



2024: DHC: 245



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

+ **W.P.(C) 12387/2023**

RISHITA SHUKLA

..... Petitioner

Through: Mr. Rajmani Mishra & Ms.
Archana Kumari, Advocates.

versus

DAULATRAM COLLEGE & ORS.

..... Respondents

Through: Mr. Mohinder J.S. Rupal,
Standing Counsel with Mr. Hardik Rupal,
Advocate for Delhi University.

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

JUDGMENT (ORAL)

11.01.2024

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1. Between 1 May 2023 and 23 June 2023, entrance examinations were conducted by the National Testing Agency (NTA) for the Combined University Entrance Test (CUET) UG-2023. The petitioner appeared. Registrations for allocation of seats, to candidates who had secured the cut off marks in the CUET, took place between 14 June 2023 and 26 July 2023. The petitioner, on 15 June 2023, applied for admission in the Delhi University ("the University") through the DU-CSAS seat allocation system.

2. The result of the CUET-23 was announced by the NTA on 15 July 2023. Between 17 July 2023 and 26 July 2023, students were asked to apply and provide the preferences of colleges and courses to which they desired admission. The petitioner desired to be admitted

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to the B.A. (Hons.) English course and gave preferential choices of 14 colleges in descending order of preference.

3. On 1 August 2023, the University published the list of candidates who were eligible for admission in the first round of counselling. As per her merit and preferences indicated by her, the petitioner was allocated a B.A. (Hons.) English Course seat in Vivekanand College. The petitioner accepted the seat and took admission in Vivekanand College.

4. On 7 August 2023, the University notified the vacant seats available in colleges for the second round of counselling. The petitioner applied for upgradation of her choice and for admission against one vacant B.A. (Hons.) English seat which was shown to be available in Daulat Ram College.

5. The grievance of the petitioner is that, without granting it to her, the aforesaid vacant B.A. (Hons.) English seat shown to be available in Daulat Ram College in the second round of counselling was converted into a seat to be filled by spot counselling. This, it is submitted, became known to the petitioner when the notification for the spot round of counselling was issued by the university on 28 August 2023, in which one vacant B.A. (Hons.) English seat was shown to be available in Daulat Ram College.

6. Presuming that this vacant seat, which was notified for the spot round of counselling, was the seat which had been notified for the



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second round and to which she had aspired, the petitioner filed the present writ petition, alleging that the University had illegally converted the vacant B.A. (Hons.) English seat in Daulat Ram College in the second round of counselling to a spot counselling seat, ignoring the petitioner's upgraded claim for the said seat as submitted by her on 8 August 2023.

7. The University has filed a counter affidavit by way of response to the writ petition. I have also heard Mr. Mohinder J.S. Rupal, learned Standing Counsel for the University.

8. As per the counter affidavit, and the submissions advanced by Mr. Rupal at the Bar, the vacant B.A. (Hons.) English seat in Daulat Ram College was filled by a candidate who had secured 558.191 marks in the CUET, which was higher than the petitioner's score, which was 476.699 marks. As such, the seat could not be given to the petitioner.

9. Apropos the vacant B.A. (Hons.) English seat in Daulat Ram College which was notified for the spot counselling round, Mr. Rupal submits that said vacant seat arose because one of the candidates who had been admitted to the B.A.(Hons.) English Course in Daulat Ram College declined admission. That seat had, therefore, been made available in the spot counselling round.

10. In that view of the matter, it appears that the petitioner was under a misconception that the seat which was made available in the



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spot counselling round was the seat which had been earlier notified as available for the second round of counselling in B.A. (Hons.) English Course in Daulat Ram College. As a matter of fact, the two seats are different. The seat which had been notified as being available for the B.A. (Hons.) English Course for the second round of counselling for the EWS Category was filled by a candidate who had secured 558.191 marks in the CUET which was higher than the petitioner's CUET score which was 476.699 marks. As such, there was no illegality in granting the said B.A. (Hons.) English seat in Daulat Ram College to the said candidate.

11. In so far as the B.A. (Hons.) English seat which was made available in the spot counselling round is concerned, as that was not the seat which had been notified as available for the second round of counselling and as the petitioner has not laid any claim to that seat in the writ petition, no finding is required to be returned in that regard.

12. The writ petition is, accordingly, devoid of merit and is dismissed.

C.HARI SHANKAR, J

JANUARY 11, 2024

B.S. Rohella

Click here to check corrigendum, if any