



\$~54

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

Date of Decision: 15th September, 2023.

+ **W.P.(C) 12139/2023**

HARISH KUMAR GAUTAM

..... Petitioner

Through: Petitioner in person with Advocate
(appearance not given).

versus

UNIVERSITY OF DELHI

..... Respondent

Through: Mr. Tushar Mehta, Solicitor General
of India with Mr. Mohinder J.S.
Rupal, Mr. Hardik Rupal and Ms.
Sachpreet Kaur, Advocates.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE SANJEEV NARULA

JUDGMENT

SANJEEV NARULA, J. (Oral)

1. The Petitioner, an alumnus of the Respondent, University of Delhi (“DU”), and a concerned citizen, has approached this Court by way of this Public Interest Litigation to challenge the notice issued by DU on 27th August 2023, relaxing the age criteria for eligibility in the Delhi University Student’s Union (“DUSU”) elections for the academic year 2023-24. Specifically, the notice extends the upper age limit for undergraduate students from 22 years to 25 years, and for postgraduate students, from 25 years to 28 years.

2. The Petitioner’s concerns are based on various news reports as well as



information gleaned from the University's official website. The Petitioner perceives that the issue at hand, namely the relaxation of age criteria for eligibility in the DUSU elections, constitutes a matter of grave public interest warranting this Court's intervention. He brings to the Court's attention that previously, a committee spearheaded by Mr. J.M. Lyngdoh ("Lyngdoh Committee"), was constituted pursuant to Supreme Court's order dated 12th December, 2005,¹ to scrutinize and offer recommendations concerning various aspects of student bodies and student union elections across educational institutions in India. Pursuant to the report furnished by said committee, the Supreme Court passed an order on 22nd September 2006,² mandating nationwide implementation of the committee's recommendations in all college and university elections. Among these recommendations was the fixed maximum age limit for eligibility to participate in student elections. The Petitioner argues that the recent decision by the Executive Council of the DU to relax age limits is in direct conflict with the binding precedent set by the Supreme Court's 2006 order. Further amplifying his position, the Petitioner contends that such age relaxation would invariably lead to a surge in instances of violence, hooliganism, unauthorized intrusion into academic institutions, particularly those designated for women, and the unabated exhibition of financial and muscle power play during electoral processes.

3. Having carefully considered the contentions advanced by the Petitioner, we remain unconvinced by the arguments put forth. According to the notice issued by the Chief Election Officer of DU on 27th August, 2023,

¹ In *University of Kerala v. Council, Principals, Colleges, Kerala and Others*, 2005 SCC OnLine SC 1744.



a one-time age relaxation has been granted for candidates participating in the DUSU elections. This modification arises in a unique context, as the elections are being held after a hiatus of three years due to the disruption caused by the COVID-19 pandemic. The University, in fact, received numerous appeals from various student bodies requesting a relaxation of the existing age limits. In light of these extraordinary circumstances, the Executive Council of DU resolved to adjust the maximum age limit for undergraduate and postgraduate students contesting the DUSU elections for the academic year 2023-24 to 25 years and 28 years, respectively. It is evident that the COVID-19 pandemic could have created educational gaps for many students, causing them to exceed the prior age limits for election eligibility. The Court finds this rationale, invoked by DU's Executive Council, to be sound and well-reasoned. Given these circumstances, we discern no legitimate grounds warranting judicial intervention in this matter.

4. We have also perused the judicial precedents cited by the Petitioner and find them to be inapplicable to the matter at hand. The judgments relied upon do not state that Universities are precluded from exercising their discretion in granting age relaxation. Rather, those decisions pertain to entirely distinct circumstances wherein certain students, having surpassed the pre-existing age criteria, were rendered ineligible to contest elections and subsequently sought judicial redress to challenge such disqualifications. In contrast, the present case revolves around the DU's exercise of its discretion to permit a broader segment of the student body to participate in the elections. The age relaxation in this case serves as an inclusive measure, enacted in response to the exceptional circumstances precipitated by the

² *University of Kerala (1) v. Council, Principals' College, Kerala and Others*, (2006) 8 SCC 304.



COVID-19 pandemic, enabling a greater number of students to engage in the democratic process. Given these reasons, the Court sees no reason to equate the cited precedents with the situation presently before us.

5. Moreover, upon a review of the facts and the other material placed on record, we do not discern any demonstrable public interest that would warrant granting the relief sought in this writ petition. To label this petition as a PIL, is as an abuse of the process of law. The key issue under scrutiny, the relaxation of age limits for election candidates, does not inherently pose any detriment to public interest or the democratic election process. The Petitioner posits a theory that extending the age limit will give rise to an escalation in incidents of violence and hooliganism. However, this claim lacks empirical evidence or a reasoned basis to establish a causative link between the age relaxation and the adverse outcomes projected. Furthermore, the allegations of ‘forceful entry into academic institutions’ or ‘rampant display of financial and muscle power play’ are speculative in nature, and bereft of substantiating data. No reliable or compelling documentation has been presented to this Court to demonstrate that an alteration in age eligibility would culminate in such negative repercussions.

6. Considering that the age extension was instituted as a one-time adjustment in response to unprecedented educational disruptions caused by the COVID-19 pandemic, DU’s decision reflects a reasoned adaptation to extraordinary circumstances. The Court, therefore, finds the Petitioner’s assertions to be not only misplaced, but entirely unfounded.

7. To summarize, there is an evident lack of a nexus between the supposed detrimental effects outlined by the Petitioner and the issue of age relaxation for student elections at hand. Consequently, there is no justifiable



ground for this Court to intervene in the decision made by the Respondent University's Executive Council.

8. For the foregoing reasons, we find no merit in the present petition.
9. Dismissed.

SANJEEV NARULA, J

SATISH CHANDRA SHARMA, CJ

SEPTEMBER 15, 2023

nk