

\$~25

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

+ LPA 689/2017

UNIVERSITY OF DELHI

..... Appellant

Through: Mr. Mohinder J.S. Rupal & Mr. P.
Navmai, Advocates

versus

SIDDHANT GUPTA

..... Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

%

27.10.2017

1. The Delhi University appeals a decision of a learned Single Judge, who ruled that the rejection of a certificate furnished by the respondent/ candidate for the purpose of securing admission in the sports quota was unjustified.

2. The University's contention was that the sport, in which the candidate claimed proficiency, was Archery but the certificates related to "Field Archery", which is not an Olympic sport.

3. The Single Judge considered the submission as well as the material on record including pleadings and other documents furnished before her and was of the opinion that the denial of appropriate marks for the quota claimed was unjustified.

4. The Single Judge returned the following findings:

“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 aforesaid 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.”

5. The University contended that a seat was reserved in Ambedkar College, but petitioner is insisting for admission in the Hansraj College or Ramjas College, which are the institutions of his choice.

6. The court is of the opinion that the learned Single Judge’s decision, having regard to the facts of the case, does not call for interference.

7. We also notice that some of the submissions urged in the course of appeal were available but were apparently not addressed. Besides this the impugned judgment was delivered on 31.08.2017 and the University appears to have woken up to the grievance much later in the third week of October, when faced with contempt proceedings.

8. On the merit, the Court is not persuaded that there is any infirmity with the impugned judgment.

9. The appeal is, therefore, dismissed.

S. RAVINDRA BHAT, J

SANJEEV SACHDEVA, J

OCTOBER 27, 2017/rd