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

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Date of Decision: 22.12.2020

+ W.P.(C) 10120/2020

HRITHIK RANA

..... Petitioner

Through Mr.Avadh Kaushik and Ms.Shriya
Bhat, Advs.

Versus

DELHI UNIVERSITY SPORTS COUNCIL & ORS..... Respondents

Through Mr.Mohinder J.S. Rupal, Standing
Counsel with Mr.Hardik Rupal, Adv. for Delhi
University.

Mr. Saurabh Chadda and Mr.Rohit Bhagat, Advs.
for R-3/DDCA.

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

JAYANT NATH, J. (Oral)

This hearing is conducted through Video-Conference.

1. This writ petition is filed by the petitioner seeking an appropriate writ against the respondent Delhi University challenging the communication dated 05.12.2020 whereby the petitioner has been declared to be 'not eligible' for awarding Sports Quota Marks in getting admission in the undergraduate courses of Delhi University.
2. The case of the petitioner is that the petitioner is a brilliant sports person who has played in State Level (Inter-State and Inter-Zone) Cricket Tournament representing Delhi Men's Under-19 Team in the Cooch Behar

Trophy Tournament in the Domestic Season 2019-20 which is organized by the Board of Cricket Control of India (BCCI).

3. In April 2020, Delhi University published its annual Bulletin of Information for admission to undergraduate courses in various colleges which dealt with the guidelines for admission on the basis of sports. In July 2020 after declaration of the result, the petitioner got himself registered with Delhi University through online process by submitting a common admission application form. All the requisite documents including the two sports certificates, namely, for Cooch Behar Trophy issued by DDCA and for 64th National School Games Super Seven Boys Under-19 (2018-19) issued by SGFI were also uploaded on the portal. On 02.12.2020, the petitioner was shocked and surprised to see that no marks were awarded to the petitioner under the sports quota by Delhi University. The petitioner was declared ineligible for the sports quota.

4. On 03.12.2020, the petitioner lodged an objection. On 05.12.2020, the petitioner received an email stating that the sports certificates uploaded by the petitioner do not fall in the criteria for marking of merits/participation of sports certificates and hence, the petitioner is not eligible. Hence, the present writ petition.

5. The respondent Delhi University has filed its counter-affidavit. The respondent Delhi University has in its counter-affidavit pointed out that the University had conducted centralized sports admission process for 2020-21 on the basis of evaluation/marketing of merit/participation sports certificates only. It was due to the unprecedented pandemic that no sports trial could be conducted. The candidates were given time to apply under the Sports Category from 20.06.2020 to 31.08.2020. The applicants who had already

registered in the said period could edit their information in the application form till 05.10.2020. The applicants have been assessed under the Sports Category on the basis of uploaded three merits participation sports certificates of the preceding three years in the concerned sports/games.

Regarding the certificates uploaded by the petitioner, it has been pointed that the communication issued by DDCA dated 18.03.2020 is merely on the letter head of DDCA and does not qualify to be a merit/participation certificate. In terms of Rule 6.2 (2), the same cannot be accepted for eligibility under Sports Quota for undergraduate admission. That apart, the certificate is not issued by the appropriate sports federation as stipulated in Rule 6.2. The second certificate uploaded by the petitioner is a mere participation certificate and that too for a cricket format of “Super Seven”. This format is also not acceptable in terms of the prescribed format. Hence, the case of the petitioner was rejected.

6. Respondent No. 3/Delhi District Cricket Association has also filed its counter-affidavit. In the counter-affidavit, it has been stated that Cooch Behar Trophy Tournament a 4-Day National Cricket Tournament for Under-19 players being organized since 1945-46 and presently, controlled by the Board of Control of Cricket in India. It is stated that the petitioner is one of the players who was selected in the squad of 15 that represented Delhi U-19 Men’s Team in the said Cooch Behar Trophy Tournament in the year 2019-20. It is also stated that the said certificate in question issued under the reference was issued to the petitioner pursuant to the selection of the petitioner in the Delhi U-19 Men’s Team for Cooch Behar Tournament.

7. I have heard learned counsel for the parties.

8. Learned counsel for respondent No. 3 DDCA has pointed out that

respondent No. 3 is flooded with complaints from large number of students from Delhi University regarding rejection of their applications/certificates. He has pointed out that the format in which the certificate has been given to the petitioner is a format that has been followed for several years in the past. It appears that there is a change in the format now sought by Delhi University in view of the changed procedure of selection where trials have been dispensed with due to the present pandemic. Under the new process of selection these certificates are being rejected whereas other universities are accepting the same.

9. In my opinion, the plea of the petitioner cannot be accepted for various reasons.

10. Firstly, I may note that the manner of giving certificate has been stipulated in the brochure which reads as follows:-

“Criteria for Marking of Merit/Participation Sports Certificate

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	ISF/IOA/NSF recognized and funded by Ministry of Youth Affairs & Sports (MYAS)/School Games Federation of India (SGFI)	98	88	78	68

	School Games Under 17/19/ Khelo India School/Youth Games Under 17/21/Youth/Junior National/Sub- Junior/Zonal National Competition					
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11. Hence, for participation in National Games, the concerned International Sports Federation(ISF)/Indian Olympic Association(IOA)/ National Sports Federation(NSF) recognized and funded by Ministry of Youth Affairs & Sports/School Games Federation of India (SGFI) are the certificate issuing authorities. In the present case, the certificate issuing authority is not recognized by the Ministry of Youth Affairs & Sports.

12. Secondly, in my opinion, the petition also suffers from delay and laches. The Information Bulletin was released way back in May/June 2020. The last date was extended for making applications up to 31.08.2020. Now after having participated in the selection process, when the application of the petitioner has been rejected on the ground that it does not comply with the stipulated criteria and after the results has been declared, the petitioner has chosen to approach this court. In my opinion, the admission process is at a final stage. I am told that classes have already commenced for the students who have already taken admission on merits. It is not possible to now tinker/change the admission list.

13. Thirdly, it is settled legal position that the terms of the brochure are binding upon a candidate. A candidate cannot after having participated in the selection process and after having been rejected for any reasons turn

around and challenge the terms of the criteria of the admission brochure. In the present case, the petitioner has applied under the Bulletin of Information. He cannot after having participated in the selection process turn around and seek to challenge the terms of the stipulated in the selection process. In this context reference may be had to the judgment of a Coordinate Bench of this court in the case of ***Priyanka Chaudhary vs. National Board of Examinations, 2016 SCC OnLine Del. 5691*** where this court held as follows:-

“11. The petitioners were well aware of the rules laid down by the information bulletin and despite the same the petitioners participated in the counseling process without any demur. The petitioners have opted for confirmed seats and have taken admission. No doubt that the petitioners are meritorious, but on account of the application of the rules as laid down by the information bulletin, which is clear in terms of its application, the petitioners are clearly ineligible to participate in the second round of counseling commencing from 21st October, 2016.

12. Similar view has been expressed by the co-ordinate bench in *Shikha Aggarwal* (supra) wherein it is held as under:

“6. The cause of heartburn of the petitioner is that the first round of counseling is held for the top in the merit list to pick the stream and college/institute/hospital of his choice and the second round is held for the next in the merit list alongwith the opportunity to the ones who have already participated in the first round to change their stream in case some seats fall vacant, but the respondent board does not envisage the participation of the students who have already participated in the first round to again participate in the second round and thus robs the candidate the opportunity to take up another stream which could be available in the second round and was not available at

the first. The contention of the counsel for the petitioner is that the premier Institute such as AIIMS and others give provisional admissions in the first round leaving the window of opportunity open for them to change their choice in the second round and thus the same should be the procedure followed by the respondent Board. The National Board of Examinations administering the DNB degree has the liberty to frame its own rules and regulations and the rules of counseling or any other cannot be termed as unreasonable by comparing with the rules set forth by the AIIMS or any other body conducting examinations.

7. It is also a settled legal position that a candidate after participating in the selection process of taking the entrance examination and the counseling process cannot turn around and challenge the same as the rules and guidelines framed by the respondent-Board were within the knowledge of the petitioner before participating in the same and therefore, the petitioner thus waives off her right to challenge the said counseling procedure once having taken the said examination. It would be relevant here to refer to the judgment of the Apex Court in the case of Dhananjay Malik v. State of Uttranchal (2008) 4 SCC 171 which has reiterated the said legal position in the following words:

“In the present case, as already pointed out, the writ petitioners-respondents herein participated in the selection process without any demur; they are estopped from complaining that the selection process was not in accordance with the Rules. If they think that the advertisement and selection process were not in accordance with the Rules they could have challenged the advertisement and selection process

*without participating in the selection process. This has not been done.”
(Underlining supplied)*

xxx”

14. Fourthly, I may note that this sports criteria as stated in the Information Bulletin was challenged by large number of candidates in this court. This court has dismissed such a petition being WP(C) 4001/2020 on 28.09.2020 titled as ***Priyank Mehta & Ors. Vs. University of Delhi*** upholding the selection process prescribed by Delhi University. I am informed that there has been no challenge to the said judgment.

15. There is clearly no merit in the petition and the same is accordingly dismissed.

DECEMBER 22, 2020
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JAYANT NATH, J