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

Date of Decision: 18.12.2020

+ W.P.(C) 10433/2020 and CM No. 33027/2020

SNEHIL DEOTA Petitioner
Through Ms. Asha Jain Madan, Adv.

versus

UNIVERSITY OF DELHI AND ANR Respondents
Through Mr. Mohinder J.S. Rupal and Mr.
Hardi Rupal, Advs. for Delhi University

CORAM:
HON'BLE MR. JUSTICE JAYANT NATH

JAYANT NATH, J. (Oral)

This hearing is conducted through Video-Conferencing.

1. This writ petition is filed by the petitioner seeking the following reliefs:-

“(a) Issue an appropriate writ/order/direction declaring the Edit/Updation in registration form notice dated 15.7.2020 for admission to Under-graduate (UG) programmes for the academic session 2020- 2021 after the Petitioner had uploaded his application for admission on 24.6.2020, as ultravires the constitutional provisions; and

(b) Issue an appropriate writ/order/direction quashing the Final DU UG Sports Merit List, released on 10.12.2020 whereby the Petitioner's Participation certificate of '28th National Under 17 Open Chess Championship 2017' held from 24.10.2017 to 1.11.2017 issued on 1.11.2017 by 'National Sports Federation

(having 68 marks as per the above criteria) has been declared as ineligible and the Petitioner's seniority has been brought down from 5th to 9th place; and

(c) Issue an appropriate writ/order/direction directing the respondents to prepare a fresh DU UG Sports Merit List after considering and taking into account (i) the Participation certificate of '28th National Under 17 Open Chess Championship 2017' held from 24.10.2017 to 1.11.2017 issued on 1.11.2017 by 'National Sports Federation (having 68 marks as per the above criteria) which has been declared as ineligible and (ii) the Participation certificate of 64th National School Games 2018 - 19 Chess Boys U -17 dated 12.1.2019 issued by 'SGFI' (having 68 marks as per the criteria) as enclosed with email dated 5.12.2020; and

(d) Issue appropriate writ/order/direction restraining the respondents from proceeding further in the matter of admission to the Under-graduate (UG) programmes for the academic session 2020- 2021 w.e.f. 19.12.2020 during the pendency of the Writ Petition; and"

2. The case of the petitioner is that he had applied under the Sports Quota for admission to the Delhi University in terms of the Press Release dated 20.06.2020. On 20.06.2020, the Bulletin Information was also uploaded on the website of the Delhi University. Clause 6.2 of the Bulletin Information prescribed the guidelines for admission on the basis of the sports quota. Based on the guidelines, the petitioner had uploaded three certificates of participation in sports tournaments. In the tentative results that were declared on 02.12.2020, the petitioner had been given Rank 5 with certificates marks as 68, 68 and 58. However, on 09.12.2020, the second sports certificate of the petitioner was discarded. On 10.02.2020, the guidelines for admission on the basis of sports category were released and

the rank of the petitioner was reduced from Rank 5 to Rank 9.

3. I have heard learned counsel for the petitioner. She has raised the following broad grievances:-

(i) The second sports certificate in question has been wrongly discarded by the respondent has led to a loss of 68 marks to the petitioner without an opportunity or explanation to explain the issue.

(ii) It has been urged that the petitioner had a fourth sports certificate which he wished to upload and which would also have fetched 68 marks but unfortunately, the website of the respondent did not permit uploading of the said fourth sports certificate despite several attempts. Reliance is placed on the prospectus which stated that the window for editing was likely to be announced between the 3rd week of August to the 2nd week of September, 2020. The window did open but not for the sports quota.

4. Learned counsel for the respondent has pointed out that in terms of the brochure released by the respondent, the last date for submitting forms which was originally 04.07.2020 was extended till 31.08.2020. He states that if after the last date, if candidates are allowed to file additional certificates on various grounds it would lead to needless chaos and confusion. He also points that the second sports certificate has been discarded as it pertains to the open tournament and did not fall in the category of the prescribed tournaments.

5. I may look at the relevant portion of the brochure in question which reads as follows:-

“6.2 Guidelines for Admission on the Basis of Sports

The Colleges shall communicate on the DU UG Admission portal the total number of seats under Sports Quota

(Supernumerary) alongwith requirement in different Games/Sports in Men / Women as applicable. The admission on the basis of Sports shall be administered through centralized Sports Merit List based on the Highest Marks obtained in the uploaded Merit/Participation Sports Certificate and order of their preference of courses and colleges as indicated by the applicant.

1. The applicant seeking admission on the basis of Sports is required to register online on the DU UG Admission portal.
2. Applicant can register for a maximum of three Games/Sports.
3. They should also register for a maximum of five courses and colleges in order of their preference where they wish to get admitted. These preferences will be utilized later in the allotment of course and college.
4. An additional registration fee of Rs.100 will apply in the Sports category in addition to charges for (UR/OBC/SC/ST/PwBD/EWS) Registration.

Admission here in will be based on:

- I. Direct admission on the basis of Category A of the Criteria for Marking of Merit/Participation Sports Certificate.
- II. Admission on the basis of Category B, C & D of the Criteria for Marking of Merit/Participation Sports Certificate.

I. Direct Admission on the basis of Category A of the Criteria for Marking of Merit/Participation Sports Certificate

Sportspersons who have represented India in the under-mentioned Competition(s), recognized and funded by the Ministry of Youth Affairs and Sports (MYAS) will be given Direct Admission for the Game/Sport at Point no. II(B) where requirement for the Game/Sport has been given by the constituent Colleges.

- a. Olympic Games by the International Olympic Committee (IOC)

- b. World Championship/World Cup by International Sports Federations (ISF)
- c. Commonwealth Games by Commonwealth Games Federation (CGF)
- d. Asian Games by Olympic Council of Asia (OCA)
- e. Asian Championships by International Sports Federations (ISF)
- f. South Asian Games (SAG) by South Asia Olympic Council (SAOC)
- g. Paralympic Games by International Paralympic Committee (IPC)

II. Admission on the basis of Categories B, C and D of the Criteria for Making of Merit/Participation Sports Certificate.

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Category	Level of Game/Sport Competition(s)	Certificate Issuing Authority	Maximum Marks (100)			
			1 st Position	2 nd Position	3 rd Position	Participation
A	Representing India in Olympic Games/World Championship/World Cup/Commonwealth Games/Asian Games/Asian Championship/South Asian Games/Paralympic Games	IOC/ISF/CGF/OCA/SAOC /IPC/IOA/NSF Recognized and funded by Ministry of Youth Affairs & Sports (MYAS)	DIRECT ADMISSION			
B	Position and/or participation in International Youth/Junior Competition/National Games/ Federation Cup/Senior National/ National/Inter-Zonal National/National School Games Under 17/19/ Khelo India School/Youth Games Under 17/21/Youth/Junior National/Sub-Junior/Zonal National Competition	ISF/IOA/NSF recognized and funded by Ministry of Youth Affairs & Sports (MYAS)/ School Games Federation of India (SGFI)	98	88	78	68

6. Hence, it is clear from the above that the applicant was required to upload three merit/participation sports certificates. As per the said clause, the highest merit/participation certificate will be considered for marking. It is manifest that the highest of the three certificates has to be taken for the merit position. In the present case, the highest marks awarded for the petitioner's sport certificate were 68 which still remain 68.

7. That apart, as noted above, the last date for submission of the certificates was 31.08.2020. There would be a large number of candidates who may have committed some error in uploading their applications. It would not be possible for the University to keep allowing repeated changes in the application form and the accompanying certificates as any such window would create chaos and confusion. It would also delay the finalization of Admission. As pointed by the learned counsel for the University, the classes have already begun and the respondent cannot continue delaying admission by allowing filing of certificates in the manner sought.

16. Reference in this context may be had to the judgment relied upon by learned counsel for respondent No.2 in the case of ***Ujjwal Tripathi vs. Director General National Testing Agency, 2019 SCC OnLine Del. 8702***. That was a case where a student belonging to EWS was treated by the National Testing Agency which conducts JEE (Mains) as a general category candidate.

“14. Even if this were to be taken as an inadvertent act on the part of the petitioner, this Court cannot be oblivious of the fact that the JEE (Advanced) Examination is a

humongous exercise, which involves lakhs of students and, if courts are to interfere in such matters, treating the change of category as inadvertent, or as an accidental slip on the part of candidate, a Pandora's box would inevitably be opened.

15. Candidates who apply for such examinations are required to be vigilant and ensure that they are circumspect while applying, and while making entries, especially where the entire process of application, as is this case, takes place online.

16. Mr. Shukla requests this Court to take a sympathetic view of the matter, as, in his submission, if the petitioner is not allowed to appear in the JEE (Advanced) Examination, he would lose his chance to secure higher education in the IITs.

17. This Court sympathises with the situation in which the petitioner finds himself, but expresses its inability to come to his aid.”

8. I also cannot help noticing that the petitioner has already on merit obtained admission in Khalsa College. There is a possibility that being at Rank 9 candidate, the petitioner may still get a college under the sports quota.

9. There is no merit in the petition and the same is accordingly dismissed. Pending application also stands dismissed.

JAYANT NATH, J

DECEMBER 18, 2020

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