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IN THE HIGH COURT OF DELHI AT NEW DELHI

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Judgment reserved on : 28.08.2017

Judgment delivered on : 31.08.2017

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W.P.(C) 5823/2017 and CM No. 24281/2017

SIDDHANT GUPTA

..... Petitioner

Through Mr.Jinendra Jain and Mr.Brijesh
Yadav, Advocates.

versus

UNIVERSITY OF DELHI

..... Respondent

Through Mr.Mohinder J.S.Rupal, Advocate.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

INDERMEET KAUR, J.

1. Petitioner had qualified his 12th class from the Delhi Public School, Rohini. He had secured 87 % marks. He was a national level Archer. He has been winning medals at the State level as also at the National level.
2. Respondent No. 1 / University of Delhi had issued a notification for admission in the various colleges for the academic session 2017-18 which included a sports quota.

3. On 12.06.2017 petitioner had filled up his form; he had been issued a receipt acknowledging his successful Under Graduate Admission for the year 2017-18.

4. Petitioner also checked on the online website of the respondent as to whether his form had been considered under the sport quota (which he had filled). As per the details checked as on 27.06.2017 the petitioner had been given 32 marks for his sports certificate. Copy of the print out of the aforementioned information was received by the petitioner.

5. Respondent No. 1 issued a list of eligible candidates for giving trials under the various sports quota. Petitioner's name figured as an eligible candidate under the sport "Archery". Trials were held on 04.07.2017 at the Hansraj College and six officials of respondent No. 1 took these trials. Petitioner secured a 3rd position. Petitioner also cleared the fitness trial. He was intimated by the officials present there that he had successfully passed the trials and his name would figure in the list of successful candidates. Even as on 04.07.2017 name of the petitioner showing 32 marks was being reflected in the record of respondent.

5. On 07.07.2017 when the petitioner checked the website of respondent No. 2 he found that he had been given zero marks for his sports certificate. He was shocked to know this when all along he had been assured that he would be granted 32 marks for his sports certificate. He immediately made a representation (08.07.2017) to the Chairman, Council of Sports, Univeristy of Delhi and a copy was forwarded to the Grievance Committee, Sports Council, University of Delhi. This was all to no avail. The present writ petitioner was accordingly filed on 12.07.2017.

6. Counter affidavit has been filed by the respondent. The foremost contention of the respondent is that there is clear distinction between the sport of Archery and the sport of Field Archery; they are two distinct sports. What is recognized by the Olympic Association is the Sport of Archery and not Field Archery. The certificate submitted by the petitioner relates to Field Archery. It is pointed that four other similarly placed candidates had also applied in the category of Field Archery; the candidature of the aforementioned persons had been rejected. To point out the distinction between the two sports, learned counsel for the respondent has placed reliance upon certain material downloaded from the concerned website; submission being that in the case of sport of Archery there is a fixed target whereas in the sport of

Field Archery there are variable distances in the target; submission again being reiterated that Archery involves shooting of one target at various distances whereas Field Archery involves moving around the court and shooting at sized targets from unknown distances where the bow used in Field Archery looks like a traditional bow.

7. Rejoinder has been filed. The petitioner has denied the averments made by the respondent. Counsel for the petitioner reiterates that Field Archery is only one more facet of the sport of Archery. The two sports are one and the same; Field Archery being another facet of Archery is played under the sport Archery which also has additional formats such as Outdoor, Indoor, Youth, Para. The petitioner has been wrongly awarded zero marks for his certificate of Field Archery. It has additionally been pointed out that even presuming that this certificate is rejected the other certificate which had been placed on record by the petitioner may be examined and the certificate appearing at page 29 of the paper book has been highlighted by the learned counsel for the petitioner to support his stand that this certificate which has been issued by Delhi Archery Association would entitle him to 22 marks.

8. This is the alternate submission of the petitioner; submission being that in case this court is not inclined to accept the certificate of the petitioner

(page 57 of the paper book) which is a certificate on Field Archery and which would entitle the petitioner to 32 marks yet even if the certificate at page 29 is accepted it would entitle the petitioner to 22 marks and thus qualify him for an admission to the Hansraj College/course of his choice.

9. Arguments have been heard. Record has been perused.

10. Record shows that the petitioner has various certificates in the sport of Archery and Field Archery. He has been awarded separate and different certificates for Field Archery and for Archery. The petitioner has all along supported his stand by submitting that Field Archery is only one more facet of the sport of Archery which position has been disputed by the respondent. The information downloaded from the internet and as has been highlighted by the respective parties reveals that Field Archery appears to be a part of Archery but what has been recognized by the Olympic Association is Archery. The distinction as pointed out by the learned counsel for the respondent on the fixed target and measurements of distance qua Archery vis a vis Field Archery may make out a distinction between the two sports. However, without having any further information on this count, this court is not inclined to return any finding that as to whether the sport of Field Archery is a part of the sport of Archery or whether it is a distinct sport.

This court is also not inclined to return a finding as to whether the sport of Archery alone is recognized as an Olympic sport or whether Field Archery is also covered as an Olympic sport. This is in the peculiar facts of the instant case.

11. This court notes that even if the certificate at page 57 of the paper book (which is a certificate qua the petitioner for Field Archery) is discarded and ignored, the certificate relied upon by the petitioner at page 29 of the paper book helps the case of the petitioner. This certificate is a certificate granted to the petitioner by the Delhi Archery Association which is a registered Association affiliated to the Delhi Council of Sports, Delhi Olympic Association and the Archery Association of India. The petitioner has secured 3rd position in this sport; he had represented the Delhi Public School, Rohini. This was in the Olympic round (50) meters event. This certificate was issued to him on 02.03.2017.

12. Learned counsel for the respondent points out that the certificate relied upon by the petitioner (page 29 of the paper book) has to fit into category C-1 of annexure 5 which is the “Criteria for marking sport Certificate”. Category C-1 reads herein as under:-

Annexure V Criteria for marking sports Certificate

DELHI UNIVERSITY SPORTS COUNCIL

UNIVERSITY OF DELHI

Admission on the basis of Sports in Undergraduate Programmes 2017

CRITERIA FOR MARKING OF SPORTS CERTIFICATE OUT OF MAXIMUM 40 MARKS

Category	Level of Competition	Certificate Issuing Authority	Maximum Marks out of 40			
C-1	Position and/or participation in State Competition State Sports Festival for Women/Inter-Zonal/ Inter-District/ CBSE National/ KVS National Competition	State Sports Association, State/ District Directorate of Education/ concerned School Boards	24	23	22	21

13. A certificate which fulfils the parameters of C-1 that is reflecting the position or participation of the candidate in a State Competition/State Sport Festival Inter District / CBSE National and the certificate having been issued by States Sport Association / State District / Directorate of Education of the concerned School Board would be granted marks in terms thereof.

14. The issuing authority of the certificate at page 29 is the Delhi Archery Association which falls in the category of a State Sport Association; the position of the candidate in this sport of Archery is the 3rd position in Olympic round which was a competition at the Junior level wherein the petitioner/candidate had secured a 3rd position meaning thereby the petitioner would be entitled to 22 marks qua this certificate. There is no quarrel on this position. Counsel for the respondent also cannot really dispute this submission of the petitioner.

15. Admittedly this certificate has been filed only before this court and was not given by the petitioner at the time when he applied online; this was for the reason that the petitioner had uploaded certificate at page 57 of the paper book which as per him would have entitled him to 32 marks. It is also an admitted position that only one certificate could have been uploaded by the petitioner as the web portal of the respondent would not accepted more than one certificate. This being the position and there being no dispute to the admitted fact that the certificate at page 29 of the paper book qualifies in the “criteria for marking a sport certificate” and petitioner having ranked 3rd in that Junior level competition, he is entitled to 22 marks on that score. He is accordingly granted the aforementioned 22 marks which be taken into account by

the respondent for the purposes of admission of the petitioner.

16. This court notes that as an interim measure on 14.07.2017 one seat had been reserved by the respondent for the petitioner under the sport quota. On 31.07.2017 i.e., on a subsequent date on the petitioner's apprehension that in case he is not granted any further interim order his seat at the college of his choice i.e. the Hansraj College or Ramjas College will get filled; on that date noting the facts of the petitioner's case a direction had been given to the University that if the petitioner is successful in this petition, he may be considered for admission either in the Hansraj College or the Ramjas College. Those interim orders are confirmed.

17. Writ petition disposed of in the above terms.

INDERMEET KAUR, J

AUGUST 31, 2017
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