



VIA VIDEO CONFERENCING

\$~53 & 54

* **IN THE HIGH COURT OF DELHI AT NEW DELHI****Date of Decision:- 03.02.2022**

+ W.P.(C) 1035/2022
 DEEPANSHU KHANNA & ANR. Petitioner
 Through Mr.Lakshya Gupta with Mr.Aman
 Ashesh, Ms.Shreya Jad, Adv.

versus

UNIVERSITY OF DELHI Respondent
 Through Mr.Mohinder JS Rupal, Adv.

+ W.P.(C) 1903/2022 & CM APPL.5478/2022(interim direction)
 SHRI RAJAT BANSAL Petitioner
 Through Mr.Roshan Lal Goel with Mr.Rajat
 Bansal, Adv.

versus

UNIVERSITY OF DELHI & ANR. Respondent
 Through Mr.Mohinder JS Rupal, Adv.

CORAM:**HON'BLE MS. JUSTICE REKHA PALLI****REKHA PALLI, J (ORAL)**

1. The present petitions have been preferred by three students who had appeared in the Common Entrance Test for admission to the LLB course in Delhi University, but have been unsuccessful in securing admission therein.

2. It is the petitioner's case that there are a number of vacant seats across all categories and therefore, they pray that the respondent be directed to fill



up all the 3320 seats as notified in the Admission Bulletin by conducting further counselling sessions. The petitions are primarily opposed on the ground that, despite availability of vacant seats, no admissions can be granted after the cut-off date of 31.12.2021.

3. The respondent, Faculty of Law, Delhi University ('University') provides a three-year law programme ('LLB course') through its three centres being Campus Law Centre, Law Centre-I, and Law Centre-II. Admission to these institutes is based on the national entrance test held by the respondent University conducted by the National Testing Agency ('NTA').

4. Before dealing with the rival submissions of the parties on these aspects, it may be appropriate to note the factual matrix, which for the sake of convenience, is being noted from W.P.(C) 1035/2022.

5. As per the PG Bulletin of Information for 2021-22 ('Information Bulletin') issued by the Delhi University, the last date of admissions to PG courses was to be 30.09.2021. It was, however, provided that this date may be changed due to the unprecedented situation owing to the Covid-19 pandemic and the changed date was to be notified on the website of the Delhi University.

6. The petitioners being desirous of obtaining admission to the LLB course, appeared for the entrance examination for admission in the academic session 2021-22, conducted on 29.09.2021 by the respondent through the NTA, and as per the seat matrix released by the Faculty of Law, there were in all 3320 seats, which included 1170 seats in the UR category. The scorecards of the entrance exam were released on 06.11.2021 and both the petitioners scored 232 marks out of 400 therein.

7. Even though, as per the Information Bulletin, the last date for admission was 30.09.2021, the first merit list for admission to the LLB



Course itself was released only on 23.11.2021. This was followed by the second merit list released on 09.12.2021, whereafter, on 15.12.2021, the Delhi University, realising that there were still a number of unfilled vacant seats in various Undergraduate (UG) and Postgraduate (PG) courses for the academic session 2021-22, issued a notification dated 15.12.2021, prescribing therein that, the last date of admission for these courses would be 31.12.2021.

8. On 20.12.2021 a 'Revised Notice' was issued by the University, laying down the guidelines for PG admissions under the last and final round of admission, which was to include spot admissions. This notice specifically provided that, the candidates admitted provisionally in the previous admission rounds on the basis of undertakings, should submit their documents, so that such cases could be closed by 22.12.2021. It was further provided that no undertakings will be allowed in the spot round, and the all the admissions were to be approved by 28.12.2021.

9. Soon thereafter, Faculty of Law issued the third allocation/merit list on 27.12.2021, which was followed by a fourth merit list released on 31.12.2021. In respect of the fourth merit list, the respondent had, while informing the candidates vide its notice dated 30.12.2021 about the fourth counselling to be held on 31.12.2021, communicated the necessity to furnish all relevant documents on the said date itself. As per the fourth and final merit list, the last candidate from the unreserved category to be admitted to the LLB Course, was a student who had a combined rank of 88, with a score of 232, and a qualifying degree percentage of 63.03%. Even though, the petitioners who belong to the UR category, had also obtained a score of 232 marks, they were not granted admission as they had a lower qualifying degree percentage.



10. Even though, some seats remained vacant after the publication of the fourth merit list on 31.12.2021, the respondent neither issued any further merit list, nor held any further counselling sessions. In the first week of January 2022, the respondent issued a circular announcing therein that the classes for the LLB course would commence on 05.01.2022; this was followed by issuance of a centre allocation list on 05.01.2022.

11. The petitioners, upon scrutinizing the seat matrix published by the respondent for admission to the LLB Course, and comparing it against the seats actually allotted to candidates as per the four published merit lists, realised that out of the 3320 seats that were originally proposed to be filled according to the prospectus, a number of seats across different categories had remained vacant. The petitioner no.2 therefore, filed an RTI application dated 06.01.2022 before the respondent no.2 requesting for information on these seats, to which no response was received by him. A similar request was also made by the petitioner no.1 to the respondent through his email dated 07.01.2022, requesting that his candidature be considered, amongst other candidates, against the vacant seats in the UR category. This representation remained unanswered.

12. The respondent thereafter, released the second centre reallocation list on 10.01.2022, upon a perusal whereof the petitioners found that there were a large number of vacant seats for the LLB course, including some in the UR category. It is in these circumstances that, the petitioners have approached this Court by way of this petition on 16.01.2022. During the pendency of the present petition, a third and final centre allocation list was released on 19.01.2022.

13. In support of the petition, learned counsel for the petitioner makes the following submissions: -



- i. At the outset, learned counsel for the petitioners submits that, unlike the previous years, where the respondent would release a consolidated list of all the students who appeared for the entrance examination with their respective scores and rank, this year, the respondent has only released the scores and ranks of those students who were on the merit list for admission to the LLB Course, while not publishing the scores and ranking of the other candidates. It is submitted that since the petitioners have obtained the same score as the last candidate admitted, they have reasons to believe that, if a consolidated list containing the scores, along with the qualifying degree percentage obtained by all aspirants had been provided, the process of filling up seats would have been transparent, and all the available seats would have been duly filled.
- ii. Mr. Gupta submits that in the Bulletin, as also in the seat matrix issued by the Law Faculty, Delhi University, only cut-off date which was specified was 30.09.2021, which too was tentative, and the only thing which was sacrosanct was the number of seats open for admission to LLB, which was admittedly 3320. He, thus, contends that once it was only the number of seats that was fixed, the respondent cannot shirk away from their duty to fill all the available seats on the ground that some of them had become vacant after the purported cut-off date of 30.09.2021. Once the respondent itself had been extending the cut-off date, from time to time, and in fact, despite a notification issued on 20.12.2021 that the last admission in all PG courses would take place on 22.12.2021, had proceeded to extend the said deadlines, they ought to have suitably extended the counselling sessions to fill up the vacant seats. He



further submits, that, since LLB is a specialised professional course, this Court has in the past, issued directions for filling up of the vacant seats, even after the cut-off date, and that too when classes were already underway in the respondent University. For this purpose, he places reliance on the orders passed by a Coordinate Bench of this Court in *Manmeet Kaur Sareen vs. University of Delhi W.P. (C) 7730/2017*, and by a Division Bench of this Court in *Joginder Kumar Sukhija Vs. Union of India and Ors., WP(C) 5118/2017* on 26.09.2017.

- iii. Mr. Gupta further submits that, if the respondents had taken action strictly in accordance with the notification dated 20.12.2021 to cancel the admissions of students who were not able to provide the relevant documents, before the cut-off date, candidates such as the petitioners would have had a chance of getting admission, which was denied to them. Therefore, if the petitioners or other candidates have been denied an opportunity for admission, on account of delayed cancellations of ineligible students who were unable to provide the document by the respondent, the petitioners ought to be considered for admission against the vacant seats. Reliance is sought to be placed on a decision of a Coordinate Bench of this Court in *Anuj Sharma vs University of Delhi (2011) SCC Online Del 4266*, wherein the Court went on to direct the respondent to convert the unfilled seats in the reserved categories into unreserved seats, almost two months after the cut-off date, with a further direction to hold special classes for the students admitted in pursuance of the Court's order.



- iv. He submits that the respondent has failed to disclose the exact number of candidates in the fourth merit list published on 31.12.2021, before the cut-off date of 31.12.2021 for the admission process, thus, arbitrarily denying admission to those candidates who were next in line during the admission process, including the petitioners. He further submits that the respondent has itself admitted that, even before 31.12.2021, there were some vacant seats in categories other than the UR category, which shows that the University has not taken every endeavour to fill up all the vacant seats before the admission cut-off date, in violation of its mandate.
- v. He further submits that, once the respondent has itself acted in breach of their own guidelines, and failed to ensure that the candidates who were granted admission prior to 31.12.2021, submitted all their relevant documents within time, it is evident that candidates like the petitioners, have been deprived of admission against these seats, which would have become vacant even before 31.12.2021, if timely action had been taken by the respondent to cancel the admission of those ineligible candidates. This fact has come to the knowledge of the petitioners only after the release of the centre allocation lists on 05.01.2022, 10.01.2022 and 19.01.2022. He, therefore, prays that the respondents be directed to fill all the vacant seats at the earliest so that the students do not miss any more classes, which have already commenced on 06.01.2022.

14. On the other hand, Mr. Mohinder J Rupal, learned counsel for the respondent, while vehemently opposing the petition, has made the following submissions: -



- i. Mr. Rupal submits that, having been unable to secure admission before the cut-off date of 31.12.2021, on account of being lower in the merit list, the petitioners cannot now claim that they must be granted admission against the seat which may have become vacant after the cut-off date. He contends that, the petitioners having not assailed the notification dated 15.12.2021 issued by the respondent, vide which the cut-off date for admission was prescribed, cannot now turn around to state that the said cut-off date should be ignored and they should be granted admission at this belated stage, when classes have already commenced on 06.01.2022. By placing reliance on the decision in ***Rithambara Garg vs. University of Delhi & Ors. 2013 SCC Online Del 1902***, he submits that the cut-off date once prescribed in the Prospectus is sacrosanct and cannot be tinkered with.
- ii. He further submits that the essentiality of the cut-off date is to ensure that the admission process is completed in a suitable time frame and does not go on endlessly. Moreover, the petitioners do not have any vested right to seek admission after the process of admission is already over. By placing reliance on the decision of the Division Bench of this Court in ***Maharaja Agrasen Institute of Technology vs. Guru Govind Singh Indraprastha University, LPA 952/2004***, and the decision of the Apex Court in ***Neelu Arora v. Union of India (2003) 3 SCC 366*** he contends that, while the process of counselling is designed to maximize the seat allocation, it cannot be continued endlessly, and should have a definite point of termination. He further submits that, the mere possibility of any hardship to the petitioners cannot be a ground to interfere with the



policy decision of the University not to grant any admissions after 31.12.2021, for which purpose he relies on the decision in *Sandhya Kabra and Ors. vs. University of AIR 1993 Delhi 40*.

- iii. He further submits that, even as per the petitioner's own showing, there were only 3 vacant seats in the UR category as of 01.01.2022, and if the petitioners' case for grant of admission against the vacant seats was considered, the petitioners still do not stand any chance of qualifying for the same, as there are candidates who have a better percentage of marks than those of the petitioners who would be eligible for admission. He, therefore, prays that the writ petition be dismissed.

15. Having considered the submissions of the parties and perused the record, I find that the foremost issue that needs to be considered is, whether the last cut-off date of 31.12.2021 was as sacrosanct as is being argued by the learned counsel for the respondent, and therefore the respondent, despite being aware that there are a number of vacant seats, cannot fill those vacant seats.

16. Before dealing with the rival submissions, I may note that in a marked departure from the practice being followed in the past, the respondent has, in the present academic session instead of issuing any consolidated list of scores and ranks of all the candidates, only informed them about their respective scores. Resultantly, only the rankings alongwith scores of only those students whose names appear in the merit list, were released from time to time. It appears that the petitioner no.2 had also preferred an RTI Application dated 13.12.2021 before the NTA, with a request for supply of a consolidated list of the candidates who had appeared for the entrance examination, along with their marks and rankings, which request was, however, rejected.



17. In order to determine whether the cut-off date for the admission to the LLB course was sacrosanct and ought not to be interfered with despite the admitted position that there are a number of vacant seats, it would be apposite to begin by noting clause 11.8 of the Information Bulletin for the academic session 2021-22 released by the Delhi University, which refers to the cut-off date. The same reads as under: -

“Since 2011 the University Administration has discontinued the Practice of Condonation of Delay in Admission. Therefore, as per the University of Delhi Ordinance — II, admission in all the Postgraduate Programmes are to be finalised by 31st August of the concerned Academic Session. However, due to the ongoing situation due to COVID, and as per UGC Notification dated 16th July the last date of admissions will be 30.09.2021 This date may change due to the unprecedented situation owing to the pandemic. Any change in date will be notified on DU website www.du.ac.in.”

18. I may now refer to the notification dated 15.12.2021 issued by the respondent, which is the sheer anchor of the respondent's case as it is this notification which prescribed that the cut-off date for admission for all undergraduate and postgraduate courses would be 31.12.2021. The same reads as under:

NOTIFICATION

It is notified that the last date of Admission for all Undergraduate and Postgraduate courses of the University of Delhi for the Academic Session 2021-2022 shall be 31st December, 2021.

19. A reference may also be made to the notification issued by the Delhi University on 20.12.2021, wherein the need to ensure that all students



produce their certificates well within time, was emphasised. The relevant notification is reproduced hereinunder-

*University of Delhi
Admission Branch*

*Conference Centre,
University of Delhi,
Delhi/110007*

*Ref. No. Admission Br. /2021 /
20.12.2021*

REVISED NOTICE

**Guidelines & Schedule for PG Admissions under Fourth +
Spot Round**

The Fourth + Spot Admissions List will be the last und final round of admissions in Post-Graduate programs (including those programs in which only two admission lists have been declared).

In this Fourth +Spot Round, chance will be given to the candidates who could not/did not take admission in any of the earlier declared rounds of PG admissions, subject to the merit of the candidates and availability of the seats.

The guidelines and schedule for Fourth+ Spot Round Admissions will be as follows:

Guidelines:

- 1. Candidates who failed to take admission in the earlier two/ three admission rounds may express their interest to be considered in the Fourth + Spot Admission list by clicking on the "RECONSIDER" tab available on their dashboard.*
- 2. Candidates will be reconsidered only on the availability of vacant seats in the department/College. Also, such candidates will not be able to claim for their choice/preference of college in this round.*



3. The Fourth + Spot Admission list of a Program will comprise of the Reconsidered candidates and of other candidates who fall in the merit list, in order to fill the vacant seats.

4. Candidates belonging to SC/ST/OBC-NCL/EWS/PwBD must be in possession of the required document/s at the time of seeking admission under Fourth + Spot Admissions. No undertaking will be allowed in this round.

5. The Departments must ensure that all candidates admitted provisionally in previous admission rounds on the basis of undertaking/s have submitted their required documents. Such cases must be addressed and closed by Wednesday December 22, 2021.

6. No grievance with respect to inability/ failure in applying for reconsideration and/or making the payment within the stipulated time will be entertained.

Schedule

<i>Process</i>	<i>Dates</i>
<i>Candidates to apply for "Reconsideration"</i>	<i>10:00 am, 21 December (Tuesday) - 11:59 pm, 22 December 2021 (Wednesday)</i>
<i>Display of Fourth+ Spot Admission List</i>	<i>24 December 2021 (Friday)</i>
<i>Colleges/ Departments to approve admissions</i>	<i>10:00am, 27 December (Monday) - 5:00pm, 28 December 2021 (Tuesday)</i>
<i>Payment by Candidates</i>	<i>Till 5:00pm, 29 December, 2021 (Wednesday)</i>

Dean (Admissions)



20. A combined reading of the clause 11.8 of the Information Bulletin, and the notification dated 15.12.2021 makes it evident that, while prescribing the date of 30.09.2021 in the Information Bulletin, the respondent was aware, on account of the unprecedented situation owing to the covid-19 pandemic, that the deadline of admission may be required to be changed. It is the common case of the parties that considering the effect of the ongoing covid pandemic, and the well-known fact that the academic calendars across all courses were getting delayed, the Delhi University itself postponed the cut-off dates from time to time, which it is the respondent's stand, was finally extended to 31.12.2021. I may also note that the Bulletin did not specify the number of counselling sessions which were to be conducted to fill the seats in LLB, in any case, nothing has been brought on record to show that it was pre-decided that there would be only four counselling sessions, as have, in fact been conducted. It is, thus, evident that neither was any final cut-off date specified in the Information Bulletin, nor were the number of counselling sessions to be held, prescribed in the same. On the other hand, it emerges that, from time to time, not only was the cut-off date extended by the respondent, but even successive counselling sessions were held from time to time, depending upon the availability of the vacant seats. Thus, I have no hesitation, in accepting the petitioner's plea, that at the time of issuing the information Bulletin, the respondent itself did not envisage any final cut-off-date, or the number of counselling sessions.

21. There can be no dispute with the proposition that the conditions prescribed in the prospectus are sacrosanct, and therefore, the cut-off date prescribed therein should not be normally altered. In this regard, Mr. Rupal, has in my view, rightly placed reliance on the decision in ***Rithambarha Garg***



(*supra*), as also in *Maharaja Agrasen (supra)*. However, as noted hereinabove, I find that, in the present case, the Information Bulletin did not give any final cut-off date, and in fact, the tentative cut-off dates announced by the respondent were also being extended from time to time. I, therefore, fail to appreciate as to how, these decisions, which related to cases where fixed dates were prescribed in the prospectus, forward the case of the respondent. On the other hand, I find, that LLB being a standalone specialised course, and the admitted position that additional admissions to this course at this stage will not, in any manner, lead to dropouts in other courses/institutions, which was one of the primary considerations for the Court's decision to interfere with the prescribed cut-off date in the case of *Maharaja Agrasen (supra)*. Reference may be made to paras 37 and 38 thereof, which read as under: -

37. If one keeps above observations in mind, it would be apparent that the system of counselling itself is designed to maximize allocation of seats in various institutions. However, that cannot imply that the process is endless; it has a definite terming quo in point of time. In the present case, the date of commencement of classes was 02.08.2004. In spite of this, the second round of counselling was envisaged and that terminated on 28.08.2004. This fact is essential while considering the challenge to the reasonableness of the impugned condition. It shows that outer limit of acceptability of a student's absence from class after they commenced in the first term was about four weeks.

38. Another aspect of the matter is that the prohibition from filling vacant seats after the second counselling, appears to be dictated by certain policy considerations. The permissibility of a further round would mean that there would be further drop outs from other institutions leading to complaints by them and uncertainty in the admission process, as described in the judgment quoted above. Such an uncertainty at the



commencement of the academic year itself, in our opinion, is unacceptable.

22. On the other hand, I find that, keeping in view the well-known fact that the Faculty of Law, Delhi University, is a prestigious institute, having world-wide repute, the endeavour of this Court has always been to maximize the number of seats in this course, which is evident from the directions of the Division Bench of this Court in **Joginder Kumar Sukhija (supra)** to include the supernumerary seats in the seat matrix. This direction was issued not only much after the cut-off date, but almost four weeks after the classes had started. It may be apposite to note the relevant directions of the Division Bench, which read as under:-

“7. It is also complained by the applicants that the respondent no.3 has not filled-up the vacancies as per its past admissions and notifications. The applicant has pointed out that as in the year 2016-17, the respondents have this year also erroneously included the supernumerary seats as part of the total of 2310 seats to which admissions have been effected and thereby closed the admissions after filling only 2310 seats. It is submitted that the University of Delhi was required to admit 301 candidates in the reserved categories as supernumeraries over and above 2310 seats. Inasmuch as the figure of 2310 and the supernumerary seats of 301 are not the factual basis and that the University of Delhi has been admitting the students to such number of seats since 2008, and also so notified in 2015-16, it cannot be denied that the same has to be implemented. There is therefore, substance in this grievance.

9. In view of the above, the respondent nos.3 and 4 are directed to ensure that 2310 candidates are admitted to the LL.B. course and the supernumerary candidates would be admitted over and above 2310 candidates.

10. It is made clear that in case supernumerary candidates have been admitted as part of the 2310 candidates, the respondent nos.3 and 4 shall make the appropriate adjustments so as to



ensure that 2310 candidates are admitted and that the supernumerary candidates are adjusted over and above and beyond this number of 2310.

11. Inasmuch as the applicants are before the court and the matters have been pending for consideration before us, the cut-off date of 31st of August 2017 shall not come in the way of these candidates being permitted to join the LL.B. course.

12. In case, there is any deficiency in the completion of the curriculum by the candidates admitted pursuant to this order, the respondent nos.3 and 4 shall ensure that they are given an opportunity to make good the deficient classes and course, if any.

13. The respondent nos.3 and 4 shall ensure that all eligible candidates in the order of merit shall be considered and granted admission pursuant to the order which has been passed today.”

23. Reference may also be made to the observations of a Coordinate Bench of this Court in **Anuj Sharma (supra)**, para 7 and 8 whereof read as under: -

7. The plea taken by the respondent that the academic session of the LLB first year course has already begun does not cut any ice in view of the fact that the petitioner cannot be made to suffer for no fault on their part. Ordinarily, the mid-stream admissions are not the preferred norm, but in the case like the present one where there is a sea of opportunity but is not open to the ones willing to avail, due to the unreasonableness and high handedness of the respondents, the court will lean in the favour where justice can be done and the principles of equity and good conscience are the torch bearers.

8. The Courts have also consistently held that every endeavour by the University and all other institutions should be made to fill all the seats as wastage of seats is not only at the cost of the public exchequer but at the cost of depriving a number of aspiring students struggling to get admission in coveted institutions and universities such as the Delhi University, which is a dream of many.”

24. Furthermore, the respondents have also not denied that in **Manmeet Kaur(supra)**, directions for grant of admission to her, were issued much after



the cut-off date, though they have tried to justify the same by urging that a direction for reserving a seat in her favour had already been passed earlier. Once admission was granted after the cut-off date, the mere direction issued earlier to reserve a seat for her would not be material, as the fact remains that she too joined the course after the classes had already commenced. The relevant extract of the relevant directions issued by the Court in **Manmeet Kaur (supra)** read as under-

“The ends of justice would definitely not be served if available seats in educational institutions are allowed to go waste; this could also not have been the intention of the educational legislators; admitted position being that these seats would continue to remain vacant as they would not be carried forward to the next year. This would be a denial of opportunity to an otherwise meritorious student.

Petitioner has applied for her choice in Law Centre-2. There are 8 vacant seats in that centre; 7 seats in the Scheduled Tribes category and 1 seat in the Foreign National category.

The petitioner be granted admission in any of the aforementioned 8 vacant seats. A writ of mandamus is issued accordingly to enforce the aforementioned directions. Application disposed of.”

25. The petitioners vehemently contend that, the respondent has also faulted in not cancelling the admissions of ineligible students before the cut-off date and, therefore, there is no reason as to why, they should not fill up the large number of unfilled seats, by taking into account the fact that in December 2021, there was a huge surge in the covid cases. Though, the respondent has sought to justify, that there was no wilful failure on its part to cancel the admissions of students who had not produced the documents in time, in the light of my conclusions hereinabove, I do not deem it necessary to enter into this disputed question of fact. However, it may be appropriate to note that even as per the respondent's own stand some admissions have been cancelled



on 01.01.2022 and thereafter; thus, evidently there are vacant seats available. I am, therefore, inclined to accept the petitioners' submission that if these admissions had been cancelled prior to 31.12.2021, the unfilled seats would have substantially reduced, as the respondent would then have been in a position to offer these seats to other students in the merit list. On this account also, the candidates who could have been accommodated in these seats, deserve to be granted relief. In this regard, reference may be made to the decision of a Coordinate Bench of this Court in ***Saumya Chopra vs. University of Delhi 2018 SCC Online Del 13061***, the relevant extract whereof reads as under: -

“22. Quite clearly, the italicised words, in the above-extracted passage, from Neelu Arora (supra), indicate that the said judgment cannot be of any assistance, insofar as the controversy in issue in the present case is concerned. Had the petitioners limited their case to a bald claim to the vacancies which had remained unfilled, after the fifth round of counselling was over, and the cut-off date expired, solely on the ground that all unfilled seats ought to have been filled up, then, perhaps, Neelu Arora (supra) might have stood in their way. The petitioners do not, however, as has already been noted herein above, pitch their case that high. Their claim is to the vacancies remaining unfilled after the third round of counselling and before the arrival of the cut-off date for effecting admissions. Their case is that, had these vacancies not been filled up by inviting the earlier “no show” candidates, they would have succeeded in securing admission, by dint of merit. The reliance, by Mr. Rupal, on Neelu Arora (supra) has, therefore, to be rejected as misconceived.

25. Resultantly, the act of the University in inviting, for its fourth and fifth counselling, candidates who had not shown up, despite their names having figured in the first three Admission Lists, has to be held as illegal and arbitrary, and starkly violative of Clause (iii) of its own Admission Bulletin. The University would necessarily have, therefore, revisit the said decision. At the same time, it would not be in the interests of anyone - far less, in the



interests of justice - to direct the entire exercise of fourth and fifth counselling to be held afresh. Neither would it be in the interests of justice to interfere with the admissions of the students who had not shown up consequent to the first three Admission Lists, despite their names having figured therein, and who obtained admission pursuant to the fourth or the fifth Admission Lists. These students cannot be faulted for having responded to the Notice put up by the University, even if the Notice were, ex facie, contrary to the Admission Bulletin. As sufficient vacancies, apparently, still remain unfilled, both in the General as well as the OBC categories, to accommodate the petitioners before this Court, creation of any supernumerary seats, for the said purpose, may not be necessary”

26. There is no gainsaying, that the aim of counselling in any institution is to fill up the maximum available seats by granting opportunity to deserving and eligible candidates to gain education and knowledge. Unarguably, Delhi University is one of premier institutes in imparting education across the country, and it is a dream for many students to get their education from a university of this repute. It would be unfair to the candidates if seats in such a prestigious institute are allowed to go to waste, despite there being candidates with merit to fill the same. As noted above, this Court, had not only in the year 2011, in the case of *Anuj Sharma (supra)*, but again in the year 2017, in the case of *Manmeet Kaur and Joginder Kumar Sukhija (supra)*, directed grant of admission much after the commencement of the classes. I do not see as to why this course of action should not be followed in the present situation, and that too when the entire world, more especially the students, are reeling under the effect of the covid-19 pandemic.

27. I am also of the considered view that the petitioners, who are young students, and have showed their grit and determination in clearing the entrance examination, should not be denied the opportunity to pursue the LLB degree, especially keeping in view the devastating impact of the Covid-



19 pandemic which has painted a rather gloomy picture for many students, as their studies have faced constant disruption. The unwillingness on the part of the respondent to consider filling the vacant seats on the ground of strict adherence to the last cut-off date cannot be accepted, when the respondent itself has neither followed the cut-off date mentioned in the Information Bulletin, nor has it followed the guidelines issued on 20.12.2021, which mandated that admissions of students who do not provide the relevant documents, should be cancelled.

28. For the aforesaid reasons, the writ petitions deserve to be allowed, and are accordingly, allowed, by directing the respondent to fill up within two weeks all the available vacant seats in LLB course across all the categories, by considering all eligible candidates, including the petitioners, as per their merit. Needless to state, if there is any requirement for these students to attend additional classes, the respondent will ensure that the same are conducted well within time.

REKHA PALLI, J

FEBRUARY 3, 2022

acm/ms