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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 10369/2018**
ATHIRA S. Petitioner

Through: Mr. Maarooof and Mr. Niyas
Valiyathodi, Advocates

versus

UNION OF INDIA & ORS. Respondents

Through: Mr. Ajay Digpaul, CGSC with
Mr. Kamal Digpaul and Ms. Ishita Pathak,
Advocates for R1/UOI
Mr. Anil Soni, Standing Counsel with Mr.
Devvrat Yadav, Advocates for R2
Mr. Abhishek Sharma, Mr. Kalash Pandey
and Ms. Anushka Sharma, Advs. for
FDDI/R-3

CORAM:
HON'BLE MR. JUSTICE C.HARI SHANKAR

JUDGMENT (O R A L)

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28.02.2024

1. The petitioner holds a degree of Bachelor of Science (B.Sc.) in Physics. She applied for admission to the course of Master of Design (M.Des.) in Footwear, Design and Production conducted by the Footwear Design & Development Institute (hereinafter referred to as "FDDI", impleaded as Respondent 3 herein). The prospectus of the



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FDDI prescribed the following qualification for candidates aspiring to the M.Des. course:

"Candidate is required to be a graduate in footwear/ LGAD¹/ Design/ Engineering/ Production/ Technology or any other related programme."

2. The petitioner was issued an admit card for appearance in the All India Selection Test (AIST) for admission to the M.Des. course of the FDDI. She was declared successful and called for counselling.

3. The petitioner attended counselling on 13 June 2018. At that time, she submitted all requisite documents. However, as she was not in possession of her B.Sc. marksheet or degree, she tendered her provisional certificate issued by the Mahatma Gandhi University, Kottayam, certifying that she had passed her B.Sc. examination in Physics with CCPA of 7.69. It further certified that she had been admitted to the said course in 2015. She also gave an undertaking in the following terms:

"UNDERTAKING"

I, Athira S. D/o. Sh. Subhash N.K. has qualified the FDDI exam for the Session 2018 and got provisional admission in UG/PG programme. I do not have the following documents at the time of counselling and the same would be submitted before 30th September 2018.

S.No.	Particular	Reason for delay	Date by which the documents would be submitted
1.	B.Sc. Physics Consolidated mark statement	Not issued	1 st week August 2018



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2.	B.Sc. Physics Provisional Certificate		
3.			

I understand that my admission to the said programme is provisional and if I am unable to submit my qualifying certificate by 30-09-2018,

1) My admission shall be cancelled and I shall not be entitled for refund of fee I have submitted at FDDI.

2) I shall not be entitled for any result/certificate from FDDI.”

4. On the basis of the aforesaid document and the counselling undertaking by her, the petitioner was, on 13 June 2018, issued a letter admitting her to the M.Des. course conducted by FDDI. She deposited the requisite admission fee of ₹ 1,58,800/- on 22 June 2018.

5. The petitioner further submitted her provisional B.Sc. Certificate and her consolidated marksheet of her B.Sc. Physics course issued by the Mahatma Gandhi University in the first week of August 2018.

6. The academic session of the petitioner commenced on 1 August 2018. She was issued an identity card and regularly attended classes thereafter.

7. On 19 September 2018, FDDI wrote to the petitioner stating that she had not submitted the requisite documents to establish her eligibility for enrolment in the M.Des. programme till then. She was directed to submit the requisite eligibility documents on or before 30 September 2018 failing which it was stated that her admission to the M.Des. programme would stand cancelled.

Signature Not Verified

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8. The petitioner responded to the FDDI stating that she had submitted all the documents in her possession and that she was duly qualified to pursue the M.Des. course.

9. The FDDI responded on 26 September 2018 alleging that the petitioner did not possess the requisite graduation degree in terms of the prescribed qualifications in admission to the M.Des. programme conducted by the FDDI. The letter further stated that if the petitioner did not submit any “Graduation degree related to design”, to the Training Department of the FDDI on or before 30 September 2018, her admission would be cancelled.

10. It is in these circumstances that the Petitioner approached this Court by means of the present writ petition seeking that the communication dated 26 September 2018 be quashed and set aside and the respondent be restrained from cancelling the admission of the petitioner.

11. While issuing notice on this writ petition, this Court vide order dated 28 September 2018, stayed the operation of the impugned communication dated 26 September 2018. This interim order was made absolute pending disposal of the writ petition by order dated 10 December 2019.

12. The petitioner has, on the strength of the aforesaid interim order, completed and cleared the course. However, her degree has not been released by the respondent on the plea that she did not possess the requisite Graduation degree as required to enable her to undertake



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the M.Des. course.

13. I have heard Mr. Maarooof, learned counsel for the petitioner and Mr. Abhishek Sharma, learned counsel for the FDDI. The remaining respondents are only proforma respondents.

14. Mr. Abhishek Sharma, learned counsel for the FDDI, submits that the cancellation of the petitioner's admission to the M.Des. programme was perfectly in order. He submits that the petitioner was required to possess a Bachelor's degree *in some technical field akin to B.Tech.* Mr. Sharma impresses on the Court the fact that the petitioner is a Technical Institute and that therefore, there is an inherent requirement of a technical qualification, which has to be read in the prescribed qualification as contained in the prospectus. The petitioner's B.Sc. degree in Physics, he submits clearly does not satisfy the prescribed qualification stipulated for admission to the M.Des. course.

15. Mr Sharma has also drawn my attention to the fact that the petitioner had herself, while participating in counselling, provided an undertaking stating that she would submit the requisite certificate, entitling her to admission to the M.Des. course as soon as it became available. No such certificate, he submits, was submitted by the petitioner. Ergo, no case for interference exists.

16. I am unable to agree with the submissions of Mr. Sharma.



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17. The prescribed qualification for admission to the M.Des. course is “Graduate in Footwear/LGAD/Design/Engineering/Production/Technology or any other related programme”. The word “programme” in education parlance refers to a course of study undertaken by a student, and is often used interchangeably with “course”. The B.Sc. course in Physics undertaken by the petitioner, resulting in the award to the petitioner of the B.Sc. degree in Physics by the Mahatma Gandhi University is, therefore, a “programme” as understood in education parlance.

18. The words “or any other related programme” are wide and compendious in their import and effect. Inasmuch the words which precede the said expression cover a wide range of subjects including LGAD, design, production, engineering and technology, even if the words “any other related programme” are to be read using *ejusdem generis* or *noscitur a sociis* the proceeding expressions, a programme resulting in award of the B.Sc. degree in Physics can legitimately be regarded as a programme related to engineering, production and technology.

19. If the intent of the authorities, who prescribe the qualifications, was to restrict the qualifications to B.Tech. or something analogous thereto, it should have been so stated while prescribing the requisite qualification. If there is vagueness in the clause prescribing qualifications for admission to a course, a student cannot be expected to “read between the lines” – as Mr. Sharma, learned counsel for the FDDI suggested - and divine the intent of the framers of the clause. The benefit of doubt arising from any vagueness in the prescribed



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educational qualification has to enure to the benefit of the student and not to the benefit of the establishment.

20. This would be additionally so where the student has not concealed any fact while applying for admission to the course and the authorities have, in full consciousness of the qualifications held by the student, granted her admission. It is settled law that, in such cases, the authorities cannot later revisit their opinion and seek to cancel the admission of the student or discontinue her course of study on that basis.

21. There is another reason why the petitioner is, in any case, entitled to relief.

22. The impugned e-mail dated 26 September 2018 indicates that the respondent is operating under a misconception. The concluding sentence of the said email reads thus :

“We would again wish to inform you that *if you possess Graduation Degree related to Design*, you may please submit the same with Training Department, Noida on or before 30th September 2018 failing which your admission for Session 2018 will be cancelled.”

(Emphasis supplied)

23. The qualifications prescribed in the prospectus of the FDDI for admission to the M.Des. course do not require the candidate to mandatorily possess any “Graduation degree related to design”. The said requirement as introduced by the impugned email dated 26 September 2018, therefore, was in excess of the prescribed qualification for admission to the M.Des. programme as contained in



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the FDDI prospectus.

24. The cancellation of the petitioner's admission to the M.Des. programme has apparently, therefore, been effected on a mistaken presumption that the prescribed qualification for admission to the course was a "Graduation degree related to design". Even on this basis, the impugned communication dated 26 September 2018 is liable to be set aside.

25. It cannot, besides, as already noted, be said that the petitioner was *ex facie* disqualified for admission to the M.Des. programme in view of the wide and compendious manner in which the prescribed qualification has been worded in the FDDI prospectus.

26. This is not therefore a case in which a candidate who was clearly disqualified from admission to a course, obtained admission and is, thereafter, seeking to plead equities.

27. In that view of the matter, the decision of the respondent to cancel the petitioner's admission to the M.Des. course is not sustainable on facts or in law.

28. The impugned email dated 26 September 2018 is accordingly quashed and set aside.

29. The FDDI is directed forthwith to release the petitioner's degree to the petitioner.

30. The writ petition stands allowed in the aforesaid terms with no



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orders as to costs.

C.HARI SHANKAR, J

FEBRUARY 28, 2024/yg

Click here to check corrigendum, if any

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