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IN THE HIGH COURT OF DELHI AT NEW DELHI

Judgment delivered on: 09.08.2018

W.P.(C) 8259/2018

MADHU JOSHI

..... Petitioner

versus

UNIVERSITY OF DELHI AND ORS.

..... Respondents

Advocates who appeared in this case:

For the Petitioner : Mr. Tarun Narang, Advocate along with Ms. Madhu Joshi,
Petitioner-in-person

For the Respondents : Mr. Mohinder J.S. Rupal, Advocate for R-1

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

J U D G M E N T

SIDDHARTH MRIDUL, J (ORAL)

1. The present writ petition under Article 226 of the Constitution of

India prays as follows:-

“In view of the facts and circumstances stated above it is prayed that this Hon’ble Court may be pleased to:

1. Issue direction, writ or order to respondent No.1 & 2 to restore the admission of the candidate/petitioner in M.A. Sociology Programme.
2. Issue direction, writ or order to quash the

acknowledgement slip dated 30.07.2018 which states the admission status as “Admission cancelled on Applicant’s/Petitioner’s Request.”

2. The brief facts, as are necessary for the adjudication of the present petition are adumbrated as follows:-

- a) The petitioner having secured B.A. (Programme) Degree from the respondent No.1 (hereinafter referred to as the ‘University of Delhi’, applied for admission to M.A. (Sociology) in both ‘Entrance’ and ‘Merit Category’.
- b) The petitioner’s name was reflected in the first admission list, published by the University of Delhi for M.A. (Sociology) in the ‘Merit Category’.
- c) It is an admitted position that, the petitioner did not qualify for admission to the course of M.A. (Sociology) in the ‘Entrance Category’ on merit.
- d) The petitioner in pursuance to the first admission list, deposited the course fee for M.A. (Sociology) on 27.07.2018, with the Department of Sociology, University of Delhi.
- e) Subsequent thereto, on 30.07.2018, the petitioner was informed that her admission had been cancelled at her request.
- f) It is the said communication dated 30.07.2018, which is

essentially impugned in the present proceeding.

g) It is the grievance of the petitioner that, since she had been granted admission in M.A. (Sociology), as aforesaid, and her admission to the subject course has been cancelled unilaterally thereafter by the University of Delhi, without assigning any reason. The cancellation, it is urged, is bad *per se*, in view of the circumstance that, although the reason assigned by the University of Delhi is that the petitioner herself had requested the respondent No.2 to cancel her admission, she had never actually requested for the same.

3. Issue notice.

4. Mr. Mohinder J.S. Rupal, learned counsel appearing on behalf of the respondent No.1/University of Delhi on advance notice, has handed over in Court today, the relevant documents in relation to the cancellation of the petitioner's admission in M.A. (Sociology).

5. The above documents have been canvassed in order to buttress the stand of the University of Delhi, to the effect that, only those who have obtained a B.A. (Hons.) degree in Sociology examination conducted by them, are entitled to be considered for admission to M.A. (Sociology) in

the 'Merit Category'. The other candidates, like the petitioner, who do not have a degree in B.A. (Hons.) Sociology, are entitled to admission only under the 'Entrance Category'.

6. Mr. Mohinder J.S. Rupal, learned counsel appearing on behalf of University of Delhi would further state that, the petitioner has failed to secure the requisite percentage of marks needed for admission in the 'Entrance Category'; and also that, her admission under the 'Merit Category' was owing to an inadvertent mistake on their part, owing to the circumstance that the petitioner, while submitting her form online, had stated her educational qualifications to be B.A. (Sociology) + (Economics). In other words, it is urged on behalf of Mr. Rupal that, had they not been misled by the petitioner's form which stated that, she had a B.A. Degree in Sociology + Economics, which they mistakenly construed as B.A. (Hons.) Degree in Sociology; they would not have granted admission to the petitioner in M.A. (Sociology). Mr. Rupal, further states that, a perusal of the first admission list alluded to hereinabove for M.A. (Sociology), clearly provides a disclaimer to the effect that *"The candidate cannot claim her/his right for admission to any programme even after appearing on the admission list of the*

programme if she/he fails to satisfy the minimum eligibility requirement of the respective programme in which he/she is seeking admission and satisfying other University Admission Rules.”

7. It is, therefore, urged on behalf of the University of Delhi that the petitioner, who has a B.A. (Programme) Degree in contradistinction to B.A. (Hons.) Degree in Sociology, is barred by Rules from being granted admission to M.A. (Sociology), under the ‘Merit Category’.

8. In rebuttal thereto, it is vehemently urged on behalf of the petitioner that, the University of Delhi cannot be absolved for their mistake and are estopped by law from cancelling the petitioner’s admission to M.A. (Sociology).

9. I find myself unable to agree with the contention made on behalf of the petitioner. In the first place, having perused the relevant Rules and Regulations, there can be no manner of doubt that, only a candidate, who has obtained B.A. (Hons.) Degree in Sociology is entitled to admission to M.A. (Sociology) in the ‘Merit Category’.

10. In this behalf, it is trite to state that there can be no estoppel against the law, if the extant Rules and Regulations require and prescribe an eligibility criterion, a candidate cannot be heard to say that he/she is

entitled to retain her admission, even if the admission has been made, owing to an inadvertent mistake on behalf of the University of Delhi. Furthermore, the petitioner having applied under both the 'Entrance Category', as well as, 'Merit Category', has not been able to obtain the requisite rank and secure the necessary marks to be granted admission under the 'Entrance Category'. That being so, the petitioner in view of the circumstance that, she has secured only a Degree in B.A. (Programme) issued by University of Delhi, cannot claim admission to the M.A. (Sociology) course in the 'Merit Category', where the threshold eligibility prescribed is B.A. (Hons.) Degree in Sociology, obtained from the University of Delhi.

11. On a specific query from the Court, in relation to the relief of compensation for mental agony and harassment faced by the petitioner, learned counsel appearing on behalf of the petitioner states that, the University of Delhi must compensate her by granting her admission in M.A. (Sociology).

12. The said contention is rejected, inasmuch, compensation for damages sustained is an alternative relief and cannot be the principal relief which has been prayed for in the petition.

13. No other point was urged before this Court.

14. In view of the foregoing discussion, the present petition is devoid of merit and is accordingly dismissed.

15. Needless to state that, the University of Delhi is directed to refund the fees deposited by the petitioner, in relation to the admission in M.A. (Sociology) Course forthwith.

SIDDHARTH MRIDUL
(JUDGE)

AUGUST 09, 2018

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