



2023:DHC:8479

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 13411/2023**

Date of Decision: **21.11.2023****IN THE MATTER OF:****MAHESH BENIWAL****S/O. SHRI RAMNIVAS BENIWAL,
VILLAGE: GODAWAS KALAN, DISTRICT BARMAR,
RAJASTHAN - 344026**

..... PETITIONER

**Through: Mr.Rajendra Beniwal and Mr.Rajat
Kashyap, Advocates.****Versus****UNIVERSITY OF DELHI THROUGH ITS REGISTRAR
UNIVERSITY ENCLAVE,
UNIVERSITY OF DELHI
DELHI – 110007**

..... RESPONDENT NO.1

**HINDU COLLEGE - UNIVERSITY OF DELHI
M6M6+PCJ, SUDHIR BOSE MARG,
HINDU COLLEGE, UNIVERSITY ENCLAVE,
DELHI – 110007**

..... RESPONDENT NO.2

**Through: Mr.Mohinder J.S.Rupal, Mr.Hardik
Rupal and Ms.Sachpreet Kaur, Advocates.****HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV****ORDER****PURUSHAINDRA KUMAR KAURAV, J. (ORAL)**

1. The petitioner in the instant writ petition has prayed for the following

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reliefs:

- “a) Allow the present Writ Petition under Article 226 of the Constitution of India in the interest of justice, equity and good conscious;*
- b) Issue an appropriate writ, order(s) or direction(s) and set aside the discriminatory eligibility criteria prescribe in Bulletin of information issued by the respondent no.1 dated 22.03.2023, to the extent of prescribing mandatory having studied two courses in Hindi in Bachelor's degree for being eligible to take admission for M.A. in Hindi program in the interest of justice, equity and good conscious;*
- c) Issue an appropriate writ, order(s) or direction(s) and set aside the rejection of the Petitioner's Application for further process of allotment of seat for M.A. in Hindi program in the interest of justice, equity and good conscious;*
- d) Issue an appropriate writ, order(s) or direction(s) to the Respondents to consider the candidature of the Petitioner for admission in M.A. in Hindi and allot a seat in the Respondent No.2 Hindu College or any other collage under the Respondent No.1 University of Delhi in the interest of justice, equity and good conscious ;*
- e) Issue an appropriate writ, order(s) or direction(s) to the Respondents to follow the policy which is in furtherance to the aims and objective of the National Education Policy in the interest of justice, equity and good conscious ;*

2. Learned counsel appearing on behalf of the petitioner submits that the petitioner appeared in PG-CUET Examination, 2023 and on the basis of his merit position, he was allotted a seat for M.A. Hindi Programme at Hindu College. He further submits that immediately after the allotment of the seat, his candidature was rejected on the ground of non-fulfilment of programme specific eligibility criteria.

3. Learned counsel submits that the rejection of the candidature of the petitioner is illegal and improper and the same is not based on any objective criteria. He further submits that in the instant case, if the respondent-University's stand is taken into consideration, the same indicates that each

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year, they are prescribing distinct suitability. He also submits that this year on account of illegal rejection of the petitioner's candidature, he was not granted admission, however, for the next year, respondent-University can be directed to consider the candidature of the petitioner for grant of admission in appropriate college on the basis of his eligibility.

4. Learned counsel appearing on behalf of the petitioner has also placed reliance on paragraph no.21 and 22 of the decision passed by this court in the case of *Naveen Sharma v. Union of India and Anr.*¹

5. Learned counsel appearing on behalf of the respondents opposes the submissions and submits that the eligibility criteria as per the prospectus for grant of admission in M.A. Hindi Programme is to have at least two courses in Hindi in bachelor's degree. Learned counsel further submits that the petitioner lacks in the basic eligibility criteria and, therefore, the rejection of the petitioner's candidature is strictly in accordance with law.

6. I have considered the submissions made by learned counsel for the parties and perused the record.

7. The eligibility criteria as can be seen from the Bulletin of Information for Admission to Postgraduate Courses 2023-2024, University of Delhi indicates that for M.A. Hindi Programme one has to have bachelor's degree from a recognised university with at least two courses in Hindi .

8. The petitioner completed his bachelor's degree from *Vardhman Mahaveer Open University in Kota, Rajasthan* and the marksheets brought

¹ W.P.C 4984/2019



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on record would indicate that in Bachelor's of Art (Part I) Examination, June 2021, the petitioner had only one course in Hindi i.e. General Hindi and there is no proof that indicates the petitioner had studied any other course in Hindi during his entire bachelor's degree.

9. So far as the decision relied upon by the learned counsel for the petitioner in the case of *Naveen Sharma (supra)* is concerned the same relates to the eligibility for appointment to the post of TGT (Hindi) in terms of Recruitment Rules, whereas, the instant case relates to the non-fulfilment of the eligibility criteria in his bachelor's degree. Therefore, the same is not applicable in the instant petition.

10. It is thus, seen that the petitioner did not possess the requisite eligibility criteria of having two courses in Hindi during his bachelor's degree and hence, the approach of the respondent-University in rejecting the petitioner's candidature is strictly in accordance with the information bulletin and this Court does not find any illegality therein.

11. The Hon'ble Supreme Court in the case of *All India Council for Technical Education v. Surinder Kumar Dhawan*², observed that the courts are neither equipped nor have the academic or technical background to substitute themselves in place of statutory professional, expert bodies and take decisions in academic matters. Therefore, if it is a question of educational policy or an issue involving academic matter, the courts should keep their hands off.

12. So far as the submission made by the learned counsel for the



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petitioner that the respondent-University is adopting different eligibility criteria in different academic sessions is concerned, needless to state that the respondent-University designs its courses as per the decision taken by the experts. The suitability which was adopted in the earlier academic session cannot always remain intact. The respondent-University can modify or adopt dynamic suitability, depending upon various facts and circumstances required to be attended. It is not the case of *malafide* intention or arbitrariness in decision.

13. The Hon'ble Supreme Court in the case of *Anand Yadav v. State of U.P.*³, held that education must be left to educationists, of course subject to being governed by the relevant statutes and regulations. It is not the function of this Court to sit as an expert body over the decision of the experts.

14. It is thus, seen that even on that count also, this Court does not find any reason to interfere into the impugned decision.

15. Accordingly, the instant petition stands disposed of.

PURUSHAINDRA KUMAR KAURAV, J

NOVEMBER 21, 2023/MJ/RS

² (2009) 11 SCC 726

³ (2021) 12 SCC 390