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*** IN THE HIGH COURT OF DELHI AT NEW DELHI**

% Judgment Delivered on: 19.11.2009

+ W.P.(C) 10845/2009

ABHISHEK CHANDRAN Petitioner

Through : Mr. S.D. Salwan, Adv.

versus

SHRI RAM COLLEGE OF COMMERCE & ORS. Respondents

**Through : Mr. Rajiv Nayyar, Sr. Adv. with Mr. Pawan
Kumar Agarwal, Adv. for respondents
No.1 and 2.**

**Mr. M.J.S. Rupal, Adv. respondent
no.3/University.**

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

1. Whether the Reporters of local papers may be allowed to see the judgment?
2. To be referred to Reporter or not?
3. Whether the judgment should be reported in the Digest?

G.S.SISTANI, J. (ORAL)

1. By way of present petition filed under Article 226 of the Constitution of India, petitioner seeks a direction for grant of admission in the graduate course of Bachelor of Commerce (Hons.) / Bachelor of Arts (Hons.) Economics in the session 2009-2010.
2. Brief facts of the case are that the petitioner applied to respondent no.1, Shri Ram College of Commerce, in the Sports Quota for admission in B.Com (Hons.) / B.A. (Hons.) Economics for the session 2008-2009. The petitioner had secured 79.95 percent marks in the CBSE 12th Class examination. Petitioner is a football player, having outstanding credentials. The football Experts Committee appointed by respondent no.1 – College conducted trials on 17.06.2008.

3. It is the case of the petitioner that he was selected after selection trial for admission under Sports Quota in the B.Com (Hons.) / B.A. (Hons.) Economics course offered by respondent no.1 – College in the order of merit as confirmed by respondents no.1 and 2, who were experts and who had selected the students on the merits of their performance. The petitioner has alleged that Ms. Kuljit Kaur, Convener of the Sports Committee, respondent no.2, in collusion with some other members of the Sports Committee took out another list, thus, replacing the name of the petitioner in the second list and granted admission to two other candidates. While one of the candidates was below the petitioner in the order of merit, the second candidate had not even been recommended or short listed by the experts on 17.06.2008.
4. Mr. S.D. Salwan, learned counsel for the petitioner, thus, contends that respondent no.1 falsified/manipulated the merit list with mala fide intentions and motives, thereby denying admission to the petitioner. As the petitioner did not get a satisfactory answer from the college, his father made an application under the Right to Information Act and from the information received, the petitioner learnt that respondent no.1 – college had constituted a Sports Committee for grant of admission under the Sports Quota on the basis of the recommendation of the experts. Counsel further contends that the Convener of the Sports Committee, respondent no.2, had no credential in the sport of football and hence had no jurisdiction or authority to change the list recommended by the experts. Counsel also contends that the constitution of the Sport

Committee was itself against the Delhi University guidelines since some of the members of the sports committee were either not qualified or did not have the requisite experience in the respective game for which selection was carried out.

5. As the petitioner was not considered for admission in respondent no.1 – college, he sought admission in another college in the Delhi University for the session 2008-2009. After the admissions were closed, the petitioner on receipt of information under the Right to Information Act filed the present petition. In short, the submission of learned counsel for the petitioner is that despite being eligible, since the petitioner was not granted admission by respondent no.1 – college for the Academic Session 2008-2009, the petitioner should be granted admission in the Graduation Course of B.Com (Hons.) / B.A. (Hons.) Economics for the Academic Session 2009-2010 under the Sports Quota.
6. Present petition has been opposed by senior counsel for respondents no.1 and 2 on the ground that the present petition is highly belated and pertains to the admission for the academic session 2008-2009 for which admissions already stand closed in the year 2008. Senior counsel further submits that petitioner is not entitled to seek admission in the current academic session i.e. 2009-2010 on the basis of an application submitted by him for admission in the last academic session 2008-2009 in the first year B. Com (Hons.) / B.A. (Hons) courses of study under the Sports Quota in respondent no.1 college.
7. It has been strongly urged before this Court by learned senior counsel for respondents no.1 and 2 that petitioner has

questioned the admissions granted to Sh. Sunny and Sh. Ashutosh Tandon, however, the said persons have not been impleaded as parties to the writ petition. It has been vehemently submitted by learned senior counsel for respondents no.1 and 2 that respondent no.1 college had considered the application of the petitioner under sports quota in the academic session 2008-2009 and proper procedure was followed. Further the allegations made are false and the admissions made were purely on the basis of the sports credentials and field trials of the students.

8. Learned senior counsel for respondents no.1 and 2 has vehemently denied the averments made in the writ petition. It is submitted by senior counsel for respondents no.1 and 2 that petitioner was not considered in the sports quota for the previous session 2008-2009 as respondent no.1 – college had selected students on the basis of the position at which they played on the field. The college selected a “*defender, forward, half & forward*”; and since the “*defender, and half & forward*” of the first list did not join the college, the college substituted the names of the persons next available that is a “*defender; half & forward; and half*”. The justification sought to be rendered in Court is that petitioner played as a “half” and since the two persons who had opted out for the first category were “*defender and half & forward*”, they were replaced by the players who played at that position. What the respondent has not been able to justify why a student, namely, Sunny, was granted admission on the Sports Quota while his name did not figure either in the merit list or the waiting list.

9. Learned counsel for the respondent – University has opposed this petition on the ground that no fresh admission can be granted after 15.09.2009 for the academic session 2009-2010. Counsel for the respondent University further submits that the present petition suffers from delay and laches. Counsel also submits that the petitioner had applied under the sports quota in the previous academic session 2008-2009 and the admission process for the academic session 2008-2009 and also the current academic session 2009-2010 is over. Counsel also submits that the petitioner has taken admission in Venkateshwar College last year. Counsel next submits that the letters sent by the father of the petitioner dated 20.10.2008 and 03.12.2008 to the Vice-Chancellor were duly replied vide letter dated 31.12.2008 stating therein that the case of the petitioner was examined at the appropriate level and it was found that there was no substance in the complaint.
10. I have heard learned counsel for the parties. Grievance of the petitioner pertains to the admission for the academic year 2008 - 2009. Petitioner was not granted admission. Thereafter the petitioner has joined Sh. Venkateshwar College. The admissions for the years 2008 - 2009 and 2009 - 2010 stand closed. Petitioner did not apply in the sports quota for the academic session 2009 - 2010 while in the present petition a prayer has been made for grant of admission in the academic session 2009 - 2010 under the sports quota. In the absence of any application having been made by the petitioner for seeking admission for the academic session 2009-2010 under the sports quota, no relief can be

granted to the petitioner. The petitioner has secured 79.75%, which is far below the last student who was granted admission in the General Category, who had secured about 90%. Accordingly, the petitioner cannot be considered at this stage for admission under the sports quota for the academic session 2009-2010. The University, is however, directed to issue proper guidelines and ensure that the students, who are granted admission under the sports quota, are strictly as per the merit and as per the University guidelines.

11. Petition stands disposed of in above terms.

November 19, 2009
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G.S. SISTANI, J.