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

+ LPA 220/2017

SUDHANSHU GIRI

..... Appellant

Through: Ms. Urvashi Singh, Advocate.

versus

THE VICE CHANCELLOR

DELHI UNIVERSITY, DELHI & ORS

..... Respondents

Through: Mr. Mohinder J.S. Rupal, Advocate
for University of Delhi.

Mr. Ankur Chhibber, Advocate for
respondents No.2 & 3.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

18.07.2017

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1. The appellant has preferred the present Letters Patent Appeal to assail the judgment dated 14.03.2017 rendered in W.P. (C) No. 11061/2016, whereby the appellant's said writ petition has been dismissed by the learned Single Judge.

2. The appellant, who is a student of B.Com. Programme in the Moti Lal Nehru College (Evening) – while studying in Semester III, made an application to seek migration to the Moti Lal Nehru College (Morning) in the same programme on 19.08.2016. The application, though addressed to the Principal, Moti Lal Nehru College (Evening), bears an endorsement

made by, and in respect of the morning course, which states that the number of seats is 184, while the number of students already admitted in B.Com.(P.) Semester III in 2016 is 321. On the aforesaid ground, the appellant was not granted migration, as sought by him.

3. Consequently, the appellant preferred the aforesaid writ petition. The learned Single Judge has not found any merit in the writ petition, and consequently, dismissed the same.

4. The submission of learned counsel for the appellant is that even though the number of sanctioned seats in the morning course is stated to be 184, as a matter of fact, even according to the respondents, the number of students already admitted in the B.Com (P.) Semester III in 2016 is 321, i.e. far in excess of the sanctioned strength. She submits that this shows that the respondents were open to relaxation, so far as the number of seats is concerned.

5. She further submits that even though it was claimed that 321 students were admitted in Semester III in 2016, the actual number is lower, as there are blanks in the list of the said 321 admissions granted by the respondents.

6. The appellant is not in a position to dispute the fact that the sanctioned strength in the morning college/ course of B.Com (P) Semester III in 2016 is only 184. The appellant also does not dispute the fact that the number of students admitted in B.Com.(P.) Semester III in 2016 is far in excess of 184 – even if the blank entries are to be accounted for. Merely because the college may have admitted a larger number of students than its sanctioned strength, does not vest the appellant with a right to claim that he

too should be accommodated by further inflating the number of seats. This Court cannot be called upon to issue a writ which would perpetuate an irregularity. If the sanctioned strength in the B.Com. (P.) Programme in 2016 was only 184, the said number could not have been inflated. However, that is not the issue before us.

7. In these circumstances, we find no merit in the present appeal.

8. Dismissed.

VIPIN SANGHI, J

REKHA PALLI, J

JULY 18, 2017

B.S. Rohella