



2023, DEC. 1354-DD



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IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision:14.09.2023

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LPA 593/2023 & CM APPLs. 42715-42717/2023

UNIVERSITY OF DELHI

.... Appellant

Through: Mr. Mohinder J.S. Rupal, Mr. Hardik Rupal and Ms. Sachpreet Kaur, Advocates.

versus

RAVINDRA BISHNOI & ANR.

..... Respondents

Through: Mr. A. Velan, Mr. Navpreet Kaur, Mr. Nishant Bishnoi and Mr. Mritunjay Pathak, Advocates for R-1. Mr. Sanjay Khanna, Standing Counsel with Ms. Pragya Bhushan, Mr. Karandeep Singh, Mr. Tarandeep Singh and Mr. Amit Singh, Advocates for NTA.

CORAM:**HON'BLE THE CHIEF JUSTICE****HON'BLE MR. JUSTICE SANJEEV NARULA****SATISH CHANDRA SHARMA, C.J. (ORAL)**

1. We are presented with the case of a Class XII student who, despite not having studied Geography during his school years, aspires to enroll in an undergraduate course B.A. (Hons.) Geography. The student, having majored in English Literature during his secondary education, faced a dilemma when he sat for the CUET entrance test. Due to the non-availability of an examination in English Literature, he chose History — a decision influenced



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by the university's flexibility rule, as he deemed it to be the closest match to his prior studies. Yet, the university's strict interpretation of its own regulations now stands as a barrier to his ambition of pursuing Geography at the undergraduate level.

2. In a judgment dated 06.03.2023, the Learned Single Judge ruled in favor of the student and mandated the Appellant to enroll Respondent No. 1 into the concerned program for the Academic Year (“AY”) 2023-2024 at Kirori Mal College (“KMC”). The university, discontent with the said ruling, seeks to assail the same in the instant Letters Patent Appeal (“LPA”).

3. The facts of the case reveal that Respondent No. 2 was entrusted with the responsibility of conducting the Common University Entrance Test for Undergraduate (“UG”) Programs in Central Universities for the Academic Session 2022 – 2023 (the “CUET”). In this regard, Respondent No. 2 issued a public notice dated 26.03.2022 whereby a single window opportunity was provided to prospective students to seek admission into identified UG programs of Central Universities (“CUs”) across the country (the “Public Notice”).

4. The CUET consisted of 4 (four) sections i.e., (i) Section I-A (*language*); (ii) Section I-B (*language*); (iii) Section II (*domain specific subjects*); and (iv) Section III (*general test*). The list of eligible subjects for each section was outlined under the Public Notice. It also provided flexibility rule extracted hereinbelow:

“Choice of Languages and Subjects: Generally, the languages/subjects chosen should be the ones that a student has



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opted for in his latest Class XII Board examination. However, if any University permits any flexibility in this regard, the same can be exercised under CUET (UG)-2022 also. Candidates must carefully refer to the eligibility requirements of various Central Universities in this regard. Moreover, if the subject to be studied in the Undergraduate course is not available in the list of 27 Domain Specific Subject being offered, the Candidate may choose the Subject closest to his choice for e.g. For biochemistry the candidate may choose Biology.”

(Emphasis Supplied)

5. The aforementioned Public Notice recommends that students select languages/subjects for the CUET consistent with their choices in the recent Class XII Board Examination. Yet, a provision exists for flexibility if an individual Central University (“CU”) provides for it. Additionally, if a desired undergraduate subject isn't listed among the 27 Domain Specific Subjects, students may select the closest equivalent.

6. The Appellant issued a Bulletin of Information for Undergraduate Admissions, 20222 (the “**Information Bulletin**”) whereunder certain identified relaxations qua selection of subject(s) for the purpose of the CUET were provided. Additionally, students were advised to refer to the eligibility criteria vis-à-vis individual UG programs. The relevant extracts of the Information Bulletin are reproduced as under:

“
Important Points
XXXX XXXXXXXX

3. Candidate must appear in CUET in only those subjects in which s(he) has passed Class XII.

4. In case the subject studied at Class XII is not mentioned in the CUET, the candidate must appear in the subject that is



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similar / closely related to the subject s(he) has studied at Class XII (for example, if a candidate has studied Biochemistry in Class XII, s(he) must appear in Biology in CUET-2022).

XXXX XXXXXXXX

9. The Candidates are advised to check that they satisfy all eligibility criteria for the program(s) for which they are applying in the entrance test. Admission is subject to the Candidate's fulfilling the eligibility requirements prescribed for applying to the concerned program of study. In case a Candidate does not meet any eligibility criteria prescribed for applying to the concerned program and appears in the entrance test, it is at the Candidate's own risk and cost. If at any stage, it is found that eligibility requirements are not fulfilled, the admission, if granted, shall be cancelled ipso facto.

10. Before registering for CUET, 2022, the candidates are advised to carefully read the Bulletin of Information and consult the Delhi University Act, 1922 and the Statutes. The Ordinances, Rules and Regulations of the University of Delhi, available on the University website, would be binding on them.

XXXX XXXXXXXX”

(emphasis supplied)

7. The subject mapping criteria for the 'B.A. (Hons.) Geography' program, as outlined by the Appellant in the Information Bulletin, are specified below (referred to hereafter as the "**Program Specific Requirements**"):

Eligibility for Admission in B.A. (Hons.) Geography

Program Specific Eligibility
Candidates must appear in CUET in the following subject combination:
Any one Language from List A + Any two subjects from List B1 + Any one subject from either List B1 or List B2
Merit will be based on the CUET scores obtained from the above-mentioned combination of subjects.

8. For ease of reference, the contents of the underlying list(s) referred to under the Program Specific Requirements are also extracted hereunder:

**List A:**

All Languages of Section 1A and Section 1B of CUET 2022

List B:

Subjects/ Test papers mentioned in Section II of CUET 2022 have been categorised under List B1 and List B2. Candidate must refer to Program-Specific Eligibility to choose the subjects in which s(he) should appear in CUET 2022 to be considered for admission to the selected program.

Subjects in List B1		Subjects List B2	
1	Accountancy/ Bookkeeping	1	Agriculture
2	Anthropology	2	Engineering Graphics
3	Biology/ Biological Studies/ Biotechnology/ Biochemistry	3	Entrepreneurship
4	Business Studies	4	Knowledge Tradition and Practices India
5	Chemistry	5	Fine Arts/ Visual Arts (Sculpture/ Painting)/ Commercial Arts
6	Computer Science/ Informatics Practices	6	Mass Media/ Mass Communication
7	Economics/ Business Economics	7	Physical Education/NCC/Yoga
8	Environmental Studies	8	Performing Arts - i) Dance (Kathak/Bharatnatyam/Kathakali/ Odissi/ Kuchipuri/ Manipuri (ii) Drama- Theatre (iii) Music General (Carnatic /Rabindra Sangeet/ Hindustani/Percussion/Non-percussion
9	Geography/Geology	9	Teaching Aptitude
10	History		
11	Home Science		
12	Legal Studies		
13	Mathematics		
14	Physics		
15	Political Science		
16	Psychology		
17	Sanskrit		
18	Sociology		

9. Respondent No. 1 passed his Board Examinations with subjects including: (i) Hindi; (ii) English; (iii) English Literature; (iv) Political Science; and (v) Geography, achieving a cumulative score of 86.60%. Subsequently, for seeking admission into the Appellant university, he applied for appearing in CUET and chose subjects: (i) English (Section 1A); (ii) Hindi (Section 1B); (iii) Political Science (Domain Specific Subject 1);



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(iv) Geography (Domain Specific Subject 2); and (v) History (Domain Specific Subject 3). At this point, it's essential to highlight that, due to the omission of 'English Literature' from the list of domain-specific subjects, Respondent No.1 was compelled to choose 'History'—a subject he hadn't studied during his Board Examination.

10. On 16.09.2022, Respondent No. 2 announced the CUET results in which Respondent No. 1 achieved a score of 760.9 marks. Then, on 09.10.2022, Respondent No. 1, applied for *inter alia* the 'B.A. (Hons.) Geography' program at KMC. On the basis of his scores, Common Seat Allocation System ("CSAS") allotted him a seat at KMC for the 'B.A. (Hons.) Geography' on 19.10.2022. The said allocation was accepted by Respondent No. 1 on 20.10.2022. However, a day later, *vide* order dated 21.10.2022 bearing number 53260/KMC/17/1/CAS the allocation of a seat in the 'B.A. (Hons.) Geography' program at KMC was cancelled on account of "*non-fulfillment of subject mapping criteria*" (the "**Cancellation Order**").

11. Aggrieved, Respondent No. 1 preferred the Writ Petition praying for *inter alia* a direction to (i) the Appellant to quash the Cancellation Order; and (ii) the Appellant to grant admission to Respondent No.1 in the 'B.A. (Hons.) Geography' program at KMC.

12. The Ld. Single *vide* the Impugned Judgement allowed the Writ Petition and observed *inter alia* that Clause 4 of Information Bulletin carved out an exception to Clause 3 of the Information Bulletin and thus, prospective students were allowed to opt for a closely related subject in the



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event that the subject studied by him / her did not feature in the list of domain specific subjects under the CUET.

13. Undisputedly, ‘English Literature’ did not feature in the list of domain specific subjects under the CUET and accordingly, Respondent No. 1 availed the benefit of the exception under Clause 4 of the Information Bulletin and opted for ‘History’ under the CUET. The Ld. Single Judge observed that the Appellant failed to rebut Respondent No. 1’s submission that History was the nearest or most closely related to ‘English Literature’ i.e., the subject studied by the Respondent No. 1 for his Board Examination. Accordingly, the Ld. Single Judge found in favor of the Respondent No.1 on this count. However, since the admission process for the AY 2022-2023 had already been concluded; noticing that the admissions schedule for AY 2022-2023 had been completed, the Court directed the Appellant to admit Respondent No.1 in the ‘B.A. (Hons.) Geography’ program at KMC in the next AY i.e., 2023-2024.

14. The Ld. Counsel for the Appellant argues that the Ld. Single Judge has proceeded to decide the Writ Petition on grounds which have not been specifically raised in the pleadings. Furthermore, the prayers under the Writ Petition are not in consonance with the grounds urged in the Writ Petition.

15. The Ld. Counsel for the Appellant has vehemently contended before this Court that Respondent No. 1 appeared for the ‘History’ examination under the CUET by unilaterally considering ‘History’ as closely related / similar to ‘English Literature’ in contravention of the Public Notice and the Information Bulletin. Additionally, it has been submitted that the Ld. Single



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Judge could not on his own accord, treat ‘English Literature’ and ‘History’ as similar and / or closely related subjects for the purpose of CUET.

16. The Ld. Counsel for the Appellant has submitted that the Ld. Single Judge erred in observing that the Appellant failed to rebut Respondent No. 1’s submission qua the similarity between ‘History’ and ‘English Literature’. To this extent, the Ld. Counsel for the Appellant placed reliance on Paragraph 8 of his Counter Affidavit filed in the Writ Petition (the “**Counter Affidavit**”).

17. The Ld. Counsel for the Appellant has submitted that as per the Information Bulletin, the Respondent No.1 could not be held to be eligible qua admission in ‘B.A. (Hons.) Geography’ program offered by the Appellant as the exception under the Information Bulletin would not apply to the case herein.

18. Lastly, it has been contended that the Ld. Single Judge could not have directed the Appellant to admit Respondent No.1 in AY 2023-2024, as the admissions for the said AY would be based on (i) a new admissions test; (ii) reservation policy enacted by the Government of India; and (iii) supernumerary seats passed by the university ordinance.

19. The present matter is being finally heard at the admission stage itself. The Ld. Counsel(s) for the parties, on instructions, state that they have no reservations in this regard.

20. Admittedly, Respondent No. 1 did not study ‘History’ for his Board Examination and only studied (i) Hindi; (ii) English; (iii) English Literature;



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(iv) Political Science; and (v) Geography. Thereafter, pursuant to the Public Notice and Information Bulletin, Respondent No. 1 opted for subjects under the CUET in conformity with *inter alia* the Program Specific Criteria as more particularly outlined under Paragraph 6 and Paragraph 7 of this Judgement.

21. Subsequently, Respondent No. 1 was allotted a seat in the 'B.A. (Hons.) Geography' program at KMC *vide* the CSAS on the basis of the marks secured in the CUET. Thereafter, *vide* the Cancellation Order, the said allotted seat was cancelled on account of "*non-fulfillment of subject mapping criteria*". Aggrieved, Respondent No. 1 preferred the Writ Petition. The Impugned Judgment came to be passed where under *inter alia* Respondent No. 1's admission had been reinstated for AY 2023-2024.

22. The issues presented before this Court are twofold: Firstly, does 'English Literature' sufficiently correlate with 'History' to allow Respondent No. 1 to invoke the DU Exception? Secondly, was the decision by the Ld. Single Judge to direct the admission of Respondent No. 1 for AY 2023-2024 warranted?

23. The Information Bulletin, provides that typically, a prospective student should only select those subjects in the CUET that align with their academic history and examination track record from their Board Examinations. Nonetheless, Clause 4 of the Information Bulletin accommodates a deviation. If a student's Board Examination subject is not mirrored in the CUET's list of domain-specific subjects, the student is permitted to select a CUET subject that bears resemblance or is closely



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allied to their studied Board Examination subject (the "**DU Exception**"). Although the Appellant aims to deny the Respondent benefit of the DU Exception, their stance on this issue remains notably ambiguous. They have not engaged with Respondent No. 1's pertinent argument regarding the relationship between 'History' and 'English Literature'. Both before the writ court and, disappointingly, in their submissions to us, the Appellant has skirted this crucial matter. Beyond a mere rejection of the idea that the 'English Literature' subject, which Respondent No. 1 undertook for his Board Examination, bears no resemblance to 'History'—the subject he selected under the CUET—their arguments are bereft of any substantive reasoning.

24. At the undergraduate level, students are expected to acquire specialized domain knowledge, laying a foundation for their future academic and professional pursuits. The students entering undergraduate programs come from a diverse array of educational backgrounds, each bringing a unique blend of disciplines from their XII grade studies. Having studied English Literature at this earlier stage, along with Geography, the Respondent has demonstrated the ability to delve into complex texts, understand cultural contexts, and analyze various themes and narratives. Such skills are undeniably advantageous in a multitude of academic areas, including Geography. Therefore, we find no justifiable reason for a student who has studied English Literature as well as Geography to be deprived the opportunity to pursue Geography at the undergraduate level.

25. We must also be mindful of the fact that contemporary educational paradigms emphasize a fusion of the arts, sciences, and commerce,



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challenging the traditional subject or stream-specific admission approach for UG programs. The Information Bulletin from the National Testing Agency (“NTA”) regarding the CUET aligns with this progressive mindset, highlighting the exam's purpose to evaluate, among other things, the “*competency of candidates for admission*”. Since the CUET did not given option of English literature, it provided for the option to appear in the subject closest to that the candidate has studied.

26. In fact the Appellant University has recognized the modern educational approach in providing the DU Exception. In doing so, they have mitigated the risk of type casting, prospective undergraduate students based solely on their Board Examination subjects. This allows students the latitude to explore and potentially pursue UG courses that may diverge from their high school subjects, thereby expanding their academic horizons.

27. Despite its progressive stance, the Appellant University has inexplicably issued the Cancellation Order. It has failed to provide a cogent rationale regarding the perceived dissimilarity between 'English Literature' and 'History' and overlooked the very essence of the DU Exception. Notably, the University has neither delineated guidelines nor disseminated instructions that clarify the parameters of the DU Exception, such as defining the extent of "similarity" or "closeness" between subjects. Furthermore, the example given under Clause 4 (relating to biology and biochemistry) of the Information Bulletin merely mirrors the Public Notice from Respondent No. 2. As such, it offers little guidance or clarity for students hoping to benefit from the DU Exception when applying to the Appellant University.



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28. The Court has undertaken a thorough review of the Information Bulletin, paying particular attention to the alternative domain-specific subjects offered to prospective candidates as outlined in 'List B' in Paragraph 8 of this Judgment. It is our considered opinion that the Respondent properly invoked the DU Exception. The correlation between 'English Literature' and 'History' is self-evident. There is no other subject which in our view would come close to English Literature, which is a subject that at its core, encourages students to understand the author and their era, weaving a narrative that frames literature within its cultural and historical context. The students of literature often delve into historical texts, considering them as exemplars of specific styles or epochs in literary history.

29. This Court is perplexed by the Appellant University's decision to deny Respondent No. 1 the benefit of the DU Exception, especially given the absence of any clear criteria delineating the exception for prospective student. The Appellant University's unilateral issuance of the Cancellation Order appears rooted in a narrow interpretation of Clause 4 of the Information Bulletin. Such an interpretation is not only arbitrary and misguided, but it also runs counter to the fundamental ethos of the CUET and the broader vision of contemporary education.

30. Furthermore, it is the mandate of educational institutions, especially of the stature of the Appellant University, to uphold the principles of fairness, inclusivity, and clarity. By not providing transparent criteria for the application of the DU Exception, the University not only leaves students in a state of ambiguity. Such an oversight not only dampens the spirit of aspiring scholars but also strays from the responsibility of fostering clarity in rules



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and their consistent application.

31. It is imperative to recognize that students' academic inclinations and career aspirations often crystallize post-secondary education. Their journey during these formative years is characterized by exploration, introspection, and at times, redirection. By enforcing rigid subject prerequisites for undergraduate courses, institutions may inadvertently stifle the dynamism of young minds. Such a restrictive approach fails to appreciate the multifaceted nature of modern education, where interdisciplinary studies and diverse perspectives are increasingly celebrated. Flexibility in subject selection not only acknowledges the evolving preferences of students but also fosters an environment conducive to holistic learning, thereby aligning with the overarching aim of nurturing well-rounded individuals ready to contribute meaningfully to society.

32. We now turn our attention to the second ground of challenge concerning the direction of the Learned Single Judge court on granting relief for the upcoming academic year. On this matter, it is profitable to refer the judgment of the Hon'ble Supreme Court of India in the case of ***S. Krishna Sradha v. State of Andhra Pradesh***, (2020) 17 SCC 465. In this landmark decision, the Supreme Court delineated specific principles regarding the provision of relief to deserving students who have been unjustly denied admission due to the admissions authority's arbitrary actions. The relevant portions of the judgment are reproduced below:

“13. In light of the discussion/observations made hereinabove, a meritorious candidate/student who has been denied an admission in MBBS course illegally or irrationally by the



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authorities for no fault of his/her and who has approached the Court in time and so as to see that such a meritorious candidate may not have to suffer for no fault of his/her, we answer the reference as under:

13.1. That in a case where candidate/student has approached the court at the earliest and without any delay and that the question is with respect to the admission in medical course all the efforts shall be made by the court concerned to dispose of the proceedings by giving priority and at the earliest.

13.2. Under exceptional circumstances, if the court finds that there is no fault attributable to the candidate and the candidate has pursued his/her legal right expeditiously without any delay and there is fault only on the part of the authorities and/or there is apparent breach of rules and regulations as well as related principles in the process of grant of admission which would violate the right of equality and equal treatment to the competing candidates and if the time schedule prescribed — 30th September, is over, to do the complete justice, the Court under exceptional circumstances and in rarest of rare cases direct the admission in the same year by directing to increase the seats, however, it should not be more than one or two seats and such admissions can be ordered within reasonable time i.e. within one month from 30th September i.e. cut-off date and under no circumstances, the Court shall order any admission in the same year beyond 30th October. However, it is observed that such relief can be granted only in exceptional circumstances and in the rarest of rare cases. In case of such an eventuality, the Court may also pass an order cancelling the admission given to a candidate who is at the bottom of the merit list of the category who, if the admission would have been given to a more meritorious candidate who has been denied admission illegally, would not have got the admission, if the Court deems it fit and proper, however, after giving an opportunity of hearing to a student whose admission is sought to be cancelled.

13.3. In case the Court is of the opinion that no relief of



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admission can be granted to such a candidate in the very academic year and wherever it finds that the action of the authorities has been arbitrary and in breach of the rules and regulations or the prospectus affecting the rights of the students and that a candidate is found to be meritorious and such candidate/student has approached the court at the earliest and without any delay, the court can mould the relief and direct the admission to be granted to such a candidate in the next academic year by issuing appropriate directions by directing to increase in the number of seats as may be considered appropriate in the case and in case of such an eventuality and if it is found that the management was at fault and wrongly denied the admission to the meritorious candidate, in that case, the Court may direct to reduce the number of seats in the management quota of that year, meaning thereby the student/students who was/were denied admission illegally to be accommodated in the next academic year out of the seats allotted in the management quota.

13.4. Grant of the compensation could be an additional remedy but not a substitute for restitutional remedies. Therefore, in an appropriate case the Court may award the compensation to such a meritorious candidate who for no fault of his/her has to lose one full academic year and who could not be granted any relief of admission in the same academic year.

13.5. It is clarified that the aforesaid directions pertain to admission in MBBS course only and we have not dealt with postgraduate medical course.”

33. In light of the principles enunciated in **S. Krishna Sradha (supra)**, this Court firmly believes that the Ld. Single Judge aptly directed the granting of admission to Respondent No. 1. This decision was based on the undue arbitrariness exhibited by the admissions authority, which contravened the stipulations of the information bulletin/prospectus they themselves had issued.



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34. Respondent No.1, an academically commendable student, secured admission to the 'B.A. (Hons.) Geography' program at KMC on 20.10.2022 based solely on his CUET marks. However, a mere day later, on 21.10.2022, his admission was revoked per the Cancellation Order. Acting swiftly, Respondent No.1 approached this Court by initiating a Writ Petition on 09.11.2022, merely 19 days post the issuance of the Cancellation Order.

35. Respondent No. 1 opted for 'History' under the ambit of CUET, program and the DU Exception and thus no fault may be ascribed to Respondent No. 1. The Appellant University strangely narrowed down the application of the DU Exception without providing clear guidelines, undermining the very essence and purpose of the CUET. The University's decision to deny Respondent No. 1's admission to the 'B.A. (Hons.) Geography' program at KMC, is rooted in an overly restrictive interpretation of its Information Bulletin and appears far from *bona fide*. This is evident from the stark absence of convincing rationale buttressing the University's stance. What further raises eyebrows is the University's approach in pursuing this LPA. Filed on 06.04.2023, it faced objections from the Registry for a protracted span of 104 days. Following this, the University's counsel sought adjournments twice, thus adding to the delays surrounding this LPA.

36. Clearly, Respondent No. 1 cannot be held accountable for any delay or negligence. Being an exemplary candidate, he has been unfairly deprived of his admission due to the capricious and unwarranted decisions of the Appellant University. It would a travesty of justice if Respondent is not provided a tangible relief. Given these circumstances, this Court sees no



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justifiable grounds to interfere in the impugned judgment.

37. We direct the Appellant to forthwith grant Respondent No. 1 admission to the 'B.A. (Hons.) Geography' program at KMC against existing vacancies (if any) and / or by increasing the number of seats in the in case no vacancies exist. The merit list for AY 2023-2024 shall not otherwise be disturbed.

38. Accordingly, the LPA is dismissed with the observations as outlined above.

SATISH CHANDRA SHARMA, CJ

SANJEEV NARULA, J.

SEPTEMBER 14, 2023