

\$~

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

%

Judgment reserved on : 24.07.2017

Judgment delivered on : 02.08.2017

+

W.P.(C) 8207/2016 and CM No. 34010/2016

ARPIT SINGHMAR

..... Petitioner

Through: Mr Vivek B Saharya, Adv.

versus

THE VICE CHANCELLOR UNIVERSITY OF DELHI AND ORS

..... Respondents

Through: Mr Saurabh Banerjee, Adv.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

INDERMEET KAUR, J.

1 Petitioner is aggrieved by the act of the respondents in not allowing him admission in the sports quota for the M.Com (Hons) course inspite of the fact that he had the requisite certificates evidencing the fulfillment of his requirement.

2 Record shows that the petitioner has passed his 12th class examination in 2012 from the CBSE Board in Bhiwani, Haryana. In 2013 he was admitted in Shri Guru Tegh Bahadur Khalsa College, North Campus,

University of Delhi on the basis of sports quota. Between 2014-2015, the petitioner had participated in various inter-college badminton championships and he had also secured 1st position. In the year 2014, the petitioner had participated in Third Gautam Thukral Memorial All India Junior Badminton Tournament held in Bombay Gymkhana Cricket Club of India, Mumbai from 14th to 20th July, 2014. He had also participated in ONGC Siidcul All India Junior Ranking Badminton Tournament from 4th to 10th August, 2014, Dehradun, Uttarakhand which was carried out under the aegis of Badminton Association of India. In the year 2016, the petitioner graduated from B.Com. course of the aforementioned college with a 55 aggregate. He had qualified for the eligibility criteria being under clause b attached to the guidelines for admission on the basis of sports for a post graduate course. On 09.05.2016, the petitioner filed an application form for admission to the M. Com course. He sat for the written examination where he secured a 2423 rank.

3 Respondent No.3 i.e. Sports Council of the University of Delhi wrote to the Deans of all faculties and Head of the Department & stating that the candidates who had applied for admission to post graduate course in the sports quota should report for verification of documents on 21.07.2016 at 10:00 am. This was to be followed by a fitness test scheduled for 09:00 AM

on 22.07.2016. On 23.07.2016, the petitioner got a verification of his certificates from District Badminton Association, Bhiwani; this Association was affiliated to the Badminton Association of India.

4 On 25.07.2016, the case of the petitioner was rejected on the ground that he did not fulfill the guidelines of the respondents. The petitioner filed a review petition to the Dean, Students Welfare University of Delhi who in turn forwarded the representation to the Competent Authority. This was refused stating that his certificates did not fulfill the criteria which was necessary for admission to post-graduate M.Com course.

5 On 26.07.2016, the petitioner approached respondent No.1 for a reconsideration of his case. He received no response. He again filed a detailed application for review of his application to the Vice Chancellor on 03.08.2016. He heard nothing from them. The petitioner was constrained to file the present petition.

6 All the respondents have been served. A common counter affidavit has been filed. The first affidavit filed by the respondent is dated 09.11.2016. In this affidavit, it is stated that the petitioner had admittedly applied for admission in the post graduate course of respondent No.1 university for the academic year 2016-2017 under the sports quota (Badminton) by filling up

its Common Admission Form. He also sat for the written examination and reported for verification of his documents on 21.07.2016. There were three such certificates. As per clause 1 (b) of respondent No.3, "Certificate Marking Criteria", the petitioner was not eligible to be considered for admission on the basis of sports certificates i.e. (i) ONGC Siidcul All India Junior Ranking Badminton Tournament, 2014 as this was an invitational tournament for ranking of badminton players & (ii) 3rd Gautam Thakkar Memorial All India Junior Ranking Badminton Tournament, 2014 was also an invitational tournament of badminton players. In order to secure admission under the sports quota (Badminton) for the academic year 2016-2017, a student of badminton should have position and participation in Inter-State Junior National Badminton Championship which are yearly conducted tournaments by the Badminton Association of India and fall within the Certificate Marking Criteria for admission on the basis of sports in post graduate course. All the three certificates relied upon by the petitioner were examined but two of the aforementioned certificates did not fulfill the criteria of the respondent. The petitioner was bound to adhere to Annexure V of the said Criteria for admission on the basis of sports quota in the University of Delhi, Bulletin of Information Admission to Postgraduate Course 2016-

2017. The relevant criteria has also been quoted which reads herein as under:-

“Position and Participation in Individual Event/Team Event/s in Senior/Junior National/National Games/Federation Cup/Championship/Other Tournaments at the National Level recognized by IOA, Subject to the candidates secured I, II, III position in Inter College tournament (s).”.

7 In the counter affidavit, it is further pointed out that there were only 7 All India Junior Ranking Badminton Tournament which are held; the 39th Inter-State-Inter Zonal & Junior National Badminton Championship, 2014 and the 28th Sub Junior National Badminton Championship, 2014 were the 2 Badminton Associations which fall within the Certificate Marking Criteria for admission under the Sports Quota to a post graduate course in University of Delhi. It was pointed out that out of the three certificates submitted by the petitioner were given nil marks by the respondent as the respondent could not take these certificates into account. There was also no vacancy in the sports quota in the post graduate course in University of Delhi for the academic year 2016-17.

8 Rejoinder was filed reiterating the averments made in the petition and

denying the defence sought to be set up by the respondent.

9 Arguments have been heard. Record has been perused.

10 On 02.02.2017 the Court had noted the issue as to whether for the purposes of awarding 75% marks on the certificates issued to a participant; should be only confined to those tournament which are played at a (a) national level and recognized by the Indian Olympic Association (IOA) and the (b) certificate issued by the National Sports Federation/AIU/IOA or also to the tournaments listed in Annexure P-5 which have been recognized by the Badminton Association of India (National Federation).

11 The University had been directed to file an affidavit as to in what manner admissions have been made in the Post-Graduation course under the sports quota (Badminton) in the preceding three years. This affidavit of the respondent is dated 02.02.2017 is on record. It is one page affidavit; Annexures have also been filed. This affidavit states that information regarding admission on the basis of sports quota in the post graduate course 2014-2015 (along with necessary documents as also information regarding admission on the basis of sports quota for the year 2015-16 and 2016-2017) have been appended. These documents have been perused. These documents support the stand of the respondent. Admittedly no student in the preceding

3 years has been granted admission in the Sports Quota on the basis of a certificate other than those which fit in the “Certificate Marking Criteria” i.e. those certificates which are issued by the Indian Olympic Association or the 2 junior level championships i.e. 39th Inter-State-Inter Zonal & Junior National Badminton Championship, 2014 or the 28th Sub Junior National Badminton Championship for a post graduate admission.

12 The first certificate relied upon by the petitioner (page 35 of the paper book-Annexure P-2) is a certificate issued by Sports Council, University of Delhi reflecting that the petitioner had secured a 1st position in an Inter College Competition of the year 2014-15. The second certificate (page 37 of the paper book-Annexure P-3) is a certificate of participation in the 3rd Guatam Thakkar Memorial All India Junior Badminton Tournament, 2014. This Certificate of participation was issued by the Maharashtra Badminton Association; Mr Punnaiah Choudhary was noted as an observer of the BAOI. The third certificate which is again a certificate of participation (page 39 of the paper book-Annexure P-4) in the ONGC Siidcul All India Junior Ranking Badminton Tournament, 2014 was held at Dehradun, Uttarakhand. This certificate was issued by the Uttaranchal State Badminton Association; BAI was an observer.

13 None of these certificates fit into the criteria of the “Certificate Marking Criteria” of respondent No.3. There has also been no discrimination qua the petitioner as the additional affidavit of respondent No.3 reflecting the admissions (in the Sport Quota) for the last 3 preceding years show that only “Certificate Marking Criteria” certificates are recognized for admission to a post graduate course. No objection has been raised to this additional affidavit of respondent No.3. The tournaments listed at Annexure 5 were seven but as pointed out by respondent No.3 only two out of these seven fall in the “Certificate Marking Criteria”. This Criteria applies across the Board to all such students who sought admission in the Sports Quota and the petitioner not having been singled out (which is also not the case of the petitioner), no case is made out for grant of prayer of the petitioner.

14 Petition is without any merit. It is dismissed.

INDERMEET KAUR, J

AUGUST 02, 2017

A