass such other; writ(s)/Order(s)/ direction(s)/ declaration(s) as may be deemed fit and proper in the extra-ordinary circumstances of the present case.â??

2. Learned counsel appearing on behalf of the petitioner, on instructions, limits the relief in the present petition to a direction to respondent Nos.1 and 3

to grant him admission to Hindu College, respondent No.1 herein, in the subject course, for the academic year 2018-19, in view of the circumstance

that subsequent upon the revaluation of his marks, he meets the cut-off percentage for the said course in Hindu College. Counsel for the petitioner

would urge that the present petition is covered on all fours by the decision of this Bench in W.P.(C) 7024/2018, titled as â??Akshita Singh vs. Lady

Shri Ram College for Women & Ors.â??, decided on 11.07.2018.

3. In Akshita Singh (supra), this bench observed as follows :

â??9. The legal position that emerges from a conspectus of the afore-mentioned decisions is as follows:

a. Revaluation cannot be an exercise in futility.

b. The relevant cut-off date for admission of a student, is the date stipulated therefor, by the University of Delhi.

c. The assertion of the University of Delhi that if admissions is continued indefinitely, due to delayed revaluation of marks by CBSE, the same would result in a delay in the commencement of the academic session, is completely misplaced, in view of the preceding sub-para.

d. Despite the circumstance that all the seats in the subject course have been filled by a particular college, the court can direct the University of Delhi for creation of a supernumerary seat.

e. The assertion that a meritorious student has already obtained admission to another college cannot disentitle them from securing admission to a college or subject of their own choice.

f. That the college in question, when directed to create a supernumerary seat, is empowered to approach the University Grants Commission for release of additional funds.

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15. It is axiomatic that when it comes to admission of students, the University of Delhi, in terms of the decisions of this Court, is required to be

responsive to the needs of meritorious candidates, lest the latter are denied freedom of choice, on account of delay occasioned by CBSE, for no fault

of the candidate. The interpretation of the guideline issued by the University of Delhi must be liberal enough to prevent any miscarriage of justice.

Even otherwise, the subject guideline is merely that, and cannot have the force of law.â??

4. Notice.

5. Mr. Rajeev Sharma, learned counsel accepts notice on behalf of respondent No.1. Mr. Mohinder J.S. Rupal, learned counsel accepts notice on

behalf of respondent No.3.

6. With the consent of the parties, the present writ petition has been heard finally and is disposed of with the following order.

7. The facts as are necessary for the adjudication of the present proceedings are briefly encapsulated as follows:

a) The petitioner passed the Class XIIth examination conducted by CBSE, having secured 95% marks initially.

b) The petitioner thereafter applied for admission, inter alia, to the subject course in Hindu College, in the general category.

c) The petitioner had, being dissatisfied with the marks awarded to him by the CBSE, applied for revaluation of his answer-sheets, in accordance with

the procedure prescribed by the CBSE in relation thereto.

d) In the meantime, out of abundant caution, the petitioner sought admission in the course of B.A(Programme) at Hindu College, in the general

category on 21.06.2018 till the time the revaluated result was declared.

e) On 05.07.2018, the petitioner received the revaluated result from the CBSE on e-mail. Upon revaluation, the petitioner's marks in English core

and History had been increased by the CBSE from 86 to 93, and from 98 to 99, respectively, thereby increasing his percentage in the 'best of

four' subjects from 95% to 97%.

f) Subsequent thereto, on 06.07.2018, the petitioner made a representation to Hindu College requesting for a change of course from B.A(Programme)

to B.A(Hons.) Political Science.

g) In the meantime, Hindu College had on 19.06.2018, declared its first cut-off list for the subject course, with 97% in the 'best of four'

subjects, as the cut-off, in the general category.

h) Subsequent upon the escalation of his marks as afore-stated, having secured 97% in the 'best of four' subjects, the petitioner became entitled

for admission to the subject course, in terms of the first cut-off list published by Hindu College.

i) However, Hindu College refused to grant him admission in view of their assertion that, admission in the subject course, in the general category, was

closed on 27.06.2018.

8. Learned counsel appearing on behalf of the petitioner would urge that, in view of the circumstance that the cut-off date for admissions notified by

the University of Delhi is 14.07.2018; and the petitioner secured the benchmark in the 'best of four' subjects, as required after the revaluation

of marks done by CBSE; and having applied for admission to the subject course at Hindu College, followed by a representation to Hindu College for

change of course from B.A (Programme) to B.A(Hons.) Political Science, he is therefore entitled to admission in the subject course ex debito

justitiae.

9. The above contention is buttressed on behalf of the petitioner, inter alia, by

decisions of two Division Benches of this Court in LPA No.574/2017 ,
titled as "Shri Ram College of Commerce vs. Sunny Goel & Ors." decided on
09.11.2014 and in W.P. (C) No. 4410/2010, titled as "Jainidh
Kaur (Through her next friend & Natural Guardian Sh. Sarabjeet Singh) vs. ST.
Stephens College and Ors." decided on 28.04.2011.

10. In addition to the above, the decision of a learned Single Judge of this Court
in W.P.(C) 7455/2017, titled as "Suhani Jain vs. Lady Shree Ram
College for Women & Anr." decided on 25.08.2017 is also canvassed before me.

11. Mr. Rupal, learned counsel appearing on behalf of respondent No.3/Delhi
University of Delhi states that in the event the petitioner has applied for
the subject course in Hindu College, within the period stipulated by them for
online registration, he will be granted admission to the subject course at
Hindu College, in accordance with law; and in terms of the directions contained
in the decision of this court in Akshita Singh (supra).

12. Learned counsel appearing on behalf of Hindu College adopts the
submissions made on behalf of respondent No.3/University of Delhi.

13. In view of the foregoing, subject to verification, in accordance with law, if the
petitioner is found entitled for admission, in terms of the directions
issued in the decision rendered by this Court in Akshita Singh (supra), he will be
granted admission to B.A. (Hons.) Political Science Course for the
academic session 2018-19 in Hindu College forthwith, and for this purpose, if
required, the University of Delhi is directed to create a supernumerary
seat. Furthermore, Hindu College is empowered to approach the University
Grants Commission for release of additional funds qua creation of the said
supernumerary seat.

14. With the above directions, the writ petition is disposed of. The pending
application also stands disposed of.

15. A copy of this order be given dasti under the signatures of Court Master to
counsel for the parties.