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

+ **W.P.(C) NO.7224/2015**

AYUSH GARG & ANR

..... Petitioners

Through: Ms. Deepika and Mr. Shakti Singh,
Advts.

versus

KIRORI MAL COLLEGE & ANR

..... Respondents

Through: Mr. Pranav Kumar Jha, Adv. for R-1.
Mr. Mohinder J.S. Rupal, Adv. for
University of Delhi.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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12.08.2015

1. Both the petitioners had applied for admission in the B.Com. (P) Programme / course to the respondent no.1 Kirori Mal College in the Sports Quota. While the petitioner no.1 Ayush Garg participated in the tests conducted for the sport of Badminton, the petitioner no.2 Anmol Hatwal participated in the tests for the sport of Table Tennis. While the petitioner no.1 in the said test was ranked at no.2, the petitioner no.2 was ranked at no.4 in their respective sports. They were however not admitted and which resulted in this petition.

2. Notice of the petition was issued and the counsel for the petitioners and the counsel for the respondent no.1 Kirori Mal College have been heard with reference to the provisions in the Information Bulletin published of the respondent no.2 University of Delhi for admission to the Undergraduate courses in the year 2015-16 in the colleges affiliated to it.

3. As per the aforesaid Bulletin, not more than 5% of the seats are to be reserved for admission under the Sports / Extracurricular Activities (ECA) Quota and the colleges have been given freedom to decide the actual number of seats in different courses to be filled on Sports Quota basis keeping in view the facilities available, requirement of the College and other relevant factors.

4. It is the case of the respondent no.1 Kirori Mal College, (i) that out of the total 99 seats in the B.Com (P) course, five were reserved for the Sports/ECA Quota and of which three were allocated to Sports and two to ECA; (ii) however subsequently, one seat from ECA Quota was also transferred to the Sports Quota, making total four seats available in the B.Com (P) course to be filled in from the Sports Quota; (iii) the aforesaid four seats have been filled up with the toppers in the tests held in the Sports of Athletics (Men), Badminton (Men), Badminton (Women) and Football; (iv) the petitioner no.1 having secured the second rank in the test held in the Sport of Badminton, was not admitted; and, (v) no admission in B.Com. (P) from the sport of Table Tennis was made; in any case, all the applicants for admission in the Sport of Table Tennis were seeking admission in B.Com (P) only and even if any admission was to be made, the petitioner no.2 having secured the fourth rank in the test held in the sport of Table Tennis, had no chance.

5. The counsel for the petitioners is unable to point out any inconsistency in the procedure so followed by the respondent no.1 College of admission vis-a-vis the provisions of the Bulletin aforesaid.

6. The counsel for the respondent no.2 University of Delhi, on enquiry states that no error is found by the respondent no.2 University of Delhi also

in the procedure of admission so followed by the respondent no.1 College.

7. Thus, no relief can be granted to the petitioners.

8. It has however been enquired from the counsels for the respondents, as to why while inviting applications the colleges cannot be required to specify the number of seats available under the Sports Quota in each category and the sport from which they are intended to be filled up.

9. A perusal of the Information Bulletin published by the respondent no.2 University of Delhi for admission to the Undergraduate courses shows that candidates wishing to be considered for admission to various Undergraduate courses in different colleges of the university, for which there is no entrance examination, are required to register either online or offline by completing OMR forms to be submitted to the university and there will be no registration / pre-admission form at the college level. The candidates while registering online or filling up the OMR form are required to give their preference for college. However as far as admissions in the Sports / ECA Quota are concerned, though it is mandatory for all colleges to provide sports facilities and to encourage all students to participate in sports and extracurricular activities, but the colleges have been left to decide the actual number of seats to be filled on sports basis keeping in view the facilities available, requirement of the college and other relevant factors. The colleges are required to notify the number of seats under sports quota and requirement of sports persons in different sports. There does not appear to be any requirement for indicating the course / programme in which the college intends to make admissions in the Sports / ECA Quota. The same, in my *prima facie* opinion leaves a discretion in the college to be exercised at any time, not only to decide the course / programme in which to make

admission of the selected sports candidate but also to, without assigning any reason, take the candidates till say fourth rank in the test held from one sport and leave out the candidate who may have secured the top rank in another sport for which also the test was held.

10. I am unable to fathom any reason for vesting such discretion in the colleges and which is capable of abuse. It is thus felt that colleges should, at the beginning of the admissions itself announce with sufficient clarity, the number of candidates to be selected for each sport and programme / course in which they are intended to be admitted so that the students applying for admission under the sports quota therefor have sufficient clarity and can exercise choice of college and course / programme appropriately. However I refrain from pronouncing on the said aspect, having neither heard the counsels on the same nor having any material before me in this respect. It is nevertheless deemed appropriate to direct the respondent No.2 University of Delhi to consider the said aspect at its appropriate level and to, with effect from the admissions to the next academic year, make the change, if any required to be made in this regard.

11. The petition is dismissed, however with the direction aforesaid to the respondent No.2 University of Delhi.

No costs.

RAJIV SAHAI ENDLAW, J.

AUGUST 12, 2015

‘pp/gsr’..

(Corrected and released on 14th September, 2015)