

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

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Date of decision: 21st July, 2015

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W.P.(C) 6474/2015

SHILPI VERMA

..... Petitioner

Through: Mr. Vishwendra Verma, Adv.

Versus

UNIVERSITY OF DELHI & ANR

..... Respondents

Through: Mr. Mohinder J.S. Rupal, Adv. for R-1.
Ms. Manisha Singh & Mr. Amit
Bansal, Advs. for R-2.

CORAM:-

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

1. This petition came up before this Court first on 8th July, 2015 when *inter alia* the following order was passed:

“4. The petitioner has been denied admission to the M.Sc. (Fabric and Apparel Science) course in the respondent No.2 Lady Irwin College on the ground of not meeting the eligibility criteria of having done graduation in B.Sc. (Home Science).

5. The contention of the petitioner is that though the graduation done by the petitioner from Satyam Fashion Institute, Noida affiliated to Smt. Nathibai Damodar Tharkersey Women's University, Mumbai is labelled as Bachelor of Design but the curriculum of the course in which the petitioner has graduated is the same as the curriculum of the B.Sc. (Home Science) and the petitioner has studied and passed all the subjects of B.Sc. (Home Science) listed out in the eligibility criteria.

6. It has been enquired from the counsel for the respondent No.1 University of Delhi appearing on advance notice, whether the Equivalence Committee of the respondent University has examined the matter.

7. The counsel for the respondent No.1 University states that the aforesaid University appears to be a new University and it may be possible that the Equivalence Committee has not had the occasion to examine. On further enquiry, it is informed that the Equivalence Committee is not a Standing Committee and is constituted by the Academic Council on requirement basis. It is further informed that the constitution of the Equivalence Committee may take time. The counsel has further suggested that there is a Grievance Committee of the Lady Irwin College as well as of the respondent University and the petitioner can approach the same

8. Issue notice.

9. Notice is accepted by the counsel for the respondent No.1 University. The petitioner to serve respondent No.2 Lady Irwin College by all modes including dasti returnable on 10th July, 2015.

10. The respondent No.1 University to also examine, whether the claim of the petitioner can be got examined by the Vice-Chancellor of the University in exercise of his emergent powers.”

2. Thereafter, from time to time, to enable the counsels for the respondents to obtain instructions, the matter was adjourned. On 14th July, 2015, the counsel for the respondent No.1 University of Delhi informed that the university from which the petitioner has done her graduation, has probably not applied to the respondent No.1 University for recognition of their courses or sought equivalence and in absence whereof, the candidature of the petitioner could not be considered. Notwithstanding the same, the counsels were asked to obtain definite instructions.

3. The counsel for the respondent No.1 University has today handed over in Court, a decision of the “PG Admission Committee (Home Science)” on the prayer of the petitioner contained in the present petition and as per which decision, the course of Bachelor of Designs in which the petitioner has done her graduation, is not equivalent to B.Sc. Home Science (Pass or Hons.) of the respondent University. The counsels for the respondents thus state that the petitioner cannot be considered for admission.

4. The counsel for the petitioner has however invited attention to the eligibility prescribed by the respondents for admission to the M.Sc. in Fabric and Apparel Science course and which is as under:

“8E	M.Sc. Course in Fabric and Apparel Science Examination	Intake Capacity	ELIGIBILITY CONDITIONS 55% or above marks in aggregate in Home Science
		19	
	B.Sc. (Hons.) in Home Science / B.Sc. (Pass) in Home Science : (3 or 4 years course) after (10+2) from Delhi University or any other University whose Examination is recognized the University of Delhi as equivalent and fulfil other conditions of eligibility. Should have passed any three subjects in the following areas: Fundamentals of Fabrics and Apparel Science / Apparel for Children and Adolescents / Fabric Science / Indian Textiles Heritage / Advances Apparel Construction / Applied Textile Design / Dyeing and Printing / Design Concepts / Fashion Development / Fashion Studies.”		

It is argued that the petitioner has done four instead of three subjects required under the aforesaid eligibility criteria.

5. The aforesaid eligibility conditions, in my opinion, comprise of two components. The first component is, that the candidate seeking admission should have done B.Sc. in Home Science (Hons.) or B.Sc. (Pass) in Home Science, “from Delhi University or any other University whose examination is recognized by the University of Delhi as equivalent”.

6. The counsel for the respondent No.1 University on enquiry whether the B.Sc. (Design) examination of the Satyam Fashion Institute, Noida affiliated to Smt. Nathibai Damodar Thackersey Women’s University, Mumbai has been recognized by the respondent No.1 University as equivalent to B.Sc. (Hons.) in Home Science or B.Sc. (Pass) in Home Science of the Delhi University, replies in the negative and has reiterated that the University from which the petitioner has done Bachelor of Design, has not even sought equivalence from the respondent No.1 University.

7. The counsel for the petitioner of course contends that once the Smt. Nathibai Damodar Thackersey Women’s University, Mumbai has been recognized by the University Grants Commission (UGC) the courses offered

by it should also be recognized as equivalent to the courses of Delhi University. He however is unable to show any law, rule, regulation on the basis whereof such a contention is raised.

8. I am unable to accept the aforesaid contention. The requirement as per the eligibility conditions supra and which are not under challenge, is of the respondent Delhi University having recognized the examination of another University as equivalent to its B.Sc. (Home Science) (Hons. or Pass) and not of UGC having recognized an institution as a University. The petitioner thus, does not fulfil the first component of the eligibility condition supra.

9. The second component of the eligibility condition supra is of not only having done B.Sc. (Home Science) (Hons. or Pass) or an examination recognized as equivalent thereto, but with the subjects prescribed therein.

10. Even if it were to be held that the petitioner has studied the required subjects, the petitioner would be complying with only the second component of the eligibility condition supra and still cannot be held as compliant with the first component of the eligibility condition supra.

11. The counsel for the petitioner wants this Court to examine equivalence.

12. The same is not the domain of this Court. Neither is this Court equipped to examine equivalence nor can this Court in exercise of powers of judicial review do so.

13. The counsel for the respondent No.1 University in this regard has drawn attention to ***Guru Nanak Dev University Vs. Sanjay Kumar Katwal*** (2009) 1 SCC 610 in paras No.15&16 whereof, it has been held that equivalence is a technical academic matter and cannot be implied or assumed; any decision of the academic body of the University relating to equivalence should be by a speaking order or resolution, duly published. It was further held that without the university to which admission is sought recognizing examination held by another Institution / University as equivalent, no direction for admission can be issued.

14. Reference in this regard can also be made to ***Basic Education Board, U.P. Vs. Upendra Rai*** (2008) 3 SCC 432 holding that grant of equivalence or revocation of equivalence is an administrative decision which is in the sole discretion of the concerned authority and the Court has nothing to do

with such matters; the matter of equivalence is decided by experts; Courts should exercise judicial restraint and not interfere with it.

15. There is thus no merit in the petition.

Dismissed.

No costs.

RAJIV SAHAI ENDLAW, J.

JULY 21, 2015
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