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

\+ W.P.(C) 6512/2017 & C.M. No.27019/2017

MASTER ANUJ SHARMA ..... Petitioner

Through Ms.Jasvinder Kaur, Advocate.

Versus

UNIVERSITY OF DELHI ..... Respondent

Through Mr.Amit Bansal and Ms.Seema Dolo, Advocates.

CORAM:
HON'BLE MS. JUSTICE INDERMEET KAUR

<u>O R D E R</u>

% **29.08.2017**

Petitioner is a student who had qualified his CBSE (Class 12) from Kendriya Vidyalaya, Tagore Garden. He had secured 95.5% marks. On the basis of his best four subjects (mathematics not included) he had applied for B.A.(Honours) Economics at the respondent University (Delhi University). He was registered in June, 2017. He had filled up an online application.

Respondent University mandated that for B.A.(Honours) Economics the petitioner must have Mathematics as a qualifying subject at the Senior Secondary level. Petitioner did not have Mathematics as a subject in CBSE. To get over the hurdle the petitioner got himself enrolled in the National Institute of Open

Schooling (NIOS). It was on Demand Examination; he studied the subject of Mathematics in the Senior Secondary level. He appeared in the said examination on 23.6.2017. He was declared as passed in the said Mathematics examination. This result was declared and was sent by the NIOS to the respondent University through e-mail on 14.7.2017.

Meanwhile, on 11.7.2017 the petitioner stood qualified in the 4^{th} cut off merit list for B.A.(Honours) Economics in the Delhi College of Arts and Commerce, Netaji Nagar. On 15.7.2017 petitioner along with his father met the Principal of the aforenoted college seeking his admission in the aforenoted course. He was, however, not granted admission; he was advised to approach the Grievance Committee of the Delhi University. The contention of the University was that since he had cleared his Senior Secondary School Examination from two Boards i.e. best four subjects from the CBSE and the qualifying examination of Mathematics from the NIOS and thus he could not be considered for admission in the B.A. (Honours) Economics.

The respondent has opposed the prayer made in the petition. Counter affidavit has been filed. The stand of the respondent is that the petitioner has submitted his marksheets from two separate Boards i.e. the CBSE Board as also the NIOS. This is not permissible. Annexure R-1 filed along with counter affidavit has been highlighted to advance this submission. Learned counsel for respondent points out that while downloading forms for the purposes of admission the form clearly specifies that the name of the "Class XII Board" has to be specified; meaning thereby it has to be one Board. The petitioner cannot submit his marksheet for two Boards. His case cannot be considered for the purposes of admission. Learned counsel for respondent additionally points out that the Bulletin of Information of the respondent University for the year 2017-18 clearly lays down the criteria for admission; Clause 4.1 has been highlighted; it reads as under:

"4.1 Qualifying Examinations

Qualifying examinations for the purpose of admission to the first year of undergraduate programmes offered by the University of Delhi shall be Senior Secondary School Certificate Examination (Class XII) of the Central Board of Secondary Education or an examination recognized as equivalent thereto."

It is again reiterated that the undergraduate course is offered to a student who has cleared his Senior Secondary School Certificate Examination of the CBSE or an examination equivalent thereto; this cannot be read conjunctively; it is not <u>and</u> but <u>or</u> i.e. in the alternate. The marks from the two Boards cannot be read together.

This position is disputed by leaned counsel for the petitioner. Learned counsel for the petitioner points out that admittedly the petitioner on the basis of his CBSE result in his best four subjects had qualified in the 4th cut off list of the Delhi University for admission to the B.A. (Honours) Economics. Although Mathematics was necessary to be qualified for admission in the B.A. (Honours)

Economics but this was only for the purposes of a qualification and these marks did not have to be counted for the purpose of admission which was otherwise available to the petitioner on merit (on the basis of his best four subjects).

Arguments have been heard.

Learned counsel for respondent while refuting the stand of the petitioner has placed reliance upon a judgment of the Jharkhand High Court reported as AIR 2012 Jhar 15 *Harshwardhan S.Saini Vs. Birla Institute of Technology.* Submission being that in a similar situation contention of the petitioner has been rejected.

Record shows that the petitioner has admittedly qualified from the CBSE Board in May, 2017. He had scored a percentage of 95.5%. He had applied for online admission to the B.A.(Honours) Economics course of the Delhi University. He had qualified in the 4^{th} cut off list, however, the hurdle was that Economics (H) required a mandate of qualifying in Mathematics as well. Taken this position as it stands it necessarily meant that Mathematics had to be included in the best four subjects for the purposes of consideration for admission to the B.A. Economics (Honours) course. Although the petitioner is admittedly a meritorious student yet it was on the basis of his best four subjects (History, Geography, Economics and English) that he had qualified for admission in the course of his choice which was Economics. However, the Delhi University clearly specifies that for joining B.A. (Honours) Economics, Mathematics also necessarily had to be a subject. At the cost of repetition, mathematics has to be necessarily included in the best four subjects of the petitioner if he wanted to opt for the course of B.A. (Honours) Economics.

Learned counsel for respondent rightly points out that as per the admission criteria and Clause 4.1 as has been highlighted (supra) the petitioner had to submit his marksheet either of the CBSE or of the examination equivalent thereto. He could not submit two separate marksheets from two Boards i.e. four best subjects from the CBSE and qualifying result of mathematics from the NIOS. This was not permissible.

This Court is of the considered view that the "qualifying examination" of Mathematics necessarily meant that to opt for the course of B.A. (Honours) Economics at the Delhi University a student must have Mathematics as one of his best four subjects. In the absence of which the four subjects alone opted for by the petitioner would not entitle him to admission in the B.A. (Honours) Economics. This cut off which is indeed a good score would enable the petitioner to choose any other course where Mathematics is not a qualifying subject.

The marksheet of two separate Boards was rightly not considered by the Delhi University for the purpose of admission of the petitioner to the B.A.(Honours) Economics course. The judgment relied upon by the learned counsel for respondent also comes to his aid. The terminology "qualifying examination" had been interpreted by the Bench of that Court; the petitioner must have studied and passed Mathematics in the qualifying examination which in this case was the CBSE Board; the submission for acceptance of two marksheets of two separate Boards for which the petitioner should be granted a benefit is a submission which cannot be acceded to. Petition is without merit. It is dismissed.

INDERMEET KAUR, J

AUGUST 29, 2017
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