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

Reserved on: 15th July, 2019

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Pronounced on: 17th July, 2019

+ W.P. (C) 7137/2019 & CM APPL.29702/2019

NANDITA NARAIN

..... Petitioner

Through: Mr. Colin Gonsalves, Sr. Adv.
with Mr. Siddharth Seem, Adv.

versus

ST. STEPHEN'S COLLEGE THROUGH: ITS
PRINCIPAL & ORS

..... Respondents

Through: Mr. A. Mariarputham, Sr. Adv.
with Mr. Romy Chacko, Mr.
Rajesh Roshan and Ms.
Anuradha Arputham, Adv. for
R-1 to 3
Mr. Mohinder J.S. Rupal, Adv.
with Mr. Hardik Rupal, Mr.
Prang Newmai and Mr. Kousik
Ghosh, Adv. for University of
Delhi

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE C.HARI SHANKAR

J U D G M E N T

C.HARI SHANKAR, J.

1. The petitioner is Associate Professor of Mathematics in the Respondent No.1- College (hereinafter referred to as “the College”). Purportedly championing the cause of those who sought to obtain admission to the portals of the College, but failed to do so, the petitioner essentially asserts, in this writ petition, that, against the

quota reserved for various categories of applicant-students, the College, this year, has called, for written test and interview, students far less in number than those who were required to be called. As a result, she alleges, the cut-off, for admission against these categories of students, was artificially raised, and fewer students were able to apply, resulting in seats remaining unfilled. It is also alleged that, as against this, in the “Christian Others” (hereinafter referred to as “COTH”) category, the number of applicants called for written test and interview were far in excess of those who ought to have been called. Impliedly, therefore, it is sought to be alleged that seats, which were essentially meant to be reserved for special categories, such as Christian and Non-Christian persons with disabilities (hereinafter referred to as “PwD”), Scheduled Tribes, etc., were diverted to the General Category Christian (i.e. “Christian Other”/COTH). Resultantly, the writ petition prays that the Notice, dated 26th June, 2019, whereby the cut-offs, for admission to various courses being conducted by the College, announced, as well as the Corrigendum, thereto, dated 2nd July, 2019, be quashed, and the College be directed to rework and re-notify the cut-off marks for admission against the Christian Schedule Tribe (CST), Christian Others (COTH), Christian Physically Handicapped (CPH) and Non-Christian Scheduled Caste/ Scheduled Tribe/Physically Handicapped candidates, for participation in the written examination and appearance in the interview to follow thereafter.

2. Before us, Mr. Colin Gonsalves, learned Senior Counsel for the petitioner, submits that the claim, qua applicants belonging to the CPH

category, is not being pressed, for the simple reason that there *was* no such eligible applicant, in the present academic session (2019-2020).

The Admission Guidelines

3. Admissions, to various courses/quotas, in the College, are governed by Admission Guidelines framed by the College itself. Among the salient features of the Admission Guidelines of the College, governing admissions for the 2019-2020 academic session, may be enlisted the following:

- (i) Admissions would be based on *inter se* merit.
- (ii) 85% weightage would be accorded to the marks obtained by the applicant in Class XII, 10% to interview and 5% to written exam. The interview and written exam are to be conducted by the College.
- (iii) The merit differential, between any reserved category and general merit would normally not exceed 20%. However, if insufficient candidates were available from the “Church of North India-Delhi Diocese” (CNI-D) and the “Church of North India” (CNI) categories, such candidates could be permitted a further relaxation of 5%, *vis-à-vis* candidates qualifying on general merit.
- (iv) The aforesaid cap on the differential, between reserved category candidates and those qualifying on general merit, was

relaxable in the case of admissions in certain supernumerary categories, one of which was persons with disabilities (PwD). The pleadings before us refer to this candidate by the somewhat anachronistic appellation “Physically Handicapped” (PH); accordingly this judgment, too, uses the same expression hereinafter.

(v) Subject to (iii) and (iv) *ibid*, 50% of the total number of seats were set apart, exclusively, for Christian candidates, to be filled in the following manner:

(a) 17% (equivalent to 8.5% of the total seats), to be filled from “Christian Scheduled Tribe” (CST) candidates,

(b) 50% (equivalent to 25% of the total seats), to be filled from candidates belonging to the CNI (Church of North India), 50% of which (equivalent to 12.5% of the total seats) were to be reserved for candidates belonging to the CNI-D (Church of North India – Delhi Diocese), and

(c) The remaining 33% (equivalent to 16.5% of the total seats) to be filled from candidates belonging to the “Christian Others” (COTH) category.

(vi) If insufficient candidates were available for any particular course/courses, the Principal reserved the right to allot vacant seats, in the said course/courses, to COTH candidates.

(vii) Interviews, for the 50% Christian candidates, were to be held first, within each discipline/course, for the CNI-D category, followed by CNI, followed by COTH, followed by CST, followed by CPwD.

(viii) The remaining seats, in the “non-Christian” category, were to be filled thus:

- (a) 17% (i.e. 8.5% of the total seats) by SC/ST candidates, and
- (b) the remaining 83% (i.e. 41.5% of the total seats) on the basis of general merit,
- (c) with 5% horizontal reservation, across the categories, for PH candidates (i.e. persons with disability).

It was further provided that, if proportionate seats could not be filled up in the CPH category, they would be shifted to the General (non-Christian) PH category, so as to assure that the proportion of PH candidates did not fall short of 5%, as mandated by the Rights of Persons With Disability Act, 2016 (hereinafter referred to as “the RPWD Act”).

(ix) Clause 11 of the Admission Guidelines of the College, constituting, as it does, the linchpin of the petitioner's case, merits reproduction, *in extenso*, thus:

“11. Candidates shall be shortlisted for the written exam and the interviews in the ratio of 1:4 approximately for humanities and 1:6 approximately for Science subjects (for Christian candidates it shall be in the ratio of 1:6 and 1:8 respectively). The cutoffs for each of the courses shall be determined by the Principal accordingly. The Principal, if he deems it necessary, may adjust these ratios, provided that the departments concerned to make a compelling case for doing so. The decision of the Principal shall be final in this regard.”

4. Additionally, the Prospectus of the College stipulates the following further requirements, in the matter of admission to the B.Sc. (Hons.) Mathematics and the B.A. (Hons.) Economics courses conducted by the College:

“For B.Sc. (Hons) Mathematics: The candidate must have done Mathematics at the qualifying level. The cut-off is decided on the basis of the aggregate percentage of marks in the best four subjects (BFS), but in calculating the BFS, marks in Mathematics must be included in addition to at least one language. All four subjects will be given equal weightage in the calculation of the BFS. Those who have done only Business Mathematics are not eligible for Mathematics Honours.

For B.A. (Hons) in Economics: The cut-off is decided on the basis of the aggregate percentage of marks in the best four subjects (BFS). A candidate must also have done Mathematics at the Class XII level, and should have the minimum prescribed marks in Mathematics (which will be notified). However, Mathematics does not have to

be included in calculating the BFS. Those who have done only Business Mathematics are not eligible for Economics Honours. In the case of foreign boards or schools, which do not offer mathematics at class XII level, candidates must have done a course in calculus (equivalent to Cambridge A level).”

It may be noted, here, that the “minimum prescribed marks in Mathematics”, at the Class XII level, for admission to the B.A. (Hons.) Economics course conducted by the College, was notified, by the College, as 92%, which was reduced to 80% for CNI-D, CNI and CST candidates.

The claim of the petitioner

5. Mr. Colin Gonsalves, learned Senior Counsel appearing for the petitioner, having drawn our attention to the aforementioned Admission Guidelines of the College, seeks to submit that the mandate of Clause 11 of the Admission Guidelines was violated, flagrantly, by the College, in respect of the non-Christian PH quota for the B.Sc. (Hons.) Mathematics course, the non-Christian PH quota for the B.A. (Hons.) Economics course, the CST quota in the B.A. (Hons.) Economics course, the COTH quota in the B.Sc. (Hons.) Mathematics course and the COTH quota in the B.A. (Hons.) Economics course, conducted by the College. However, he submits, the violation, in the first cases, i.e. in respect of the non-Christian PH quota for the B.Sc. (Hons.) Mathematics and the B.A. (Hons.) Economics courses and the CST quota in the B.A. (Hons.) Economics course, was by way of calling, for the written test and interview,

applicants *far less*, in number, then was mandated by Clause 11 of the Admission Guidelines, whereas, in the fourth and fifth cases, i.e. in respect of the COTH quotas for the B.Sc. (Hons) Mathematics and the B.A. (Hons) Economics courses, the number of candidates called was *far in excess* of that permissible under Clause 11 of the Admission Guidelines. He attempts to demonstrate this, in the following manner:

(a) For the B.Sc. (Hons) Mathematics course conducted by the College, the total number of seats was 50. 5% of the seats were reserved for PH candidates, which worked out to 3 seats. Applying Clause 11 of the Admission Guidelines, the ratio of candidates to be called for non-Christian humanities disciplines being 1:6, 18 (i.e. 3 x 6) PH candidates ought to have been called for the written test and interview. In actual fact, however, only three candidates were called, thereby violating the 1:6 ratio. As a result the cut-off, for the B.Sc. (Hons) Mathematics course, was unusually high (90.5%), as compared to 2018-2019 (85.5%) session. Of the three candidates who were called, only one appeared for the interview, as a result of which two seats, statutorily reserved for PH candidates in the B.Sc. (Hons) Mathematics course, would remain vacant, or would be filled by candidates who were not belonging to the PH category. This, it is pointed out, would violate the Admission Guidelines as well as the provisions of the RPWD Act.

(b) Similarly, for the B.A. (Hons.) Economics course, the

total number of seats was 50. 5% of the seats were reserved for PH candidates, which worked out to three seats. Applying Clause 11 of the Admission Guidelines, the ratio of candidates to be called for non-Christian humanities disciplines being 1:6, 18 PH candidates ought to have been called for the written test and interview. In actual fact, however, only nine candidates were called, resulting in an artificial elevation of the cut-off for PH candidates in the said course, which stands set at 93.75% for the 2019-2020 academic session, as against 88.75% in the 2018-2019 session. Of the nine candidates who were so-called, only two candidates appeared for the interview, as a result of which one seat, otherwise statutorily reserved for being filled by a PH candidate, would remain vacant, and is likely to be filled by a non-PH candidate, in violation of the Admission Guidelines and the provisions of the RPWD Act.

(c) In a similar fashion, in the B.A. (Hons.) Economics course conducted by the College, the total number of seats was 8. 5% of the total seats were reserved for Christian Scheduled Tribe (CST) applicants, which worked out to four seats. Applying the BFS criterion, and the minimum requisite 80% in Mathematics, 13 candidates, belonging to CST, cleared. The number of reserved seats for CST applicants being four, applying the 1:6 ratio, 24 candidates ought to have been called, if necessary, by lowering the cut-off. However, only four CST candidates were called for the written examination and interview. This has, again, resulted in artificial elevation of the

cut-off for CST candidates to apply for admission to the B.A. (Hons.) Economics course conducted by the College. It is pointed out that, while the said cut-off, for the 2018-2019 academic session was 83.75%, it was 90.75% this year, i.e. in the 2019-2020 academic session, solely owing, as the petitioner would seek to urge, to the skewed manner in which candidates were called, in violation of the 1:6 ratio stipulated in Clause 11 of the Admission Guidelines.

(d) If, for the PH quota in the B.Sc. (Hons.) Mathematics, and the B.A. (Hons.) economics courses, conducted by the College, the candidates called were far less, in number, than was mandated by Clause 11 of the Admission Guidelines, the petitioner would seek to point out that, for the COTH quota in the B.Sc. (Hons) Mathematics and the B.A. (Hons.) economics courses, the number of candidates called was *far in excess* of that permitted by Clause 11. The number of seats reserved for COTH candidates, out of the 50 seats available in the B.Sc. (Hons.) Mathematics course, was 9. Only 54 candidates, therefore, it is contended, ought to have been called for the written test and interview, applying the 1:6 ratio. Instead, 130 candidates were called. Similarly, for the COTH quota in the B.A. (Hons.) Economics course, against the 54 candidates who ought to have been called for interview, 112 candidates were called. As a result, there was an artificial lowering of the cut-off for the COTH quota, for admission to the B.Sc. (Hons) Mathematics and the B.A. (Hons.) Economics courses

conducted by the College. For the former course, the cut-off, for the 2018-2019 academic session was 90.5%, whereas, in the present year, it is 82.5%. Similarly, the cut-off for the COTH quota in the B.A. (Hons.) Economics course conducted by the College has fallen, from 95.75% in 2018-2019, to 91.75%, in the present year.

6. The burden of Mr. Gonsalves' song is, therefore, that the College has, with impunity, infringed the ratio provided, by the College itself, in Clause 11 of its Admission Guidelines. Mr. Gonsalves points out that the said Clause permitted adjustment of the ratios contemplated therein, "provided that the departments concerned make a compelling case for doing so". No such "compelling case" has, in the present case, been made out, for departing from the ratios prescribed in Clause 11 of the Admission Guidelines and, consequently, Mr. Gonsalves would submit, the College has acted in a markedly illegal fashion in restricting the number of PH candidates, called for the written test and interview, for admission to the B.Sc. (Hons) Mathematics and the B.A. (Hons.) Economics courses, and the number of CST candidates, called for the written test and interview for admission to the B.A. (Hons.) Economics courses, conducted by it. This has been done by artificially hiking the number of candidates called against the COTH quota, for the B.Sc. (Hons) Mathematics and the B.A. (Hons.) Economics courses, conducted by the College.

7. Mr. Gonsalves, therefore, urges this Court to step in and

remedy the situation, by declaring the manner in which candidates had been called, by the College, for the written test and interview, against the PH quota, for admission to the B.Sc. (Hons) in Mathematics and B.A. (Hons.) Economics courses, as well as against the CST quota, for admission to the B.A. (Hons.) Economics courses, to be illegal, and to issue a mandamus to the College to call the correct and adequate number of candidates, as mandated by Clause 11 of the Admission Guidelines, applying the ratios provided in the said Clause.

The response of the respondent

8. Arguing *per contra*, Mr. A. Mariarputham, learned Senior Counsel appearing for the College, submits that the exercise of calling students, for appearing in the written exam and interview, for admission to courses conducted by the College, is not a mere matter of arithmetic, as Mr. Gonsalves would seek to contend. He submits that there are several considerations which govern this exercise, and that the College had necessarily to harmonise all these considerations. Mr. Mariarputham points out that the College had 410 seats, for which it received about 20,000 applications, for admission to 10 courses. 50% of the seats were reserved for Christians, which worked out to 205, of the total number of 410 seats. Such reservation for Christians, Mr. Mariarputham would submit, was permissible, as held by the Supreme Court in *St. Stephens College v. University of Delhi, (1992) 1 SCC 558*. The candidates to be called for written exam and interview, as well as the cut-offs for admission to the various seats, Mr. Mariarputham would point out, was decided on the basis of the

applications submitted, after filtering out applications which were deficient in respect of documents and details. The Admission Guidelines also permitted the College to, in cases where the number of candidates, in specified “reserved categories”, for any particular course, were found to be less than the requisite number, fill in the balance from the COTH quota candidates. It was for this reason, Mr. Mariarputham points out, that there was an increase in the number of COTH quota candidates invited for appearance in the written test and interview for some of the courses. Insofar as the ratio prescribed in Clause 11 of the Admission Guidelines was concerned, Mr. Mariarputham submits that this ratio was essentially discretionary, and for the guidance of the Principal, whose decision was final. In any event, Mr. Mariarputham would point out, this ratio would apply only to eligible candidates.

9. Mr. Mariarputham also submitted a written note, explaining the manner in which candidates had been called against each of the courses, and quotas, with respect to which the petitioner had taken exception.

10. In respect of the PH quota for the B.Sc. (Hons) Mathematics course, it is pointed out, by Mr. Mariariputham, that the cut-off, for the General category, was 97.5%, *which was worked out on the basis of a cut-off generator software*, and not by resort to any arbitrary mechanism. This, it is urged, has been the constant, and consistent, practice in the past. Clause 2.1.1 of the Bulletin of Information for Admission to Undergraduate Courses, issued by the University of

Delhi for the 2019-2020 academic year provided that, to determine their eligibility on merit, applicants from the SC/ST categories, as well as from the PH category, would be given relaxation, in the respective eligibility for the course concerned in the qualifying examination, to the extent of 5%. Applying this Clause, the cut-off was reduced, in the case of PH candidates seeking admission to the B.Sc. (Hons) Mathematics course conducted by the College, from 97.5% to 90.5%. Applying the prescribed 5% reservation for PH candidates, as contemplated by the RPWD Act, three candidates were called for the written examination and interview, against the PH quota for the B.Sc. (Hons.) Mathematics course. No illegality, it is submitted, was committed by the College, in this entire exercise.

11. Proceeding to the B.A. (Hons.) Economics course, conducted by the College, it is pointed out that the total number of sanctioned seats was 50. 5% of the said seats were required, as per the RPWD Act, to be reserved for PH candidates, which worked out to 2.5 seats, which was rounded off to 3 seats. The cut-off, for General Category candidates, as generated by the cut-off generator software, was 98.75%. 5% relaxation, from the said cut-off, as per Clause 2.1.1 of the Guidelines issued by the University, resulted in reduction of the cut-off to 93.75%. A minimum of 92% was required to be scored, by the candidate, in her, or his, Class XII Mathematics paper, in order to be eligible for admission to the B.A. (Hons.) Economics course conducted by the College. Nine candidates alone qualified these criteria, who were, therefore, called for the written test and interview.

12. Apropos the CST quota in the B.A. (Hons.) Economics course conducted by the College, consequent to the revised cut-off of 93.75%, the number of candidates shortlisted, after applying the minimum cut-off marks required to be obtained in Mathematics in Class XII of 80% (which was applied to the CST category) was 13. As the documents, only 4 of the said 13 candidates, were found to be in order, the said 4 candidates alone were called for written test and interview. In the interests of excellence of the institution, it is asserted, in the counter-affidavit, that it was not possible to reduce the qualifying marks to be obtained in the Class XII Mathematics paper below 80%.

13. In view thereof, submits Mr. Mariarputham, it could not be said that, in calling candidates for the written test and interview, against the various quotas and courses to which the writ petition alludes, the College had committed any illegality. He also submitted that the cut-offs, and the qualifying marks in Mathematics, required in Class XII, for admission to the B.A. (Hons.) Mathematics course were decided, not by the Principal acting individually, but by a committee comprising the Principal, the Head of the concerned Department, the Tutor for Admissions and the Associate Tutor for Admissions, who were all senior faculty members. The manner in which the College had chosen the candidates to be called for the written test and interview, he submits, ensured that the most meritorious candidates were called.

Analysis

14. Having gone through the record, the explanation furnished, in writing as well as across the bar by learned Senior Counsel appearing for the College, we are of the opinion that no illegality can be said to have been committed, by the College, as merits interference by this Court, least of all in a public interest litigation. The writ petition proceeds on the fundamentally erroneous premise that the cut-off, for any quota or course was *determined* on the basis of the last candidate who was called for the written test/interview. The explanation furnished by the College indicates that this is not so, and that the cut-off was determined, using a cut-off generator software, by a Committee comprising senior faculty members of the College. We may note, here, that Clause 11 of the Admission Guidelines, while referring to the cut-off, postulates, after alluding to the 1:4 and 1:6 ratios, applicable to humanities and science subjects, that “the cut-offs for each of the courses shall be determined by the Principal *accordingly*.” There is no embargo, therefore, on the cut-offs being fixed, keeping in mind the number of seats available, and the number of applicants, or in any other manner, even prior to calling the applicants for written test and interview. The College contends, further, that, from the cut-offs thus fixed, permissible reductions and relaxations were granted, in accordance with Clause 2.1.1 of the Admission Guidelines issued by the University of Delhi. In the case of candidates belonging to the PH category, rigorous adherence appears to have been observed, to the 5% relaxation provided, in favour of such candidates, by the RPWD Act. For admission to the B.A. (Hons.)

Economics course, the prescribed cut-off, for mathematics, in the Class XII examination, undertaken by the candidate, was also fixed keeping in mind the quota involved as well as the interests of institutional excellence. Thereafter, all candidates, whose documents were found to be in order, appear to have been called for the written test/interview.

15. Fixation of cut-offs, for admission of students to educational institution, unless governed – and not merely guided – by some binding statutory or quasi-statutory directive, is essentially a matter for the institution to decide. There is, to the knowledge of this Court, no law, mandating fixation of cut-offs in any particular manner. Courts, therefore, in our view, have to tread with great caution, while trespassing on the terrain of fixation of cut-offs in educational institutions, which, essentially, is no man's land, so far as courts are concerned. Needless to say, however, where the exercise of fixing cut-offs violates the law, or suffers from arbitrariness or caprice, or entrenches on the right of the citizen to education, a court may justifiably step in. We do not, however, think that this case falls within that select, and exclusive, category.

16. We may note that an objection had also been taken, by learned Counsel appearing for the respondents, regarding the *locus*, of the petitioner, to maintain this writ petition, as a public interest litigation. Mr. Romy Chacko, learned Counsel, voicing this objection, submitted that the petitioner, as a faculty member of the College, could conceivably have had some hidden agenda, in moving this petition.

We are hesitant to attribute any such motives to the petitioner, as she is a senior faculty member of the College. Perhaps, she has the best interests of the institution in mind. Mr. Chacko has also invited our attention to certain Guidelines, governing public interest litigations, drawn up by the Supreme Court, according to which cases relating to admission, the medical or other educational institutions, have been directed not to be entertained as public interest litigations. These guidelines, however, on a plain reading, are referable to the circumstances in which “letters/petitions received *in this Court*” (meaning, the Supreme Court) were to be entertained as public interest litigations. These are, *ex facie*, internal guidelines, essentially intended for the guidance of the Registry of the Supreme Court, and were obviously never intended to operate as a precedent, to govern exercise of public interest jurisdiction by High Courts across the country.

17. Given the concern we have bestowed to the merits of the matter, we are, in any case, hesitant to reject this petition solely on the ground of absence of *locus standi*.

18. At the same time, in a public interest litigation, this Court can go thus far and no further. The petitioner has galvanised this Court into enquiring, from the College, the exact manner in which they had called candidates for the written test and interview, against the various quotas and the various courses, regarding which the petitioner had misgivings. We have heard learned Senior Counsel appearing for the College, and have perused the material on record, and are more than satisfied that no arbitrariness can be said to vitiate the actions of the

respondent-College. In view thereof, the purpose of petitioning this Court, by the petitioner, effectively stands worked out.

19. Beyond this, we confess, we are not willing to travel, especially in view of the principle, well entrenched in the jurisprudence that has evolved over the years, that courts should be hesitant to interfere in matters involving academic issues, regarding which a considerable degree of latitude is enjoyed by the institutions concerned. Where an academic institution admit students according to an Admission Policy framed by the institution itself, the manner in which the Policy is to be worked is also, essentially, a matter for the institution to determine and decide for itself. So long as the actions of the institution are not found to be coloured by patent arbitrariness or *mala fides*, and are not clearly violative of any binding statutory or other prescription, or proscription, interference, by a writ court, is not warranted. A great deal of circumspection is required to be exercised, by courts in such cases, and might justifiably call into application the Wednesbury principle of reasonableness first expounded, classically, by Lord Greene in *Associated Provincial Picture Houses, Ltd. v. Wednesbury Corporation*, (1947) 2 ALL ER 680 and applied, thereafter, times without number, by Courts in this country – including, on numerous occasions, the Supreme Court of India – according to which a decision of an administrative authority would expose itself to interference, judicially, only “it is so unreasonable that no reasonable person acting reasonably could have made it.” The autonomy of educational institutions, to administer their affairs as they deem most appropriate, necessarily requires to be respected. Even in the matter of

interpretation of guidelines, governing admission to colleges, some degree of latitude is required to be permitted, to the institution concerned, which is expected to exercise its discretion in the best interests of the institution and in the interests of promoting excellence in education. So long as these considerations are not jettisoned, in the exercise of discretion by the authority concerned, this Court would be loath to step in, or to suggest any curative, or even corrective, measure.

20. Reliance has been aptly placed, by Mr. Mariarputham, in this context, on the following passage, from ***Maharashtra State Board of Secondary and Higher Education v. Paritosh Bhupeshkumar Sheth, (1984) 4 SCC 27:***

“As has been repeatedly pointed out by this Court, the Court should be extremely reluctant to substitute its own views as to what is wise, prudent and proper in relation to academic matters in preference to those formulated by professional men possessing technical expertise and rich experience of actual day-to-day working of educational institutions and the departments controlling them. It will be wholly wrong for the Court to make a pedantic and purely idealistic approach to the problems of this nature, isolated from the actual realities and grass root problems involved in the working of the system and unmindful of the consequences which would emanate if a purely idealistic view as opposed to a pragmatic one were to be propounded. It is equally important that the Court should also, as far as possible, avoid any decision or interpretation of a statutory provision, rule or bye-law which would bring about the result of rendering the system unworkable in practice. It is unfortunate that this principle has not been adequately kept in mind by the High Court while deciding the instant case.”

(Emphasis supplied)

Conclusion

21. No case, therefore, exists, in our view, for issuance of any writ, quashing the notification/circulars dated 26th June, 2019 read with the corrigendum dated 2nd July, 2019. Neither is any case made out for issuance of a mandamus, to the College, to call candidates, against any quota or course, for participation in the written test and interview, in excess of the number of candidates already called by it. The College has kept in mind the various competing considerations, while deciding on the number of candidates to be called for written test and interview, against the various courses conducted by it, and the various “reserved quotas” provided therein and, in doing so, we are not satisfied that any case, warranting interference by us, can be said to have been made out.

22. The writ petition is, therefore, devoid of merit and is accordingly dismissed.

C.HARI SHANKAR, J

CHIEF JUSTICE

JULY 17, 2019

HJ