



2024:DHC:6579



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

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Reserved on: 23.08.2024
Pronounced on: 30.08.2024

+ **W.P.(C) 11640/2024**

VIDUSHI KASNIYA

.....Petitioner

Through: Ms. Sumitra Choudhary, Mr.
Raghav Raman & Ms. Nitya
Sharma, Advocates.

versus

UNIVERSITY OF DELHI & ORS.

.....Respondents

Through: Mr. Mohinder JS Rupal and
Mr. Hardik Rupal, Advocates.
for DU.
Mr. Apoorv Kurup, Ms. Nidhi
Mittal and Ms. Gauri
Goburdhun, Advocates for
UGC.
Ms. Manisha Agrawal Narain,
CGSC along with Mr.
Chandan Deep, Advocate and
Mr. Rahul Kumar Sharma, GP
and Mr. Sandeep Singh
Somaria, Advocate.

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

JUDGMENT

SWARANA KANTA SHARMA, J.

1. The present writ petition under Article 226 and 227 of the Constitution of India, has been filed on behalf of the petitioner Ms.



Vidushi Kasniya seeking following reliefs:

- “(a) Issue a writ of certiorari or any other appropriate writ, order or direction to Respondent No. 1 to consider the Petitioner's Application for Admission to MA Psychology Course for the session 20242025 and grant admission under the Sports Numerary Quota in the Category B 1, B2, B3 as mentioned in the information Bulletin.
- (b) Declare the Classification whereby the same University in the undergraduate Courses offer Sports Numerary Quota for "Karate" and deny the Sports Numerary Quota for "Karate" in the Postgraduate Courses as discriminatory and violative of Fundamental rights of the Petitioner.
- (c) To direct the Respondent No. 1 to allow the prospective students to apply online as well as offline against available seats under the Sports Numerary Quota to avoid any future litigation in this regard.
- (d) To direct the remaining Respondents to frame strict guidelines with respect to the sports which are recognized and shall be mandatorily included under the Sports Quota without any discrimination course wise.
- (e) To direct the Respondent No. 1 to pay the Litigation cost of this Petition to the Petitioner.”

FACTUAL ASPECTS

2. The petitioner herein, who is 21-years-old and has completed her graduation in Bachelors of Arts (Psychology), aspires to undertake higher studies in Master of Arts (Psychology) from the prestigious University of Delhi. The petitioner states that she is a meritorious sportsperson in Karate and has been conferred with Scholarship for Sports Persons for the academic session 2023-24 in her undergraduate program.

3. The facts leading to the filing of the present petition are that from academic session 2023-24 onwards, the marks secured by a candidate in the Common University Entrance Test [***CUET***],



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conducted by the National Testing Agency [‘NTA’], were to be made the sole criteria of admissions in to seats in Undergraduate [‘UG’] and Postgraduate [‘PG’] courses in University of Delhi. It is stated that the University of Delhi had issued a schedule for online registration on University's portal, for admission in PG Courses through Common Seat Allocation System [‘CSAS’] in May 2024. A Bulletin of Information/ Prospectus/ Brochure regarding the same was also published, with the title ‘CSAS For Admission to Postgraduate Programs Academic Session 2024-25’ [‘CSAS (PG)-2024’]. This Bulletin of Information contained 21 Chapters and 3 Annexures.

4. It is stated that the Chapter 1 of the Bulletin of Information, which contains ‘General Information’, provides as follows:

“Admission to all PG Programs is done on the basis of the eligibility criteria and procedures specified by the University on its website, Post-Graduate Bulletin of Information-2024 (PG-BOI) and Common Seat Allocation System (Postgraduate)-2024 (CSAS(PG)- 2024).

For the academic year 2024-25, admission to all PG Programs of UoD will be done on the basis of the Common University Entrance Test-Postgraduate 2024 (CUET(PG)-2024) only. Admitting students through UoD’s online platform Common Seat Allocation System (PG)-2024 is binding on all Colleges and Departments, as applicable, of University of Delhi.

8. It is mandatory for the candidate to apply and fill preferences, wherever applicable, online in CSAS (PG)2024 portal of UoD (<https://pgadmission.uod.ac.in>). Application submitted through any other mode will not be accepted under any circumstances.

9. Seat allocation to all PG Programs will be based solely on the scores obtained in CUET (PG) - 2024.



10. For allocation of seats in Performance/Practical/ Audition/Sports Proficiency based Programs, and in Sports Supernumerary Quota, a combined score of CUET (PG) - 2024 and Performance/ Practical/ Audition/ Sports Proficiency test/ trials and/or certificates will be considered.
11. The CSAS(PG)-2024 merit list/s published on the admission website shall be adhered to by all the Departments/Centres/Colleges of UoD, as applicable.
12. In case the seats of Supernumerary quota/s remain vacant, the same will not be converted to any other Category.”
5. It is further submitted that the Chapter 3 of the Bulletin of Information deals with the CSAS (PG)-2024 Application form, and Clause 3.3 of the same refers to the sports section, which reads as follows:
- “3.3: SPORTS SECTION
- Candidates desirous of seeking admission on the basis of Sports Supernumerary Quota can apply for a maximum of three Games/Sports. Candidates can upload self-attested copies of a maximum of three Merit/Participation Sports Certificates of the preceding three years issued between 01st May 2021 to 30th April 2024 only. (Refer to Chapter 20 for details).”
6. The petitioner further makes a reference to Chapter 19 of the Bulletin of Information, which provides details/guidelines in respect of ‘*Admission to Performance/Practical/Audition/Sport-Proficiency Based Programs: M.A. Music, M.P.Ed., B.P.Ed, M.F.A.*’. It is stated that Clause 19.3, sub-clause 7, recognizes the following sports:



List of Games/Sports to be considered for Awarding the Sports Proficiency Marks i.e. SPW-1 to SPW- 7 is as follows:

1.	Aquatics (including swimming, diving and synchronized swimming, water polo)	17.	Karate (six kumite and two kata categories)
2.	Archery	18.	Modern Pentathlon
3.	Badminton	19.	Rowing
4.	Baseball and Softball	20.	Rugby 7s
5.	Basketball	21.	Sailing
6.	Boxing	22.	Shooting
7.	Canoe/Kayak	23.	Table Tennis
8.	Cycling — including Track, Road, Mountain Bike and Track cycling and mountain bike	24.	Taekwondo
9.	Equestrian	25.	Tennis
10.	Fencing	26.	Track & Field
11.	Football (Soccer)	27.	Triathlon
12.	Golf	28.	Volleyball-indoor and beach volleyball
13.	Gymnastics (Artistic, Rhythmic and Trampoline)	29.	Weightlifting
14.	Handball	30.	Wrestling (Greco-Roman and Freestyle)
15.	Hockey	31.	All AIU sports (organized by AIU)
16.	Judo		

7. It is further averred that the Chapter 20 of the Bulletin of Information deals with the '*Admission on Sports Supernumerary Quota*', wherein it has been mentioned as under:

“The University earmarks up to 5% (of total intake capacity of the Department/ Centre/ College) as supernumerary seats in Post Graduate program in Sports Quota.

It is mandatory for all the candidates seeking admission on the basis of Sports supernumerary quota in PG Program to appear in CUET (PG) - 2024.

Admission on the basis of Sports is not applicable in the programs of Master of Library and Information Science, Bachelor of Education B.Ed. Special Education (MR/VI), Master of Education, M. Tech. Microwave Electronics, Bachelor of Physical Education, Master of Physical Education, LL.B, LL.M, Master of Computer Application, Masters in Respiratory Therapy, Master of Physiotherapy, M.A. Music, M.A. Social Work and M.Sc. Mathematical Education.”

8. It is stated that the petitioner herein has applied for M.A.



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Psychology course, in which admission on the basis of Sports is available. The petitioner further submits that the Admission on the basis of Merit Sports Certificate has been categorized into Category A and Category B, in the following manner:

“Admission herein will be based on:

a. Admission on the basis of Merit Sports Certificate

I. Category A: The criteria for admission in this category will be based solely on the scrutiny of the highest marks obtained in the evaluation of the uploaded Merit /Participation Sports Certificate of the candidate in CSAS 2024 Application Form. The allocation will be done on the basis of fulfilling the Common Minimum Eligibility, ' Program-Specific Eligibility and subject to availability of the seat in the Department/ Centre/ College opted by the candidates.

II. Category BI, B2 & B3: The criteria for admission in this category will be based on the combined weightage of 25% of the CUET(PG) 2024 and 75% of the highest marks obtained in the evaluation of the uploaded Merit/ Participation Sports Certificate of the candidate in CSAS 2024 Application Form. The allocation will be done on the basis of fulfilling the Common Minimum Eligibility, Program-Specific Eligibility and subject to availability of the seat in the Department/ Centre/ College opted by the candidates.”

9. The petitioner states that she would fall under Category B, which delineates as follows:

“20.2: Category B1, B2 & B3 (Maximum 90 Marks)

For candidates in these categories, weightage will be given on the uploaded Merit/ Participation Sports Certificates in CSAS 2024 Application Form for the Game/Sport mentioned in sub section 21.2 B. Candidates who have secured Position/s in the All India Inter University Competitions/ Khelo India University Games (KIUG) recognized by the Association of Indian Universities (AIU)ISAI/MYAS



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for all years of study in the UG program for the Game/Sport mentioned in sub section 21.2 B.”

10. The petitioner now states that she had appeared in the CUET 2024 for PG courses and had also qualified the same. Upon getting to know regarding the admissions in the University of Delhi, the petitioner, after perusing the Bulletin of Information of CSAS (PG)-2024 for admission to PG Courses, filled her online application form according to the instructions given.

11. The grievance of the petitioner is that while filling the online application form, under the Sports Quota, she could not locate the game ‘Karate’ in the list, and thus, she was not allowed to submit the form until she unchecked the sports quota column. Upon unchecking the sports quota column, the petitioner was allowed to submit the Online application form, however, it served no good purpose to her.

SUBMISSIONS BEFORE THIS COURT

12. **Learned counsel appearing on behalf of the petitioner** argues that despite Karate being mentioned in the Sports Quota Supernumerary Category, the same was not provided as an option in the online application form for CSAS (PG)-2024 and, therefore, the petitioner could not avail the benefit of the same. It is further stated that the petitioner tried reaching out to the helpline and also contacted the grievance redressal department but she did not receive any satisfactory response. It is submitted that on 28.06.2024, the first list for admission to the PG Course was released and the petitioner could not locate her name, and neither there was any sports category



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‘Karate’, nor was any seat allotted to the sport Karate in the list. It is stated that the petitioner was shocked to see the same since Karate as a sport for the sports quota category has already been mentioned in the Bulletin of Information, and due to a technical glitch on part of the respondent no. 1, the petitioner may be deprived of her admission.

13. Learned counsel for the petitioner further submits that the petitioner had previously approached this Court by way of *W.P. (C) 9239/2024* whereby this Court had directed the respondent no. 1 to treat the said petition as a representation on behalf of the petition and dispose of the same within a period of six weeks, and had also granted liberty to the petitioner to approach this Court in case of any further grievance. It is stated that the University of Delhi has rejected the representation of the petitioner, through a one-sided decision, without any discussion with the petitioner.

14. It is argued that the petitioner is facing severe discrimination on the basis of sports played by her i.e. Karate, even though the same has been recognized by the University of Delhi in its Bulletin of Information. It is stated that the petitioner is both eligible and fit to be chosen under the sports quota and the denial of admission to the petitioner, due to ignorance on part of the respondent no. 1 who have either missed including the option of ‘Karate’ under sports quota or have purposely done, which action is contrary to the express provisions of the Bulletin of Information itself. It is also argued that the Scheme of Undergraduate and Postgraduate courses cannot discriminate within the Sports Numerary Quota based on the type of Sport played and when Karate is included and considered in the



Sports Numerary Quota for Undergraduate Courses, the same could not have been left out of the Scheme for the Postgraduate Courses by the same University.

15. It is contended by the learned counsel that the imposition and discrimination in the sports played does not serve the object of introducing the sports quota, rather destroys the same. It is also argued that this policy/action of respondent no. 1 directly contravenes Article 14 of the Constitution of India which imbibes the concept of equality. Therefore, it is prayed that the present petition be allowed.

16. **Learned counsel appearing on behalf of respondent no. 1 i.e. University of Delhi**, on the other hand, argues that there is no merit in this petition, and the petitioner has deliberately confused the different eligibility criterias for different courses, as mentioned in the Bulletin of Information of CSAS (PG)-2024. It is submitted that Chapter 19 of the Bulletin deals with '*Admission to Performance/Practical/Audition/Sport-Proficiency Based Programs :M.A. Music, M.P.Ed., B.P.Ed, M.F.A.*' and it is in respect of M.P.Ed., B.P.Ed courses that Karate has been included as one of the sports, whereas the course which the petitioner aspires to pursue i.e. M.A. (Psychology) is governed by Chapter 20 i.e. '*Admission on Sports Supernumerary Quota*' and in this chapter, Karate has not been included as one of the sports *qua* which a candidate can seek admission in a PG course under sports quota.

17. It is argued that the University has rejected the representation of the petitioner by a reasoned order, and the petitioner cannot challenge a policy decision of the University. It is also stated that the



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terms of the Bulletin of Information are binding upon the candidates and the petitioner, who had submitted her online application, cannot now challenge the terms of Bulletin when the entire process has already reached the fag end. Therefore, it is prayed on behalf of the University that the present petition be dismissed.

18. This Court has **heard** arguments addressed on behalf of both the parties and has perused the material placed on record.

ANALYSIS & FINDINGS

19. At the outset, this Court notes that by virtue of order dated 09.07.2024, passed in the earlier writ petition preferred by the petitioner herein seeking the same relief, the petition being *W.P. (C) 9239/2024* was disposed of with a direction to the University of Delhi to treat the same as representation on behalf of the petitioner and decide the same within a period of six weeks.

20. The respondent no. 1, in compliance with the aforesaid order, has decided and thereby rejected the representation of the petitioner, *vide* communicated dated 16.08.2024, aggrieved by which, the petitioner has approached this Court by way of the present petition. The decision of the University of Delhi reads as follows:

“Subject: Representation in Vidushi Kasniya Vs. University of Delhi. reg.

Dear Sir,

1. This is in reference to the request/representation dated 11.07.2024 received vide email dated 15.07.2024 from lawyerssko@gmail.com on the subject matter in regard to the Order/Directions dated 09.07.2024 passed by the Hon'ble High Court of Delhi in WPC 9239/2024 titled Vidushi Kasniya Vs.



University of Delhi through its Regional Director & Ors.

2. Without prejudice to the rights and contentions of University of Delhi and in order to deal with your representation dated 11.07.2024 vide email dated 15.07.2024, It is stated as following:

(a) The Petitioner Vidushi Kasniya is deliberately and confusing the issue regarding the eligibility criteria for Sports Supernumerary Quota admissions in Postgraduate Programs qua the admission in the M.P.Ed., B.P.Ed which is not under Supernumerary Sports Quota but is entirely different admission process. Therefore the Sports mentioned for eligibility for M.P.Ed., B.P.Ed are entirely different from the Sports Supernumerary Quota Sports which are also separately provided in the Common Seat Allocation System (CSAS) for admission to Postgraduate Programs for academic session 2024-2025.

(b) The facts given by the Petitioner, Vidushi Kasniya are totally unfounded and contrary to the scheme of Postgraduate Sports Supernumerary Quota admission of the academic year 2024-25 in the University of Delhi.

(c) It is clarified that the University of Delhi Common Seat Allocation System (CSAS) for admission to Postgraduate Programs for academic session 2024-2025 at **Chapter-20** (Admission on Sports Supernumerary Quota) and at Point no. 20.2: Category B1, B2 & B3 (Maximum 90 marks) at Sub point B (pages 39-40) clearly states as follows:

B. Games/Sports considered for admission on the basis of Sports to Supernumerary Quota:

Individual Sports:

Archery (M &W), Athletics (M &W), Chess (M &W), Diving (M &W), Gymnastics (M &W), Shooting (M &W), Swimming (M &W) and Weight- lifting (M &W)

Dual & Combat Sports:

Badminton (M &W), Boxing (M &W), Judo (M &W), Fencing (M & W), Squash (M &W), Table Tennis (M &W), Taekwondo (Kyorugi) (M &W), Tennis (M &W) and Wrestling (Freestyle) (M &W)

Team Games:

Baseball (M), Basketball (M & W), Cricket (M &W), Football (M &W), Handball (M &W), Hockey (M &W), Kabaddi (M &W), Kho-Kho (M &W), Netball (W), Softball (W) and



Volleyball (M &W) :

The Petitioner at point (v) at page no. 16 of her Petition has mentioned that "The **Chapter 19** of the Bulletin of Information deals with the ADMISSION TO PERFORMANCE/ PRACTICAL/ AUDITION/SPORTS- PROFICIENCY BASED PROGRAMS M.A. MUSIC, M.P. Ed., B.P. Ed, M.F.A. etc." It is to mention here that the Chapter 19 at Point 19.3 (Pages 31-37) deals with Bachelor in Physical Education (B.P. Ed.), Master in Physical Education (M.P. Ed) which is an academic program at Indira Gandhi Institute of Physical Education & Sports Sciences (IGIPES). The Chapter 19 does not deal with admission to Sports Supernumerary Quota in the Postgraduate Programs in the University of Delhi.

Moreover, it is pertinent to mention here that the **Chapter- 20** (Admission on Sports Supernumerary Quota) is applicable for admission to Sports Supernumerary Quota in the Postgraduate Programs and it does not mention Karate as a Sport for admission to Sports Supernumerary Quota in the Postgraduate Programs in the University of Delhi. Hence the representation of the Petitioner is devoid of merits and not maintainable.

Yours Sincerely,
Director, Physical Education & Sports
Delhi University Sports Council:
University Sports Complex
University of Delhi..."

21. Having given its thoughtful consideration to the material placed on record by both the parties, this Court notes that the terms of the Bulletin of Information of CSAS (PG)-2024 are clear and unambiguous.

22. In Chapter 19 of the Bulletin, the University provides guidelines in respect of granting admission to '*Performance/ Practical/Audition/Sport-Proficiency Based Programs*'. As per Clause 19.3, the Sport-Proficiency Based Programs includes Bachelor in Physical Education (B.P.Ed.) and Master in Physical



Education (M.P.Ed.). Clause 19.3(1) clarifies that for securing admission in these two programs, 50% weightage will be given to CUET (PG) score and 50% weightage is for the Sports Proficiency Test. The marks for Sports Proficiency Test will be as per the following criteria: (i) Sports Certificate: 30% weightage and (ii) Sports Fitness: 20% weightage. Thereafter, a list of games/sports, to be considered for '*awarding the sports proficiency marks*' is provided in the Bulletin. This list includes 30 sports, including Karate, and at serial no. 31, it is mentioned that 'All AIU Sports' are also included.

23. In contrast, Chapter 20 of the Bulletin provides guidelines in respect of granting admission in '*Sports Supernumerary Quota*' in the PG courses. It is clarified in this Chapter that admission on the basis of Sports is not applicable in B.P.Ed. and M.P.Ed. courses, which, as noted above, is governed specifically by Chapter 19. The petitioner herein has applied for admission in M.A. (Psychology), in respect of which she seeks benefit under Sports quota, and thus, only Chapter 20 of the Bulletin will be applicable in the case of petitioner.

24. Further, Chapter 20 of the Bulletin clearly provides the list of sports, which shall be considered for the purpose of granting admission under the Sports quota. These sports, as mentioned in Clause 20.2 (B), are as under:

“B. Games/Sports considered for admission on the basis of Sports to Supernumerary Quota:

Individual Sports:

Archery (M &W), Athletics (M &W), Chess (M &W), Diving (M &W), Gymnastics (M &W), Shooting (M &W), Swimming



(M &W) and Weight- lifting (M &W)

Dual & Combat Sports:

Badminton (M &W), Boxing (M &W), Judo (M &W), Fencing (M & W), Squash (M &W), Table Tennis (M &W), Taekwondo (Kyorugi) (M &W), Tennis (M &W) and Wrestling (Freestyle) (M &W)

Team Games:

Baseball (M), Basketball (M & W), Cricket (M &W), Football (M &W), Handball (M &W), Hockey (M &W), Kabaddi (M &W), Kho-Kho (M &W), Netball (W), Softball (W) and Volleyball (M &W).”

25. Thus, Karate has not been included in the above-mentioned list of sports/games.

26. The averments made in the petition are to the effect that though Karate was mentioned as one of the sports to be considered for admission under Sports quota, there was a technical glitch in the online application form of the University wherein karate was excluded from the list of options in which the petitioner had to choose her sport while applying for admission under Sports quota. This contention raised on behalf of the petitioner is, no doubt, bereft of any merit.

27. It appears to this Court that the list of sports provided in Chapter 19 of the Bulletin, which is not applicable in the petitioner’s case, has been extracted and relied upon in the petition as well as written submissions to project that Karate was specifically mentioned as one of the sports under Sports quota in the Bulletin of Information, whereas the list of sports/games provided in Chapter 20, i.e. the Chapter which governs the admission in the petitioner’s case, has been conveniently ignored and not extracted in the petition or written



submissions even though other clauses of the same chapter, immediately preceding the said list, have been cited. This is surprising and concerning at the same time, particularly since the petitioner asserts that she filled out her online application only after thoroughly reviewing all the terms and conditions of the Bulletin.

28. As this Court has observed above, in Chapter 19, the University has provided information regarding admission in Bachelors and Masters of Physical Education, and the sports in which will be considered for awarding the Sports Proficiency Marks. The petitioner herein, admittedly, is not seeking admission in these courses relating to Physical Education. It is the specific case of the petitioner that she has applied for admission in M.A. (Psychology), under Sports quota, which is dealt with by Chapter 20, and not Chapter 19, of the Bulletin, and Karate has not been included in Chapter 20 for the purpose of granting admission under Sports Supernumerary Quota in PG courses.

29. Therefore, the argument raised on behalf of the petitioner that despite Karate being mentioned as a sport for the purpose of admission under Sports Supernumerary Quota, the online application form did not reflect it in the list of sports due to which the petitioner has been denied the benefit of the said quota, needs to be rejected, inasmuch as the understanding of the petitioner, of the Bulletin of Information and distinction between Chapter 19 and 20, is flawed.

30. Insofar as other argument raised on behalf of the petitioner, regarding the policy of University, of excluding karate from Sports quota being arbitrary, unfair and violative of principles of equality is



concerned, this Court is of the opinion that it is the policy decision of the University of Delhi, which is a central university, to decide the eligibility criteria, frame the guidelines for admission in different undergraduate or postgraduate courses etc., which would include deciding the sports/games to be considered for the purpose of granting admission in PG courses, under sports quota. Thus, it would also be within the domain of University's discretion to decide whether a particular sport, such as Karate, is to be included in such sports quota or not. A person also cannot claim, as a matter of right, that the sport he or she participates in must be included in the sports quota.

31. In this regard, this Court is also guided by the decision of Hon'ble Division Bench of this Court in case of *Arjun v. University of Delhi LPA 10/2021*, wherein the list of sports/games for admission under sports quota, as provided in the Bulletin of Information of University of Delhi, was challenged on the ground that while Netball had been included as a game for the female candidates, the same was not included for the male category and the same was thus violative of Article 14 of the Constitution of India. The decision of the Single Bench, dismissing the writ petition, was upheld by the Hon'ble Division Bench, wherein it was held as under:

“6. We are not in agreement with the aforesaid contention of learned counsel for the appellants (original petitioners) for the following reasons :

(i) **Annexure P/1 which are the Guidelines for admission on the basis of sports quota** (relevant page being 128), **is a policy decision of the Delhi University.**

(ii) In our view, the learned Single Judge **has rightly not**



exercised his extra-ordinary jurisdiction under Article 226 of the Constitution of India to interfere with the policy decision of the respondent University. Which game should be included for determining the admission quota on the basis of sports and amongst them which game should fall to the male/female category, is essentially a conscious policy decision, based on the wisdom and expertise of the policy maker. It is well settled that Courts should be extremely slow in interfering with policy decisions, unless they are completely arbitrary, as formulation of policies is neither the domain nor the prerogative of the Courts.

(iii) The appellants have participated in the selection process in the category of Basket Ball in terms of the Information Bulletin issued by the Delhi University, completely aware of the guidelines including the non-inclusion of Netball in the “Men Category”. They cannot now turn around to challenge the guidelines to improve their ranking for admission. It is well settled that once a candidate participates in the selection process, he cannot turn around and challenge the same, having been unsuccessful and in this context, the learned Single Judge has rightly relied on the judgement in W.P.(C) 7832/2020 titled Ms. Meenakshi & Ors. vs. AIIMS.”

(Emphasis supplied)

32. Furthermore, this Court is also of the view that as per settled law, the terms of the Prospectus/Bulletin of Information in respect of admissions, framed by the Universities, are binding on all the candidates and have to be strictly adhered to. The petitioner, who admits to being aware of the terms of the Bulletin and having filled the online application form after reading all the information provided in the Bulletin, cannot now be permitted to challenge the said terms and conditions. In this regard, reference can be made to the following observations of Hon’ble Division Bench of this Court in case of *Nidhi Goyal v. Faculty of Medical Sciences University of Delhi* 2015 SCC OnLine Del 8347:



“9. We have considered the rival contentions. The hard fact of the matter is that the petitioner took admission in the MS (Ophthalmology) course in the year 2014 knowing fully well of Clause 9.11 aforesaid. The question is, whether she can now be relieved therefrom. We are of the opinion that the petitioner, after applying for appearing in AIPGMEE on the terms and conditions contained in the Bulletin of Information (supra) and after appearing in the examination and securing admission, cannot be heard to contend otherwise.

11. One of us (Rajiv Sahai Endlaw, J.) in *Jyoti Yadav v. Government of NCT of Delhi* relying on *Gorak Nath Balu Shinde v. State of Maharashtra* and *Amlan Jyoti Borooah v. State of Assam* (2009) 3 SCC 227 held that **the terms and conditions of a brochure of admission are binding on all persons in the conduct of examination and all are expected to adhere thereto strictly in order to avoid prejudice to any person and that candidates who take part in selection process knowing fully well the procedure laid down therein, cannot be permitted to turn back and assail the same after having been declared unsuccessful.** Mention may also be made of *Madan Lal v. State of Jammu & Kashmir* (1995) 3 SCC 486 also laying down that if a candidate takes a calculated chance and appears at the interview, then only because the result of interview is not palatable, he cannot turn around and subsequently contend that process of interview was unfair or the Selection Committee was not properly constituted; when the petitioner appears at the examination without protest and when he finds that he would not succeed at the examination, he files a petition challenging the examination, the Court should not grant relief to the petitioner. Reference in this regard may also be made to *Manish Kumar Shahi v. State of Bihar* (2010) 12 SCC 576. Recently also in *Chandigarh Administration v. Jasmine Kaur* (2014) 10 SCC 521 **it was reiterated that if the candidate takes a calculated risk/chance by subjecting himself/herself to the selection process, after knowing his/her non-selection cannot turn around and contend that the process of selection was unfair. It was further held that once the candidate is aware that he/she does not fulfil the criteria of the prospectus, he/she cannot be heard to say that he/she chose to challenge the same only after preferring the application and after the same was refused on the ground of eligibility.”**

(Emphasis supplied)



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33. Thus, the argument of the learned counsel for petitioner that terms of the Bulletin of Information of CSAS (PG)-2024, being arbitrary and violative of Article 14, are liable to be struck down, is also rejected in view of the aforesaid judicial precedents.

34. Therefore, in view of the reasons recorded in the foregoing discussion, this writ petition, being devoid of merit, has necessarily to fail, and the same is accordingly dismissed.

35. The judgment be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

AUGUST 30, 2024/at