

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

+ **Writ Petition (C) No.3971 of 2012**

% Reserved on: September 03, 2012
Pronounced on: September 12, 2012

CHETNA KARNANI

. . . PETITIONER

through : Mr. Rajat Aneja along with Mr.
Vaibhav Jairaj, Advocates.

VERSUS

UNIVERSITY OF DELHI AND OTHERS

. . .RESPONDENTS

through: Mr. Mohiner J.S. Rupal,
Advocate for R-1.
Mr. Rakesh Gagna along with
Ms. Kanchan Bala, Advocates
for Respondent No.4.
Ms. Beenashaw N. Soni,
Advocate for R-5.
Mr. S.S. Ahluwalia, Advocate
for R-6.

CORAM :-

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

A.K. SIKRI (Acting Chief Justice)

1. The petitioner has cleared her 10+2 Examination (Class XII) under the Central Board of Secondary Education and secured an aggregate of 72.25% marks in the stream of Commerce and Mathematics. She is desirous of pursuing higher studies and aspiring to get admission in a College under University of Delhi in English (Hons.)/B.Com. Courses. It is matter of common knowledge that now-a-days with

72.25% marks, it is difficult to secure admission, particularly, in any of the four colleges in which she applied for admission, viz., Kirori Mal College (Respondent No.3), I.P. College for Women (Respondent No.4), Gargi College (Respondent No.5) and Maitreyi College (Respondent No.6). However, there is a separate channel for admission for those students who are sports persons inasmuch as University of Delhi provides Sports Quota as well. Therefore, an outstanding sportsperson can secure admission if he/she is able to qualify therefor as per the guidelines/criteria for admission to various Undergraduate/Post Graduate courses on the basis of sports.

2. Vide communication dated 29.5.2010, the University circulated, for compliance, “Revised Guidelines for Admission to various Under-Graduate & Post-Graduate courses of the University on the basis of Sports”. These guidelines are formulated with the objective of giving admission under Sports Quota (a) to encourage mass participation of students in Sports activities and general body fitness, for which colleges may organize indoor games like Yoga, Aerobic classes, games of Mass performance and inter-class competitions and (b) building team for various sports recognized by the IOA. As per these guidelines, system of points which had to be secured by an aspiring student has been devised. These points are divided into two categories, i.e., the students earlier represented at various level in a particular sports and certificate received at such level and the number of points awarded in Sports trial held by the University of Delhi. The points secured in both the categories are added and on that basis Merit List is prepared of such sports persons for their

admission under the Sports Quota. However, this criteria is revised in this year. Vide communication dated 18.5.2012, the criteria for sports admission now provides as under:

“II Admission based on Sports Trials:

- A. Maximum 50 Marks for Sports Certificates as per the chart enclosed.
- B. It is essential for the candidate to qualify any two of the following Fitness Test items as per the standards laid down by the university (for the general fitness):

1.	Strength	Standing broad Jump: 1.65 mts. for Men 1.15 mts. for Women
2.	Endurance	1000 mts. Rn/Walk 5.00 min for Men 6.0 in for Women
3.	Speed	50 mts. Dash: 8.00 sec. for Men. 9.00 sec. for Women.

Note: The colleges not having facilities to conduct the above test can contact Delhi University Sports Council for all technical/administrative help by giving advance Information. In this respect, so that necessary arrangements could be made for the same.

- C. Maximum 50 marks for Sports Trials includes skill test, game performance test, game specific fitness, fundamentals of the game/sport etc.”

- 3. The petitioner has no quarrel with prescription of marks as per Part A and C above. However, she feels aggrieved by the Fitness Test, that is provided in Para B. The case of the petitioner is that she is a Chess player and this game does not involve any physical strain or activity. According to her, there is no rationale for holding such a

fitness test for game like Chess which does not require strict standard of body fitness. She submits that she is otherwise physically fit and healthy. However, being little obese, she is unable to meet the strict and high standard required to pass fitness test.

4. As she could not qualify the prescribed fitness test, she was not found eligible for admission under Sports Quota. She made the representation dated 27.6.2012 pleading with the respondents to permit her to participate in sports trial without insisting any fitness trial. She submitted that Chess is an indoor game and such criteria of Broad Jump, Run/Walk and 50m Dash are not application, which defeats the very purpose of inclusion of the game of Chess. The University, however, did not respond to this representation of her's and after waiting for some time, she approached this Court by way of present writ petition for quashing the aforesaid communication dated 18.5.2012 insofar as it makes prescribed fitness test mandatory and pre-condition for appearing in Sports trial test.
5. The respondent Nos.1, 5 and 6 have filed their counter affidavits. Insofar as Respondent Nos.5 & 6 are concerned, they have stated that the petitioner could not qualify the physical fitness test and was, therefore, not allowed to give the game trials for Chess. She had applied for B. Com. and English (Hon.) in those colleges. The colleges have closed the admission process under the Sports Quota on 31.7.2012. However, there are withdrawals, etc. on later dates. It is also stated that the colleges are bound by the University directives. The respondent No.6/College has simply stated that it is

governed by the rules and policies of the Universities. The petition is mainly contested by the University of Delhi/Respondent No.1. The provision for qualifying physical fitness test is sought to be justified for all classes of Sports persons wishing to get admission in the Undergraduate courses on the ground that for any game, be it indoor or outdoor, minimal fitness is required. It is also stated that the standards of physical fitness as prescribed are basic and, therefore, reasonable and justified.

6. It is submitted by the University of Delhi that in Sports College the physical fitness tests conducted on sportspersons seeking admission are far more stringent. The University of Delhi through its Sports Council has only put 30% of the basic physical fitness standard to be the minimum qualifying criteria which is not difficult to be accomplished by any serious Chess player as is reflected from the trials of these sportspersons. It is mentioned that a Chess player who has achieved some level of competence and has seriously taken this sport knows well the importance of physical fitness in the game of Chess. This was also reflected in the physical fitness tests conducted for these Chess players. Out of total 41 candidates who underwent this physical fitness tests only 9 could not succeed to clear the same and were, therefore, disqualified. None of them except the petitioner has challenged the holding of this test being well aware that physical fitness is part of the preparation to be good player of Chess. The game of Chess requires not only mental sharpness, but physical prowess to be able to withstand stress and develop stamina so to be able to maintain composure for long

duration and keep mind active throughout. Several World Class champions of Chess admit the necessity of physical fitness of a Chess player as is apparent from the extracts of the interviews of few such players of Chess.

7. Counsel for both the parties argued on the same lines as adopted in the writ petition and counter affidavit respectively. We have considered their submissions and have also gone through the records.
8. No doubt, for any sport Medical Fitness is a must. Even though Chess is not a game where the body is physically used, it is important to be physically fit to get the brains work faster and longer, because the games sometimes stretch beyond 5 to 6 hours. Stamina is of almost importance for all Chess players. Without physical exercise on regular basis, it will be difficult for Chess players to perform well. All the top players go to gym regularly, or go to the swimming pool or play Tennis or some other game to keep them fully fit. It is said that for a healthy brain, it is important to have a fit and healthy body. There cannot be any denial of the fact that physical fitness is a mandatory requirement in any sports, be it outdoor or indoor. It is applicable to even those indoor games which do not involve any physical activity like Chess or Carom. They are, after all, mind games and level of stress, which is an important requisite and which a person can bear, depends upon his/her physical fitness. No doubt, playing Chess primarily causes mental fatigue rather than physical fatigue. However, studies have revealed that those who are physically fit are able to cope with the mental

fatigueness much better. Therefore, being healthy becomes important even for those playing indoor games. Insofar as the game of Chess is concerned, since a player has to prepare for 7-8 hours a day to become a good player, physical fitness is an essential as mental fitness. Furthermore, to participate in various competitions on national and international levels, as the case may be, such sportsperson has to undertake frequent travels.

Vishwanathan Anand, a great Indian Chess player of international repute, puts it “even a Chess player if not healthy his/her body will not be able to keep up. Very simply, even if you have something as common as ‘common cold’, you can’t compete at you 100%. So we try to improve out stamina and our general resistance to withstand the strain of competing.” In his opinion, “Mental fatigue is more difficult to handle than physical fatigue. When the body is tired, we can sleep really well. But if the mind is tired or worried, it is very difficult to sleep.”

Therefore, physical fitness assumes importance even if tackling mental fatigue. For a Chess, who is not physically fit, it may become difficult to sit for hours together and give the concentration while playing which this game requires and demands. It is for this reason that most of the Chess players also undertake physical exercise to remain fit. So far so good.

9. However, the next poser is: whether same physical standards are required to be set for sportsperson playing different games/sports? To put it otherwise, is it rationale and appeals to common sense, to judge on the same yardstick those players who are playing outdoor

games involving great physical activity and for those games, like Chess, which does not entail any physical activity at all. To put, still differently, whether University of Delhi should insist only on 'game specific fitness' which varies from different sports or have uniform fitness test across the board irrespective of nature of game.

10. We feel that while laying down the physical fitness standard in the impugned communication, the University of Delhi has not specifically taken into consideration this aspect. The standards as prescribed demand physical fitness at three levels, viz., strength, endurance and speed. For strength, men are required to achieve 1.65 mtrs. for Standing Broad Jump whereas this requirement for women is 1.15 mtrs. Likewise, 1 Kms. runs is to be accomplished by men in 5 minutes and by women in 6 minutes to pass Endurance Test. For Speed Test, 50 mts. Dash is to be covered by men in 8 seconds and by women in 9 seconds. While these standards may be basic standards and perfectly justified in respect of sports involving strenuous physical activity like Football, Tennis, Cricket, Hockey, etc., such rigorous standard may not be totally justified for those who are into Indoor games like Carom and Chess which do not involve even the least physical activity. Though it is agreed, as discussed above, physical fitness is needed also by those playing the game of Chess. However, what needs to be examined is, should their physical fitness can be seen on the application of different parameters and yardsticks, say somewhat relaxed fitness standard regarding strength, endurance and speed, coupled with appropriate medical examination test? Should the sportsperson playing sports

- which involve only mental skill be judged on the same standards as prescribed for outdoor sports?
11. We find that the matter is not examined by the University while laying down the standards in the impugned communication. No doubt, it is stated that the criteria laid down by some other Universities is more stringent than the one laid down by the Sports Council for the University of Delhi and that it is the basic fitness criteria. However, what we are emphasizing is that while this criteria may be apt and totally justified for outdoor games or even indoor games involving physical activity like Badminton or even Table Tennis, it may not be entirely rationale to have this criteria for game like Chess. No doubt, it is the physical fitness which leads to mental fitness. However, it should be specifically examined as to whether for a person playing game of Chess such a level of physical fitness is appropriate.
 12. Though we are of the opinion that different standards to physical fitness may be required for games like Chess or Carom or which had been required fitness while playing game, laying down all those standards is not the function of the Courts. Therefore, this Court can only direct the University to reconsider the matter in the light of our observations made in this judgment and after indepth deliberations, come out with the physical standards that are required for these games.
 13. In this backdrop, we come to the question of relief to the petitioner. Unless there is re-examination/reconsideration of the issue and fresh standards are prescribed by the University for such indoors sports

including Chess, it is difficult to give any relief to the petitioner. The aforesaid exercise, which is required to be undertaken by the University, may consume some time. Academic session has started for this year. By the time this exercise is completed and fresh standards laid down, the present academic session would have advanced further. That apart, the respondents had shown the performance of the petitioner in the aforesaid physical test, which is much below par and appears to be far from the satisfactory. Therefore, we are unable to give any direction to the respondents insofar admission of the petitioner in this academic session is concerned. However, mandamus is issued to the University of Delhi to revisit and reconsider the issue and, if necessary, to reformulate the standards for such sports as directed above, which may be applicable from the next academic year.

14. Writ petition is disposed of in the aforesaid manner.

ACTING CHIEF JUSTICE

**(RAJIV SAHAI ENDLAW)
JUDGE**

SEPTEMBER 12, 2012

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