

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

Judgment reserved on :13.08.2019

Date of decision: 15.11.2019

+ W.P.(C) 7763/2019 & CM APPL. 32271/2019

YOGESH

..... Petitioner

Through: Mr. Rajat Navet and Mr.
Kushagra Pandit, Advocates

versus

UNIVERSITY OF DELHI AND ANR.

..... Respondents

Through: Mr. Mohinder J.S. Rupal, Ms.
Aditi Shastri, Mr. Hardik
Rupal, Mr. Prang Newmai and
Mr. Koushik Ghose, Advocates
for University of Delhi Mr.
Amit Bansal, Ms. Manisha
Singh and Ms. Seema Dolo,
Advocates for R-2

+ W.P.(C) 8053/2019 & CM APPL. 33352/2019

MR. MANIK SINGH

..... Petitioner

Through: Mr. Rajiv Garg, Mr. Sandeep
Banga and Mr. Ashish Garg,
Advocates.

Versus

UNIVERSITY OF DELHI & ANR.

..... Respondents

Through: Mr. Mohinder J.S. Rupal, Ms.
Aditi Shastri, Mr. Hardik
Rupal, Mr. Prang Newmai and

Mr. Koushik Ghose, Advocates
for University of Delhi

And

+ W.P.(C) 8333/2019

MANAV GARG THROUGH NATURAL GUARDIAN
(FATHER) SANJAY KUMAR GARG Petitioner

Through: Mr. Vishnu Sharma and Ms.
Sonika Tyagi, Advocates

Versus

DELHI UNIVERSITY & ORS. Respondents

Through: Mr. Mohinder J.S. Rupal, Ms.
Aditi Shastri, Mr. Hardik
Rupal, Mr. Prang Newmai and
Mr. Koushik Ghose, Advocates
for University of Delhi.

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA

JUDGMENT

ANU MALHOTRA, J.

1. All these petitions raise substantially the same issue in relation to admission sought by each of the three petitioners in the sports quota for the academic year 2019-20 with the respondent no.2- College i.e. Shri Ram College of Commerce and the petitioners submit that the respondent no.2 has arbitrarily and erroneously reduced the seats in the sports quota despite the vacant seats for the various sports categories to which the petitioners belong having been published by the respondent no.2 initially.

2. In as much as virtually the same submissions have been addressed on behalf of the petitioners and the respondent no.1 i.e. the University of Delhi and the respondent no.2 i.e. Shri Ram College of Commerce, it is considered appropriate to take up all the three petitions i.e. W.P.(C) 7763/2019, W.P.(C) 8053/2019 & W.P.(C) 8333/2019 together for adjudication.

3. The petitioner namely Yogesh of W.P. (C) 7763/2019 has submitted that he passed the Standard 12th in the year 2018 with 86.25% and is a National level Basketball player having represented Haryana in the 69th Senior National Basketball Championship held in January 2019 and that the petitioner had applied for admission in the Under Graduate Course at the Delhi University in Sports Quota vide Application No.190035190. The said petitioner submits that as per the Bulletin of Information published by the respondent no.1 i.e. the University of Delhi for admission to the under graduate courses in the academic year 2019-20, there were four seats for men in the Basketball quota in the respondent no.2 i.e. Shri Ram College of Commerce.

4. The extract of the said information uploaded through the Bulletin of Information 2019-20 for the under graduate courses in the sports quota for the Shri Ram College of Commerce was submitted which is as under:-

Shri Ram College of Commerce

Game/Sport	Position/Event/ Weight category	Seats in Sports Quota	
		In figures	In words
Badminton	Men	02	Two
	Women	01	One
Basketball	Men		

	Guard	01	One
	Centre	02	Two
	Forward	01	One
	Women		
	Guard	01	One
	Centre	01	One
	Forward	01	One
Chess	Men	02	Two
	Women	02	Two
Football	Men		
	Right Mid	01	One
	Left Mid	01	One
	Striker	01	One
	Stopper	01	One
	Back	02	Two
Hockey	Men		
	Forward	01	One
	Midfielder	02	Two
	Full Back	02	Two
	Goalkeeper	01	One
Swimming	Men		
	Back Stroke	01	One
	Individual Medley	01	One
	Women		
	Back Stroke	01	One
	Individual Medley	01	One
Table Tennis	Men	02	Two
	Women	01	One
Tennis	Men	01	One
	Women	01	One

5. The said petitioner submits that the centralized trials for admission in the Basketball Quota in colleges of the respondent No.1 were held on 02.07.2019 in which the petitioner participated for the position of "**Centre**" and in the overall list published for the position of "**Centre**", the petitioner was ranked 9th. The merit list of applicants who applied to under graduate courses on the basis of the sports quota for the academic year 2019-20 in relation to Basket Ball "Centre" category is annexed as Annexure-P3 to the petition, which is depicted as under:-

UNIVERSITY OF DELHI
DELHI UNIVERSITY SPORTS COUNCIL

*Merit list of Applicants who applied for Admission to Undergraduate
Courses on the basis Sports Quota for Academic Year 2019-20*

Sport Name	Position Name	Gender	Form No.	Name	Final Cert. Marks	Final Trial Marks	Final Marks	Rank
Basketball	Centre	Male	190065244	Siddharth Lohia	40.0	55.3	95.3	1
Basketball	Centre	Male	190141213	Jatin Rana	40.0	54.7	94.7	2
Basketball	Centre	Male	190276269	Deepanshu	40.0	52.7	92.7	3
Basketball	Centre	Male	190031779	Rakshit Bhuchar	28.0	57.7	85.7	4
Basketball	Centre	Male	190332229	Ravi Kumar	28.0	57.3	85.3	5
Basketball	Centre	Male	190096475	Dependra Singh Rathore	28.0	56.7	84.7	6
Basketball	Centre	Male	190027655	Arin Singh	28.0	52.7	80.7	7
Basketball	Centre	Male	190031548	Harsh Rao	28.0	52.3	80.3	8
Basketball	Centre	Male	190035190	Yogesh	28.0	49.3	77.3	9
Basketball	Centre	Male	190082233	Edwin Thomson	28.0	48.7	76.7	10
Basketball	Centre	Male	190120981	Kartik Maan	28.0	45.7	73.7	11
Basketball	Centre	Male	190328971	Hritik Kumar Singh	28.0	45.3	73.3	12
Basketball	Centre	Male	190334581	Deepanshu	24.0	48.0	72.0	13
Basketball	Centre	Male	190335710	Hitesh	16.0	52.7	68.7	14
Basketball	Centre	Male	190045652	Ashish Yadav	28.0	39.7	67.7	15
Basketball	Centre	Male	190202093	Ritiraj Singh Rathore	16.0	51.3	67.3	16
Basketball	Centre	Male	190152427	Prashant Singh	28.0	38.7	66.7	17
Basketball	Centre	Male	190001520	Anas Sultan Baig	28.0	33.3	61.3	18
Basketball	Centre	Male	190248510	Ayush Dwivedi	12.0	49.3	61.3	19
Basketball	Centre	Male	190044820	Aditya Sharma	28.0	31.3	59.3	20
Basketball	Centre	Male	190259079	Praneet Singh Sahi	12.0	44.0	56.0	21
Basketball	Centre	Male	190044666	Deepak Bisht	20.0	35.3	55.3	22
Basketball	Centre	Male	190200470	Prateek Tyagi	12.0	41.0	53.0	23
Basketball	Centre	Male	190129678	Pratyush Sharma	12.0	40.0	52.0	24
Basketball	Centre	Male	190002801	Litesh Yadav	12.0	36.3	48.3	25
Basketball	Centre	Male	190262123	Prakhar Kaushik	8.0	38.3	46.3	26

6. The said petitioner further submits that though he ranked 9th in the overall list of “Centre” in the category of students, in as much as for taking admission in the courses conducted by the respondent no.2- College, mathematics being a compulsory subject, the petitioner was ranked 2nd. The said petitioner further submits that on the basis of the two declared seats with the respondent no.2- College for the position of “Centre” in Basket Ball, the petitioner was qualified and was eligible for admission having been ranked 2nd in the category but on 13.07.2019 when the petitioner attended the counseling session held by the respondent no.2 for admissions in the sports quota, the petitioner was informed that instead of two seats, there was only one seat available for "Centre" position and the petitioner being ranked 2nd, would not be granted admission. The said petitioner submits that on enquiries being made by the petitioner from the concerned officials of the respondent No.2 as to how the number of vacancies have been reduced from two to one, all that the petitioner was told was that the same had been done as per the instructions of the respondent No.1.

7. The said petitioner submits that he had made written representations dated 15.07.2019 and 16.07.2019 to the respondent no.1 and also made an application to the Central Admission Grievance Redressal Committee of Respondent No.1 and despite the assurance given by the respondent no.1 for necessary action to ensure that the name of the petitioner would be included in the admission list, there was no such action taken and on 17.07.2019, a list dated 16.07.2019

was published by the respondent no.2 for provisional admission on sports basis for the academic year 2019-20, in which the name of the petitioner i.e. Yogesh was not included. The said petitioner further submits that in the Bulletin of Information published by the respondent no.1, the total number of seats shown in the sports category in the respondent no.2 – College are 35 whereas the total number of students granted provisional admission as per the list dated 16.07.2019 are 27.

8. The said petitioner further submits that the respondents could not have changed the number of seats for admission in the under graduate courses on Sports Quota in the respondent No.2 college from 2 to 1 for the position of "Centre" in Basketball after having published the said number of vacancies and having conducted trials on the basis of the said vacancies, and that too without any prior public notice and that the said unilateral act of the respondents is without authority and jurisdiction and that the exclusion of the petitioner from the final list and inclusion of similarly placed students in the said list to the exclusion of the petitioner is arbitrary, discriminatory, without any basis and violative of the right to equality enshrined in Article 14 of the Constitution of India.

9. *Inter alia* the petitioner further submits that he had appeared in the Class 12th in the year 2018, but as he did not get admission in the Sports Quota in a course and college of his choice in the said year, he chose to augment his skills in Basketball to achieve higher proficiency in the game and due to his hard work and effort, he represented Haryana in the Nationals held in 2019 and that he has invested one

whole year of his life to become proficient and eligible to gain admission in a course of his choice in a reputed college such as the respondent No.2, and if the petitioner is denied admission even though he is eligible and qualified against a vacant advertised seat he would lose two precious years of his student life.

10. The petitioner namely Manik Singh of W.P.(C) 8053/2019 likewise submits that though the Bulletin of Information published by the respondent no.1 showed two seats in the sports quota for men in the Table Tennis Category with the respondent no.2 and the petitioner who has represented the Delhi State at various National Tournaments, had applied for admission with the respondent no.2 through the Centralized admission registration form and application no. 190050837 and was registered on 31.05.2019 and that the said petitioner had applied for B.Com and B.Com (Hons.) stream and had categorically mentioned that the petitioner was applying through the Sports Quota of Table Tennis whereafter the centralized trials for the sport of Table Tennis were conducted by the respondent no.1 on 04.07.2019, whereafter the results were published on the basis of marks obtained by the participants on the basis of certificate marks and trial marks and that as per the trial results, the petitioner had scored the 6th rank as per the final results published by the respondent no. 1 in the mark list published after conducting of trials for Table Tennis in as much as candidate at serial no.1, Mr. Parth Virmani did not have mathematics as a subject in Class 12th which was necessary for the admission in B.Com (Hons.) stream with the respondent no.2 and that the petitioner secured 5th position and thus, the said Mr.

ParthVirmani did not qualify for admission with the respondent no.2- College and likewise the candidate Mr. Hardik Khurana did not have mathematics as a subject which was necessary for admission to the B.Com (Hons.) stream with the respondent no.2- College and that Mr. Shivjit Singh Lamba whose name was placed at serial no.2 in the Table Tennis Category took admission and thus one seat is still available in the B.Com (Hons.) stream with the respondent no.2 for the sport of Table Tennis and that the said petitioner i.e. Mr. Manik Singh is next on the merit list published by the respondent no.1 with the respondent no.2- College and that the petitioner had thus visited the respondent no.2- College for getting admission in B.Com (Hons.) stream but he was informed by the respondent no.2 that there were no further seats available for admission on the basis of achievement in the sport of Table Tennis and that presently only one seat could be allotted for admission on the basis of the sport of Table Tennis for which admission had already been granted to a candidate.

11. The said petitioner further submits that the action of the respondent no.2, arbitrarily reducing the number of seats for the players /applicants on the basis of achievement in the sport of table tennis from 2 (Two) to 1 (one) seat was illegal against the norms, guidelines and information bulletin published by Respondent no. 1 wherein it had categorically been mentioned that there should be 2 (Two) seats for the sport of Table Tennis. The said petitioner further submits that despite repeated emails and requests, the respondent nos. 1 & 2 did not allocate the seat in the sports quota in relation to the category of Table Tennis for men to the petitioner. The said petitioner

further submits that vide email dated 09.07.2019 sent by Dr. Sukanta Dutta and Dr. Pinki Sharma (OSD Admissions), the respondent no. 1 vide the said email had informed the respondent no. 2, that as per the resolution of the Standing Committee for Admissions, all colleges in the University of Delhi were mandated to have minimum 1% representation both for ECA and Sports out of 5% Supernumerary reservation collectively earmarked for ECA and Sports.

12. The said petitioner has further submitted that the stand taken by the respondent no.2 is illegal in view of information published on the web site of the respondent no.1 dated 18.07.2019 that there is a table of ECA Seats and colleges and that the said table clearly shows that there are **NO (Zero)** seats in the respondent no. 2 college under the ECA Category. *Inter alia* the petitioner submits that the acts of the respondents are further contrary to the Gazette notification dated 06.05.2019 passed by the University Grant Commission wherein it had categorically been held that every institution should publish and upload before expiry of at least 60 days prior to commencement of admission all information, pertaining to course programmes, prospectus, number of seats for each of the courses for the academic year for which the admissions are proposed to be made.

13. The petitioner of W.P.(C) 8333/2019 Manav Garg, likewise, submitted that he applied to the respondent no.2- College for admission under the sports quota and was called for the sports trial at the Shyam Lal College, Shahadara, Delhi in which he participated and the list of selected candidates was displayed on the Delhi University website, which showed that he was shortlisted and was thus, called for

the personal interview along with the relevant original sports and academic certificates. The said petitioner further submitted that he was awarded 28 marks in the final certificate and 48 marks in the final trial and he finally got 76 marks and ranked 7 as per the sports trial conducted by the respondents and as per the calculation made by them in the hockey trials. He has further submitted that another candidate namely Pranav Pal who has scored 74.7 in Football, Pragya Shokeen who scored 63 in the backstroke, were admitted to the University on the basis of the sports quota but that he, Manav Garg who had scored more marks than the said students, was not admitted despite the representations made by him and submitted that he ought to have been given preference over the other candidates on the basis of the said trial conducted by the respondent no.2- College, in as much as the admission in the sports quota was based on the competency level of the candidate and thus, preference ought to have been given to the candidate whose performance was better in the trial.

14. *Inter alia* the said petitioner submitted that when he went to apply for the concerned seat in the College as per the second list i.e. 19.07.2019, the University refused to accept the application of the petitioner as they had converted the seats of the sports quota into ECA (Extra Curriculum Activity) quota and all the seven seats of the sports quota were converted to ECA without any circular or document by any authority as to why the same had been done. It was also submitted by the said petitioner that there were no seats of the ECA quota in the Shri Ram College of Commerce i.e. the respondent no.2 and without any written notification or notice, the same had been converted.

15. The respondent no.1 has through its counter affidavit placed in W.P.(C)7633/2019, which has been virtually adopted in relation to the issues qua the other two writ petitions, i.e. W.P.(C)8053/2019 & W.P.(C)8333/2019 on behalf of the respondent no.1 submitted through the counter affidavit of its Registrar, Professor T.K. Das, that the Bulletin of Information for admission in the under-graduate courses in the sports quota, more particularly clause 6, specifically provides that the same are supernumerary seats and that a candidate seeking admission under the sports quota does not have any vested right to seek a writ of mandamus by seeking direction to grant admission in the College- respondent no.2 in B.Com & B.A(Hons) course. The respondent no.1 has further submitted that vide clause 6 of the Bulletin of Information, the maximum intake capacity of the College under the sports quota is only 4% of the total number of seats and that the University of Delhi had also specifically sent a letter dated 08.05.2019 before the release of the Bulletin of Information, duly informing the respondent no.2- College that representation of at least 1% each of the ECA and Sports separately was mandatory for all colleges, for the distribution of overall 5% supernumerary seats and that thus, the SRCC was required to mandatorily keep at least 1% seats for ECA out of 5% supernumerary seats and that the Bulletin of Information of the University was released on 25.05.2019, in which the respondent no.1 had mentioned the distribution of seats on the *bonafide* assumption that SRCC had sent the bifurcation of seats under the sports quota upto 4% of the total intake and the details of the seats

available under the sports quota under various games was accordingly put in the Bulletin of Information by the University.

16. *Inter alia* the respondent no.1 submitted that the SRCC in its separate Bulletin of Information had only mentioned 35 seats reserved under the sports category without mentioning as to how much percentage it amounted to, of the total intake capacity and that the SRCC had mentioned in its Bulletin of Information that the criteria of admission in the Sports Quota are based on the sports admission guidelines mentioned in the Bulletin of Information for admission to undergraduate and a college reserves the right to change the number and nature of specific game/sport and their respective position/event/weight category depending upon the availability of applicants at any stage of admission under the sports quota. The respondent no.1 has thus, submitted that the SRCC was only required to fill maximum 4% of the total intake of seats under sports quota and it was also clarified to the SRCC by the respondent no.1 vide letter dated 25.07.2019 sent by the Dean Students Welfare to the Principal of SRCC and that the respondent no.2 was reminded of this position vide an email dated 09.07.2019. *Inter alia* the respondent no.1 has submitted that none of the constituent/affiliated colleges of the University of Delhi have given admission under sports quota more than 4% of their total intake capacity respectively.

17. The respondent no.1 submits that the college i.e. the respondent no.2 during the counseling session held on 13.07.2019 had made admissions under sports quota by correcting the distribution of seats so that the sports quota does not exceed 4% of their total intake

capacity which has been admitted by the petitioners of the three petitions i.e. W.P.(C) 7763/2019, W.P.(C) 8053/2019 & W.P.(C) 8333/2019 and that the SRCC has still not sent the list for sports quota to the University of Delhi after scaling down the sports quota to 4% of their total intake despite having distributed the seats in the sports quota only to the extent of 4% of their total intake capacity as per the list uploaded by the respondent no.2 on its website on 17.07.2019. **The respondent no.1 has further submitted that the petitioners have no vested right to seek admission under the sports quota, specially as seats in the relevant sports category have been taken by candidates who have been ranked higher than the petitioners and that the seats cannot be increased in the college of the respondent no.2 now to exceed more than 4% of the total intake capacity, which is contrary to the consistent and mandatory stand of the University of Delhi. It was also submitted during the course of the submissions made on behalf of the respondent no.1 that the petitioners have already taken admission as per their ranks under the sports quota in other colleges.**

18. The respondent no.1 also put forth the copies of the lists for admissions on the basis of the ECA quota for the academic year 2019-20 as issued by the Ramjas College, Hansraj College, Kirori Mal College and Sri Venkateswara College to contend that the contentions raised by the petitioners to the effect that they had a legitimate expectation of being admitted into the respondent no.2-College on the basis of their ranking in the sports categories, is wholly misconceived.

19. The said lists put forth by the respondent no.1 of the colleges mentioned hereinabove, show the provisional admissions accorded to six students in the ECA category of creative writing-English, Dance-Indian Classical, Music- Western Vocal, Music Western Instrumental-Lead Guitar and Theatre by Ramjas College, with nine candidates having been selected for admission to the undergraduate programmes for the year 2019-20 on the basis of Extra Curricular Activities by the Hansraj College in Indian Classical Dance, Western Instrument Guitar (Lead), Indian Folk Dance, Theatre, Yoga, Indian Music Vocal, Debate-English & Debate-Hindi, three candidates under the category of ECA by the Kirori Mal College and eleven candidates under the category of ECA having been selected for Creative writing, English Debate, Hindi Debate, Western Music (Vocal), Music Instrumental (Guitar Bass), Music Instrumental (Key Board), Music Instrumental (Violin), Music Instrumental (Sitar), Theatre, Indian Classical Dance, NSS by Sri Venkateswara College for the academic year 2019-20.

20. The respondent no.2 through the affidavit of Professor Simrit Kaur, its Principal, placed on the records of each of the petitions i.e. W.P.(C) 7763/2019, W.P.(C) 8053/2019 & W.P.(C) 8333/2019 has submitted that till 2018, there existed no provision for admission under the ECA category in the respondent no.2- College and **that the respondent no.2- College had received a letter dated 08.05.2019, from the University of Delhi seeking details for admissions under sports and Extra Curricular Activities (ECA) quota for the**

academic year 2019-20 and that the University of Delhi also informed the college the recommendations of the Standing Committee on Admissions, i.e. representation of at least 1% each of the ECA and sports separately was mandatory for all colleges for the distribution of overall 5% supernumerary seats. The copy of the said letter dated 08.05.2019 received from the respondent no.1 by the respondent no.2 is placed on the petition W.P.(C) 8053/2019, and the same stipulates *inter alia* to the effect:-

*“The Admission Office would like to quote the recommendation of the Standing Committee on Admissions: **“Representations of at least 1% each of ECA and Sports separately is mandatory for all colleges, for the distribution of overall 5% supernumerary seats.”** However, it is advisable to have more healthy and fair distribution of seats among ECA and Sports categories.”*

21. The respondent no.2 has further submitted that the Staff Council of the college was convened at the earliest on 11.05.2019 and **it was of the opinion that the recommendation with regard to allocation of ECA and Sports seats matrix was advisory in nature** and that the respondent no.2 thus, took a considered decision **to continue with the existing practice of allocating the entire 5% of seats for admission to the applicants under sports category** and thus, the college communicated to the University on 13.05.2019, the distribution of seats under sports category is 35 in total. The respondent no.2 further submits that it did not receive any communication from the University of Delhi thereafter and that the Bulletin of Information for the session 2019-20 was issued by the

University of Delhi i.e. the respondent no.1, wherein, it was mentioned that the SRCC has 35 seats under the sports category.

22. ***Inter alia*** the respondent no.2 has submitted that it has received a representation from an applicant/ student alleging that non-provision of a seat for ECA by the respondent no.2- College was at variance with the rules of University of Delhi for the 2019-20 Academic Session and it was only thereafter, the respondent no.2- College realized that the University of Delhi had changed its earlier provision as mentioned in the Bulletin of Information of 2018-19 and the recommendation of the Standing Committee on Admissions regarding representation of at least 1% each of ECA and sports separately for the distribution of overall 5% supernumerary seats, which was communicated to the college vide letter dated 08.05.2019, was made a mandatory provision in the Bulletin of Information for the 2019-20 Session.

23. The respondent no.2 has further submitted that it did not receive any communication from the University, whereby representation of at least 1% of ECA was made mandatory and thus, the college wrote to the University for clarification on 24.06.2019 and stated therein to the effect:-

“Subject: Allocation of seats for admission under Sport and ECA Quota.

Dear Prof. Gupta,

We are in receipt of a representation from an aspirant, Mr. Ayush Haritash for admission to the college, wherein it is alleged that the non-provision of seats for ECA by Shri Ram College of Commerce is at variance with the

rules of the University of Delhi.

In view of such an unfortunate allegation and request for re-allocation of seats from Sports to ECA, we wish to make the following submission;

- 1. The college received a letter from the Dean of Students Welfare dated 8th May 2019 seeking details for admission under Sports and ECA Quota for the academic year 2019-20. The letter also apprised the college of the recommendations of the Standing Committee on Admissions for at least 1% of the 5% of the seats to be allocated to the ECA category.*
- 2. The Staff Council of the college was convened at the earliest on 11th May 2019. It took a considered decision to continue with the existing practice of allocating the entire 5% of seats for admissions to applicants under sports category, since it also noted that the allocation principle in the said letter was advisory in nature.*
- 3. Accordingly, the college communicated the allocation of seats under the sports quota to the University.*
- 4. The College has received no further communication from the University on the matter.*
- 5. It has now come to our notice that the Bulletin of Information 2019-20 of the University of Delhi has changed the provision of the Bulletin of Information 2018-19 and has informed applicants for admission that the recommendations of the Standing Committee on Admissions communicated to us vide the 8th May 2019 letter are mandatory provision under the University rules and regulations.*
- 6. The College has not been informed of such a decision.*
- 7. It should also be kept in mind that any change/reduction of the number of seats for Sports/ECA at this stage can be a cause for contention by candidates belonging to the affected category. The recent High Court's order regarding rolling back to previous years Admission Policy/ Provisions should also be kept in mind."*

24. The respondent no.2 submits that in response to the said letter, the University of Delhi on 25.06.2019 informed the college that the representation of at least 1% each of ECA and sports separately was mandatory for all colleges and had to be followed in letter and spirit. The copy of the email sent by the respondent no.1 to the respondent no.2 reads to the effect:-

“In response to your letter number SRCC/PO-31/2019-20215 dated June 24,2019; it is reiterated to state the resolution of the Standing Committee on Admissions “Representation of at least 1% each of ECA and Sports separately is mandatory for all colleges, for the distribution of overall 5% supernumerary seats.

The said resolution is therefore mandatory and has to be followed in letter and spirit.”

25. The respondent no.2 has thus submitted that in view of the Bulletin of Information of the University of Delhi for admissions for 2019-20 stating that it was mandatory for colleges to have admissions in both (ECA and Sports quota), the college revised its earlier seat matrix under the 5% supernumerary seats by making 1% quota for the ECA category and 4% for the sports category i.e. 7 seats for ECA category and 28 seats for sports category and communicated the same to the Dean of Students Welfare vide its letter dated 28.06.2019, vide which the seats in the sports category were reduced to bring it within the matrix of 4% of the total intake, though vide the said letter, the respondent no.2 also informed the respondent no.1 that it needed to issue a corrigendum to the effect that there had been a change of seats matrix under the sports category in the SRCC College. The respondent no.2 has further submitted that the University of Delhi i.e. the

respondent no.1 on 09.07.2016 informed the respondent no.2 that it could not declare the seats allocated by the college under the ECA category for the current academic session and that the respondent no.1 also asked the college to however restrict the seat matrix under the sports category to the maximum 4% of the sanctioned strength.

26. The email received by the respondent no.2 from the respondent no.1, reads to the effect:-

“The Admission Office wish to communicate that as per the resolution of the Standing Committee for admissions, all colleges in the University of Delhi are mandated to have a minimum of 1% representation both in ECA and Sports out of 5% supernumerary reservation collectively earmarked for ECA and Sports.

As per your communication dated June 28th 2019, your college has provided the revised seat matrix both for Sports and ECA categories for the year 2019-20.

However, the Admission Committee has resolved to only adopt changes/modifications in the seat matrix for ECA and Sports categories received before the declaration of the First Cut-Off list i.e., June 27th June 2019.

Although the Admission Office truly welcomes the decision of SRCC College to allot seats both under ECA and Sports categories but unfortunately we shall not be able to declare the seats allocated under the ECA category from your college for the Academic year 2019-20.

Therefore, the Admission Office would like to inform you that the seat matrix under the Sports category shall be restricted to maximum of 4% of the sanctioned strengths of the college and agree to adopt the revised Sports matrix as provided by the college.”

27. The respondent no.2 has thus submitted that in view of the change of stand taken by the respondent no.1, the respondent no.2 on 19.07.2019 requested the respondent no.1 to permit it to admit 5% of the sanctioned strength under the sports category but no response was received from the University in this regard. The said letter of the respondent no.2 to the respondent no.1 dated 19.07.2019 states as under:-

“Subject: Request for Permission to admit 5% of sanctioned strength under “Sports Category”

Dear Prof. Gupta

A number of students applying for admission to SRCC under Sports Category have represented to the College that they should be given admission according to Sports seat-matrix published in the University of Delhi- Bulletin of Information for Admission to Undergraduate Courses 2019-20. It is understood that the situation has arisen owing to communication dated July 9,2019 from OSD Admissions, Delhi University that “seat matrix under the sports category shall be restricted to a maximum of 4% the sanctioned strength.”

In view of these representations we request you to permit our College to admit students under ‘sports category’ as per the published sports seat matrix that is based on 5% of sanctioned strength as per previously prevailing guidelines, especially since ECA quota for SRCC has been fixed at 0% for this year.

However, it should also be kept in mind that the suggested increase in the seats for sports at this stage can be cause for contention by candidates belonging to the ECA category (queries for which have already been received). In view of letters dated July 3, 2019; June

28,2019; June 26,2019 and June 24 24,2019 by the undersigned, should there be any adverse implication of the same, such as a legal suit on account of denying admission under ECA category, it shall have to be addressed by the Admissions Committee, University of Delhi.”

28. The respondent nos.1 & 2 have both, however, sought that the petitions be dismissed.

29. On behalf of the petitioners as contended through the rejoinder of the petitioner of W.P.(C)7763/2019 to the reply of the respondent no.1, as also sought to be contended on behalf of the petitioners of W.P.(C)8053/2019 & W.P.(C)8333/2019, it was sought to be submitted that the respondent no.1 had failed to show as to how it had arrived at a decision of mandatorily requiring colleges to keep at least 1% seats for the ECA category out of the 5% supernumerary seats, viz-a-viz earlier prevailing policy of 5% seats under the sports quota and that the respondent no.2 had clearly stated in its affidavit that the letter of the respondent no.1 dated 08.05.2019, was advisory in nature and that the respondent no.2 had not received any communication from the University whereby the representation of at least 1% seats in the ECA category was made mandatory. The petitioners further contended that in as much as in the Bulletin of Information published by the respondent no.1 itself, no seats for the ECA category had been allocated to the SRCC and 35 seats had been made available under the sports quota in the SRCC i.e. the respondent no.2 itself made it evident that the respondent no.1 had sought to change the policy after the trials had been conducted on the basis of 36 seats which was not

permissible and that the petitioners have been made the victims of the *inter se* dispute between the respondent no.1 and the respondent no.2 for no fault of theirs and cannot be put to prejudice on the premise that the actual number of seats were less than what was published by the respondents and that the respondents are estopped from claiming or agitating anything to the contrary than that has been published and acted upon the parties.

30. The petitioners have also submitted that the doctrine of legitimate expectation also squarely favours the petitioners and that the petitioners cannot be adversely prejudiced on account of any purported *inter se* dispute between the respondent no.1 and the respondent no.2. The petitioners have further contended that the respondent no.2 has admitted in its counter affidavit that till 2018 there was no provision for admission under the ECA category in the respondent no.2 College and that the Bulletin of Information published by the respondent no.1 for the academic year 2019-20, also does not allocate any seats under the ECA category to the respondent no.2 College. The petitioners have further contended that till date the Bulletin of Information published by the respondent no.1 has not been amended or changed and continues to record that the number of seats in the respondent no.2- College under the sports category is 35 and under the ECA category is zero (0) and that any alleged change in the declared admission policy by the respondent no.1 as had been claimed to have been done by way of a letter dated 08.05.2019, is illegal, unsustainable and contrary to the notification dated 06.05.2019 issued

by the University Grants Commission being University Grants Commission (Redress of Grievances of Students) Regulations, 2019.

31. Reference was thus made to Regulation 4 of the said Regulations, which provides to the effect:-

“4. MANDATORY PUBLICATION OF PROSPECTUS, ITS CONTENTS AND PRICING:

(1) Every institution, shall publish and/or upload on its website, before expiry of at least sixty days prior to the date of the commencement of the admission to any of its courses or programs of study, a prospectus containing the following for the information of persons intending to seek admission to such institution and the general public, namely:

(a) the list of programs of study and courses offered along with the broad outlines of the syllabus specified by the appropriate statutory authority or by the institution, as the case may be, for every course or program of study, including teaching hours, practical sessions and other assignments;

(b) the number of seats approved by the appropriate statutory authority in respect of each course or program of study for the academic year for which admission is proposed to be made;

.....

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Provided that an institution shall publish/upload information referred to in clauses (a) to (k) of this regulation, on its website, and the attention of prospective students and the general public shall be drawn to such publication being on the website through advertisements displayed prominently in different newspapers and through other media:

.....”

32. The petitioners have further contended that even if the respondent no.2 had sought to change the admission policy prevailing till the previous year, necessary guidelines and procedure for changing the same have not been disclosed and that fundamental changes had been made to the admission criteria without having the sanction of the Academic Council of University of Delhi. The petitioners have thus contended that no change in the admission policy could have been made by the respondent no.1 a few days prior to the commencement of the admission programme for the academic year 2019-20 as laid down by the Division Bench of this Court in its judgment dated 14.06.2019 titled as “**Charanpal Singh Bagri Vs. University of Delhi & Ors.**” (*supra*) in W.P.(C) No.6751/2019.

33. The petitioners have further submitted that the respondent no.1 i.e. the University of Delhi on 18.07.2019 published a list with regard to the number of seats in the ECA category in various colleges, which showed that at least six colleges including the respondent no.2 had zero (0) seats in the category of ECA and that the same demonstrated that not only the said colleges but even the respondent no.1 had not made it mandatory to have 1% seats reserved for ECA category and it was thus contended on behalf of the petitioners that the respondent no.1 cannot now agitate that 1% seats are mandatorily required to be reserved by colleges for the ECA category. The petitioners have further contended that they are seeking the enforcement of their rights to seek admission against the declared seat for which the petitioners had duly qualified in the trials conducted by the respondent no.1 itself.

34. The petitioners have also refuted the contention of the respondent no.1 that the respondent no.1 published the Bulletin of Information on the *bonafide* assumption that SRCC had sent the bifurcation of seats under the sports quota upto 4% of the total intake and that the respondent no.1 cannot now seek to make excuses and blame the respondent no.2- College for publication of the number of seats in the sports quota as 35. *Inter alia* the petitioners have submitted that the reliance that has been placed by the respondent no.1 on the Bulletin of Information stating that the college reserved the right to change the number and nature of specific game/sports and their respective position/category depending upon the availability of applicants at any stage of admission under the sports quota, was based on the sports admission guidelines as mentioned in the Bulletin of Information and on the right of the college to change the number and nature of the specific game/sports and their respective position/category and that this also related to a situation where the applicants are not available for a particular category and had no relevance to the dispute in question.

35. During the course of submissions that have been made on behalf of the petitioners, much reliance was sought to be placed on the verdict of the Division Bench of this Court in “***Charanpal Singh Bagri Vs. University of Delhi & Ors.***” (*supra*) in W.P.(C) No.6751/2019 dated 14.06.2019, wherein, W.P.(C) 6751/2019, W.P.(C) 6770/2019 & W.P.(C) 6774/2019 were disposed of with directions to the University of Delhi and University Grants Commission to allow the students to apply to the undergraduate

courses for the academic year 2019-20 to the University of Delhi on the basis of the **eligibility criteria for admissions to the under-graduate courses for the year 2018-19**. It was however, vide paragraph 20 of the said verdict directed to the effect that the directions issued would not preclude the University of Delhi from **making the changes in the eligibility criteria** for the forthcoming years to its under-graduate courses as required, to keep education in tune with the necessities of the present day as also for maintenance of high standards of education, but the same can only be done in accordance with law, which would require a minimum of six months of public notice to the public at large of the eligibility criteria for admission to its under-graduate courses.

36. *It is apparent on a bare perusal of the observations in paragraphs 18 & 20 of the said verdict, that it relates specifically to the aspect of the change of the eligibility criteria for admission to the under-graduate courses of the petitioners herein and not in relation to the number of seats that could be allocated by a college on the basis of supernumerary seats.*

37. As regards the contention that has been raised on behalf of the petitioners in relation to the non compliance of Regulation 4 of the University Grants Commission notification dated 06.05.2019 to contend that the same had not been adhered to, in relation to the publication of the number of seats **approved** by the appropriate statutory authority in respect of the sports quota for the academic year for which admission was proposed to be made and had been sought to be changed by the respondent no.1 through its Bulletin of Information

to a mandatory filling up of seats in the ECA category by 1% of the intake of the college concerned vide the Bulletin of Information uploaded on 11.06.2019 was contrary to the legitimate expectations of the petitioners in relation to 5% reservation of seats under the sports category as per the Bulletin of Information published in the year 2018-19, which did not make reservation for the ECA category by 1% of the intake of a college mandatory,- on a consideration of the submissions that have been made on behalf of either side, it is essential to observe that in terms of the directions dated 13.08.2019, when submissions were made on behalf of either side, the respondent no.1 i.e. the University of Delhi has placed on record the Bulletin of Information of the University **as was uploaded on the website of the University of Delhi for the academic year 2019-20 for the under-graduate courses prior to the judgment dated 14.06.2019** of the Division Bench of this Court in *“Charanpal Singh Bagri Vs. University of Delhi & Ors.” (supra)* in W.P.(C) No.6751/2019. The Bulletin of Information for admission to under-graduate programmes for the academic year 2018-19 as issued by the respondent no.1 has stipulated vide Rule 9.10 stipulated for the sports/ECA quota supernumerary seats to the effect:-

“9.10 Sports/ECA Quota (Supernumerary Seats)

It is mandatory for Colleges to provide sports facilities and encourage all students to participate in sports and extracurricular activities by introducing inter-class competitions and mass sports.

The existing provision of not more than 5% Sports / ECA quota (subject- wise) be continued. The Colleges should be free to decide the actual number of seats to be

filled on sports basis (not more than 5%) keeping in view the facilities available, requirement of the College and other relevant factors. The Colleges are encouraged to provide the information on their website well in advance.

The guidelines for Admissions under Sports / ECA categories will be carried in accordance with the guidelines notified by the University from time to time.”

38. The Bulletin of Information for admission to the under-graduate courses for the academic year 2019-20 updated as on 11.06.2019 as issued by the respondent no.1 vide Rule 6 qua the Extra Curricular Activity and Sports quota (supernumerary seats) stipulated to the effect:-

“6. Extra-curricular and Sports Quota (Supernumerary Seats)

*It is mandatory for Colleges to provide sports facilities and encourage all students to participate in sports and extracurricular activities by introducing inter-class competitions and mass sports. **Representation of at least 1% each (of total intake capacity of the college) of ECA and Sports is mandatory for all colleges, subject to a ceiling of 5% (of total intake capacity of the college) in total for ECA and Sports together.***

The existing provision of not more than 5% of Sports and ECA quota (subject-wise) is continued.

The actual number of seats to be filled on ECA and sports basis is decided keeping in view the facilities available, requirements of the Colleges and other relevant factors. Additional information regarding schedule (including preliminary and final trials) and availability of seats will be notified on the University website.

Reservation under ECA and Sports categories is not available in courses where admission is based on entrance tests.

It is mandatory for candidates selected in ECA and/or Sports Categories to submit an Undertaking on Non-Judicial Stamp Paper of Rs. 100/- at the time of admission stating that the candidate will participate in and/or represent the College and University, in all events as determined by College/ University, for the entire duration of the candidate's undergraduate course of study, failing which the admission to the college may be summarily cancelled.

Any candidate submitting false/fake certificates will be debarred from admission to any course in any college for three years. If a candidate seeks admission on the basis of false/fake certificates, not only will the admissions be cancelled, an FIR may also be registered."

39. After the judgment dated 14.06.2019 of the Division Bench of this Court in ***"Charanpal Singh Bagri Vs. University of Delhi & Ors."*** 2019 SCC OnLine Del 8941 in W.P.(C) No.6751/2019, Rule 6 as uploaded on 11.06.2019 in the Bulletin of Information of the respondent no.1, continued.

40. Though, it is apparent that whereas, the stipulation of the sports/ ECA quota supernumerary seats for the year 2018-19 was not more than 5% Sports/ ECA quota seats and the colleges were free to decide the actual number of seats to be filled on sports basis, though, not more than 5%, the colleges vide clause 9.10.1 were called upon to notify the actual number of seats available under the ECA Quota (Supernumerary) and vide clause 9.10.2, the colleges were called upon to notify in advance the total number of seats under the Sports Quota

(supernumerary) and vide Clause 9.10 of the Bulletin of Information for the year 2018-19, were impressed upon to provide sports facilities and encourage all students to participate in sports and extracurricular activities by introducing inter-class competitions and mass sports and the Bulletin of Information for admission to under-graduate courses for the year 2019-20, made representation of at least 1% of total intake of the college of ECA and sports category mandatory for all colleges subject to a ceiling of 5% in the total for ECA and sports together, with the existing provision of not more than 5% Sports/ECA quota (subject-wise) being continued as per Rule 6 of the Bulletin of Information for the year 2019-20, which is now under challenge.

41. As observed elsewhere hereinabove, the verdict of the Division Bench of this Court in *“Charanpal Singh Bagri Vs. University of Delhi & Ors.” 2019 SCC OnLine Del 8941* in W.P.(C) No.6751/2019, relates specifically to the change in the eligibility criteria made by the Bulletin of Information for admission to the under-graduate courses for the year 2019-20 by the University of Delhi, just one day prior to the date of online registration which commenced on 30.05.2019 for the admission to the under-graduate programmes to the University of Delhi vide the press release dated 29.05.2019, which the University of Delhi thus vide the judgment dated 14.06.2019 was directed to roll back with directions to it, to permit the students to apply for admissions to the University of Delhi on the basis of the **eligibility criteria** for the year 2018-19 as stipulated vide paragraph 18 of the said verdict, which reads to the effect:-

“18. In the circumstances, the W.P.(C) 6751/2019, W.P.(C) 6770/2019 & W.P.(C) 6774/2019 are disposed of with directions to the University of Delhi and the University Grants Commission to allow the students to apply for the under-graduate courses for the year 2019-20 to the University of Delhi on the basis of the eligibility criteria for admissions to the under-graduate courses for the year 2018-19.”

with time having been granted to the University of Delhi to permit the students to apply for its under-graduate courses till the date 22.06.2019.

42. Vide paragraph 20 of the said verdict, it was directed as under:-

“20. The above directions, however, shall not preclude the University of Delhi from making the changes in the eligibility criteria for the forthcoming years to its under-graduate courses as required, to keep education in tune with the necessities of the present day as also for maintenance of high standards of education, but the same can only be done in accordance with law, which would require a minimum of six months of public notice to the public at large of the eligibility criteria for admission to its under-graduate courses.”

43. Vide paragraph 17 of the said verdict, it was observed to the effect:-

“17. On behalf of the University of Delhi, reliance was, however, placed on the verdict of the Hon’ble Supreme Court in “P. Suseela and Ors. Vs. University Grants Commission and Ors.” AIR 2015 SC 1976, to contend that the legitimate expectations, if any, of students had to yield to the larger public interest of selection of the most meritorious amongst candidates to gain education. In relation to this aspect, it is essential to observe that the verdict in P. Suseela (supra) relates to the minimum

*eligibility conditions for recruitment and appointment of lecturers, which was held to be in the larger public interest of selection of the most meritorious amongst candidates to **teach in institutions**, governed by the UGC Act, whereas in the instant case, there is a change in the eligibility conditions for admission to the under-graduate courses of the University of Delhi made one day before the commencement of the admission programme to the University of Delhi for the year 2019-20, which sudden changes without prior public notice in term of Rule 14(1) of the Regulations notified on 06.05.2019 by the University Grants Commission (which ought to read as Rule 4(1)) and also which are without even a previous notice of six months to students preparing for their eligibility for admission to the University of Delhi, cannot be held to be valid.*

and, it is thus apparent that it was the change in the eligibility conditions for admission to the under-graduate courses of the University of Delhi, which had been made by the University of Delhi without previous notice to the students in terms of Rule 4(1) of the Regulations notified on 06.05.2019 by the University Grants Commission, qua which it was held that the same could not be held to be valid.

44. **The present case however, does not relate to any of the eligibility criteria or conditions for admission to the under-graduate courses to the University of Delhi, though, it undoubtedly relates to the number of seats which were put forth by the respondent no.2 in the sports quota. However, the respondent no.2 has apparently not adhered to the Bulletin of Information of the respondent no.1 qua Rule 6 thereof in relation to the mandatory requirement of admissions in the ECA category**

of at least 1% with the total supernumerary seats of being 5% of the total intake qua the ECA and sports categories despite communication dated 08.05.2019 sent by the respondent no.1 to the respondent no.2, which the respondent no.2 chose to treat as being advisory despite the Bulletin of Information uploaded on the website of the University of Delhi qua which the respondent no.2 states that it realized of the change in the stipulations of the supernumerary seats qua *mandatory requirement* of admissions in the ECA category of at least 1% of the 5% total intake only on receipt of a representation made by an applicant/student, alleging non-provision of a seat for the ECA category by the respondent no.2 being at variance with the rules of the University of Delhi for the academic year 2019-20,- for which the respondent no.1, cannot be faulted with.

45. The admissions to the colleges affiliated to the respondent no.1 on the basis of the ECA/ Sports category supernumerary seats cannot be equated with the eligibility criteria for admissions to the colleges affiliated to the respondent no.1. It cannot also be overlooked that in terms of Rule 6 of the Bulletin of Information issued by the respondent no.1 for the academic year 2019-20, other colleges have put forth the seats reserved for the ECA category of students in terms thereof and thus, though, the petitioners seek to submit that there are six other colleges which had zero (0) intake in relation to the ECA Category, the same does not absolve the colleges affiliated to the respondent no.2 to provide for the mandatory intake of 1% of the total intake of the students into their respective colleges for the ECA

category, which admissions to the ECA category are apparently in relation to the varied domain of extracurricular activities, which too need to be encouraged and have rightly been so encouraged by the respondent no.1.

46. **In the circumstances, the petitioners cannot claim to have any vested rights to seek admission in the sports category of the course that they seek to pursue with the respondent no.2- College *only*.** Furthermore, all the three petitioners have already been admitted to colleges in the University of Delhi;- as admitted by them.

47. In view thereof, the petitions i.e. W.P.(C) 7763/2019, W.P.(C) 8053/2019 & W.P.(C) 8333/2019 and the accompanying applications are dismissed.

48. Interim orders dated 19.07.2019 in W.P.(C) 7763/2019, 26.07.2019 in W.P.(C) 8053/2019 & 06.08.2019 in W.P.(C) 8333/2019 are vacated.



ANU MALHOTRA, J

NOVEMBER 15, 2019/NC

