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

Date of decision: 13th December, 2018

+ W.P.(C) 9307/2015

AJAY GULIA

..... Petitioner

Through: Mr. Anish Shrestha & Mr. Wangdi
Firoz Ahmed, Advocates

versus

UNIVERSITY OF DELHI & ANR

..... Respondents

Through: Mr. Ankur Chhibber & Mr. Bhanu
Gupta, Advocates for DU

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

J U D G M E N T (O R A L)

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13.12.2018

1. The petitioner, Ajay Gulia, appeared in the examination conducted by the University of Delhi (hereinafter referred to as "the University") for admission to the LL.B. Course conducted by the Faculty of Law. He qualified in the said examination and was allotted 1183 rank.

2. On 4th August, 2015, the petitioner approached the University for counselling but was allegedly denied admission on the ground that he had already undertaken another LL.B. course in 2010, *albeit* from a different university.

3. The writ petition admits that the petitioner had, in fact, acquired an LL.B. Degree from Chaudhary Charan Singh University in 2010. It is further stated, in the writ petition, that this fact was disclosed in the admission form of the petitioner, whereby the petitioner had sought admission to the LL.B. course conducted by the University contending that there was no embargo in any rule, regulation or executive instruction, debarring a student who had acquired an earlier LL.B. qualification from another University, from applying.

4. The petitioner has filed this writ petition, seeking issuance of a writ of mandamus to the respondent to revoke their decision to cancel the petitioner's admission, and consequently, to admit the petitioner in the LL.B. course for the academic year commencing 2015.

5. *Vide* order dated 16th October, 2015 passed in these proceedings, the petitioner was permitted to take provisional admission to the LL.B. course conducted by the Faculty of Law, clarifying that the said benediction would not confer any equities on the petitioner.

6. Learned counsel for the petitioner submits that except for one paper, which he has repeated, the petitioner has completed the three year LL.B. course with the Faculty of Law, during the pendency of these proceedings. The University has, in its counter affidavit, relied on clause (iv)(c) of the Conditions of Eligibility, as contained in the

Admission Bulletin of the University, which reads thus:-

“no candidate on the rolls of LL.B. or who is otherwise ineligible to be admitted to LL.B. course shall be allowed to appear in the Entrance Test 2013.

7. The counter affidavit also states that a decision had been taken in a meeting, convened in the Faculty of Law, on 17th November, 2014, to the effect that the candidates who had already passed under any stream (3/5 year) from any University would not be given admission to the first year LL.B. course in the Faculty of Law.

8. The petitioner has, in his rejoinder, pointed out that the aforementioned clause, on which the respondent had relied, was contained in the Admission Bulletin of the Faculty of Law for the academic year 2013-2014 and for the academic year 2014-2015, for which period, no such restriction existed.

9. Be that as it may, I am unable to see how the afore-extracted clause can justify the decision of the University. The said clause states that no candidate on the rolls of LL.B. and no candidate who is otherwise ineligible to be admitted to the LL.B. course would be allowed to appear in the LL.B. Entrance Test. My attention has not been invited to any rule, regulation or executive instruction, which makes a candidate, who has already secured a degree from any University in the past, ineligible for admission to the LL.B. course in the Faculty of Law.

10. In the absence of any such rule, or instruction, it is obvious that the afore-extracted clause, on which the University relies, would have no application.

11. In that view of the matter, the refusal of the respondent to allow the petitioner to undergo counselling and secure admission in the LL.B. course conducted by the University cannot sustain in law.

12. Besides, there is also substance in the petitioner's submission that the aforementioned clause would have no application to his case, as the academic year in which the petitioner had secured admission is 2015-2016 and not 2013-2014. The petitioner has placed on record the admission prospectus for the year 2015-2016, which does not contain any stipulation similar to the afore-extracted condition figuring in the Admission Bulletin for the year 2013-2014.

13. Insofar as the decision stated to have been taken in the meeting held on 17th November, 2015 in the Faculty of Law is concerned, the petitioner has contended, rightly, that the said meeting took place and a decision was taken thereon, after the filing of the present writ petition by the petitioner. As such, the said decision can have no application and cannot impinge, in any manner, the merits of the petitioner's case in these proceedings. That apart, it is obvious that no decision could have been taken in the aforesaid meeting in the premises of the Faculty of Law, which was not sanctified by any statute or executive instruction.

14. As I have already noted hereinabove, there is no rule, regulation or executive instruction, debarring a candidate who already possessed an LL.B. degree from another University, on the date when the petitioner sought and secured admission to the LL.B. course from another University, from securing such admission. In the absence of any such provision, the decision taken in the aforementioned meeting held in the Faculty of Law has no legal sanctity whatsoever and cannot be enforced.

15. For the above reasons, the writ petition is allowed. The decision, of the respondents, not to treat the petitioner as entitled to admission to the LL.B. course in the Faculty of Law, is declared as illegal and is accordingly quashed and set aside. The petitioner shall be treated as having been validly admitted to the LL.B. course and would also be entitled to consequential reliefs.

16. There shall be no order as to costs.

C. HARI SHANKAR, J.

DECEMBER 13, 2018

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