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

+ LPA 271/2009 & CM APPLS. 8202/2009, 8203/2009, 8206/2009

GURU NANAK DEV UNIVERSITY Appellant

Through: Mr. Ashok K. Mahajan, Advocate
versus

UNION OF INDIA & ORS. Respondents

Through: Mr. Sushil Dutt Salwan with
Mr. Divy Pratap, Advocates

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Date of Decision : 27th November, 2013

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE MANMOHAN

J U D G M E N T

MANMOHAN, J: (Oral)

1. Present letters patent appeal has been filed challenging the judgment and order dated 3rd October, 2008 passed by learned Single Judge, whereby appellant's writ petition being W.P.(C) 4175/2007 was allowed and the order/letter dated 9th May, 2006 issued by respondent no. 2 was set aside.

The relevant portion of the impugned order reads as under:-

“11. I have heard learned counsel for the parties. The bone of contention between the parties is the above mentioned Rule No.III of the Handbook of Rules and Regulations for Inter University Tournaments. It is an admitted case between the parties that initially the games were to be conducted by Barkatullah University, however, when the said university showed its inability, the petitioner university agreed to conduct the games. Entries for this event had already been received

before the start of the tournament by the Barkatullah University. It is also not in dispute that on the final day i.e. the day of the tournament, only nine (9) teams had physically participated and not ten (10) teams. A bare reading of the said Rule No.III which has been filed by the respondent and relied upon by the petitioner, would show that only member universities/institutions of the association, were show that only member universities/institutions of the association, were eligible to enter their names to participate in the Inter-University Tournaments and further, each university was entitled to enter only one team in a tournament. As per the later portion of the rule, the minimum entries required for conducting the tournament was fixed. It is a cardinal rule of interpretation, that words are to be ascribed their plain and ordinary meaning, unless such an interpretation leads to any manifest absurdity or repugnancy. Applying this principle to the relevant portion of the Rule which reads, “[t]he minimum entries required for conducting a tournament...”, it is seen that as per the Rule, a tournament can be conducted if the minimum number of entries are received. The said Rule does not prescribe any minimum number of participations for the event. In other words, the aim of this Rule being to promote healthy competition, what is important for conducting the event is that at the initial stage the number of entries should not be less than the minimum prescribed. Even otherwise, also, if the interpretation given by learned counsel for the respondent is accepted by this Court, then it would be very easy for a single team to de-rail the entire competition and have the event abandoned by not participating at the very last minute. Such malafide cannot be perpetuated. And neither can such absurd meaning be ascribed to the words of the Rule. In my considered opinion, the language of the Rule is clear and unambiguous and the term entries cannot be read as participations.

12. Taking into consideration that in this case, initially there were 15 (fifteen) entries in the men section, against the prescribed minimum of 10 (teams) and out of which 9 (none) teams did physically participate in the tournament, shows that there is no malafide on the part of the petitioner. The competition was conducted and there is no

reason for not recognizing the competition. Consequently, the present petition is allowed and the order/letter dated 9.5.2006 issued by respondent No.2 to the petitioner, is set aside. Necessary consequences of setting aside of this order/letter dated 09.05.2006 shall follow.

2. Mr. Ashok K. Mahajan, learned counsel for appellant submits that learned Single Judge failed to appreciate that Rule III has been in force since inception of the inter university competition and the said Rule has been consistently interpreted by respondent no. 2 right from the beginning to mean that it is not only the entries for the tournament, but actual participation of the teams which are relevant for recognizing the particular event leading to determination of the winner of MAKKA Trophy. In support of his submission that consistent practice must be given preference while interpreting a rule, Mr. Mahajan relies upon the judgement of the Supreme Court in ***N. Suresh Nathan and Another Vs. Union of India and Others, 1992 Supp. (1) SCC 584*** wherein it has been held as under:-

“4. In our opinion, this appeal has to be allowed. There is sufficient material including the admission of respondents diploma-holders that the practice followed in the department for a long time was that in the case of diploma-holder Junior Engineers who obtained the degree during service, the period of three years' service in the grade for eligibility for promotion as degree-holders commenced from the date of obtaining the degree and the earlier period of service as diploma-holders was not counted for this purpose. This earlier practice was clearly admitted by the respondents diploma-holders in para 5 of their application made to the Tribunal at page 115 of the paper book. This also appears to be the view of the Union Public Service Commission contained in their letter dated December 6, 1968 extracted at pages 99-100 of the paper book in the counter-affidavit of respondents 1 to 3. The real question, therefore, is whether the construction made of this provision in the rules on

which the past practice extending over a long period is based is untenable to require upsetting it. If the past practice is based on one of the possible constructions which can be made of the rules then upsetting the same now would not be appropriate. It is in this perspective that the question raised has to be determined.”

(emphasis supplied)

3. Having heard learned counsel for the appellant, this Court is of the view that the issue which arises for consideration in the present appeal is whether ten teams must only file entries or must also participate in the competition.

4. Rule III which deals with the entries and venues reads as under:-

“III. ENTRIES AND VENUES

a) Only member university/Institutes of the Association shall be eligible to enter their teams to participate in the inter university Tournaments. Each university shall be entitled to enter only one team in a tournament. The minimum entries required for conducting a tournament shall be as follows except in case where special circumstances warrant relaxation:

<i>Section</i>	<i>Minimum number of entries</i>	
	<i>All India Basis</i>	<i>Zone Basis</i>
<i>Men</i>	<i>10</i>	<i>5</i>
<i>Women</i>	<i>6</i>	<i>4”</i>

5. The golden rule of interpretation of a rule is that words *prima facie* have to be given their ordinary meaning. When words are clear, plain or unambiguous, then effect to that meaning has to be given irrespective of consequences. If the provision in a rule on which the past practice is based is untenable, then the Court will have no other option but to upset the past practice. After all court can iron out creases, but it cannot weave a new

texture.

6. In the present instance, Rule III only stipulates that at the initial stage the number of entries should not be less than ten. It nowhere stipulates that minimum ten teams must also participate in the event.

7. Consequently, as the interpretation placed by learned counsel for the appellant is contrary to explicit language of the Rule, we find no merit in the appeal. Accordingly, the same is dismissed but with no order as to costs.

MANMOHAN, J

CHIEF JUSTICE

NOVEMBER 27, 2013

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