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

+ **W.P.(C) 12462/2024 & CM APPL. 51878/2024**

RUDRESH SINGH

.....Petitioner

Through: Ms.Jay Jaimini Pandey and Ms.Lalita
Gupta, Advs.

versus

UNIVERSITY OF DELHI THROUGH DEAN & ORS.

.....Respondents

Through: Mr.Girindra Kumar Pathak and
Mr.Anand Kumar, Advs for R-4.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

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15.10.2024

1. The petitioner in the instant writ petition seeks to challenge the order/communication dated 20.08.2024, passed by the respondent-University, cancelling the candidature of the petitioner in Phase II of the admission process, pursuant to Common University Entrance Test (UG) - 2024 [CUET], in Shaheed Bhagat Singh College, on account of inconsistent mapping of the subjects as per the eligibility.

2. Learned counsel for the petitioner submits that the impugned decision is illegal, improper and contrary to the respondent-University's Prospectus and Guidelines for CUET examination. He takes this Court through Clause 4.1 of the Common Seat Allocation System Manual for Undergraduate Programme and submits that though it is mandatory for the candidates to appear in same subjects in CUET, which the candidate has appeared in Class



XII examination also, however, the candidates also have an option to appear in CUET examination, in case, the subjects are similar to Class XII subjects but at least 50 % of the syllabus should match with the Class XII subjects.

3. Learned counsel for the petitioner further contends that in the instant case, the subjects that the petitioner appeared for in Class XII examination were English, History, Geography, Economics, Mathematics and Physical Education, whereas, he has chosen Political Science as one of the subjects amongst others to appear in CUET, and according to him, the syllabus of History and Political Science is similar to the extent of more than 75%. He has also drawn the attention of this Court to various documents placed on record to establish the similarity of the syllabus between the subjects being Political Science and History. He, therefore, contends that the respondent-University has arbitrarily rejected the petitioner's candidature and, on the other hand, similarly situated candidates have been granted admission by the respondent-University.

4. Despite directions of this Court, there is no counter-affidavit filed by the respondent-University, and no one appears on its behalf.

5. *Mr. G.K. Pathak*, learned counsel appearing for the respondent-College, contends that as per his instructions, there is no equivalence in the subjects of History and Political Science. He further contends that in the absence of there being any equivalence, the decision of the respondent-University is based on a correct understanding of Prospectus/Manual. He further submits that as of now, there are no seats vacant in respondent-College.

6. I have considered the submission made by learned counsel appearing on behalf of the parties and perused the record.



7. The impugned communication dated 20.08.2024 states that on consideration of the petitioner's grievance and on recommendations of the Committee, it was found that the subjects applied for by the petitioner, for the concerned undergraduate programme, were not mapped as per Clause 4.1 of the Prospectus/Manual. The Communication dated 20.08.2024 reads as under:-

“Dear Candidate

Your application was reviewed by admission grievance committee of the college. On the recommendation of committee we regret to inform you that your application for admission is rejected. Admission is subject to the candidate fulfilling the eligibility requirements prescribed for applying to the concerned program of study.

As per University of Delhi's guidelines, in Phase II, the Candidate was required to map the subjects studied by them in Class XII to those in which they have appeared in CUET-2024. Only those subjects were considered in which the candidate passed his/her Class XII board exam. As per University's rules & regulations, due to non-fulfilment of subject-mapping criteria, your application for admission to B.A. program (Geography + Political Science) has been rejected”

8. It is thus seen that as of now, there is nothing on record to conclude that the syllabus of Political Science is similar with the syllabus of History to the extent of more than 50%. The documents placed on record by the petitioner or any other further exercise, if permitted to be carried out by the petitioner, will not be of any assistance unless the respondent-University takes a policy decision with respect to the aforesaid aspect.

9. A similar controversy regarding admission of a candidate who has not mapped the subject of choice in CUET examination, as per his or her appearance in Class XII examination has also been considered by this Court in *W.P.(C) 11686 / 2024* titled as ***G Jahnnav Prem Sai v. University Of Delhi & Anr***, vide order dated 14.10.2024. The Court, while dismissing the petition, has held as under:-



“2. Having heard learned counsel appearing on behalf of the parties, the Court finds that the brochure issued by respondent no.1-University for admission to the University of Delhi, makes it mandatory for the student to appear in the Common University Entrance Test-Under Graduate (“CUET-UG”) 2024 examination in those subjects in which the candidate appeared in class XII examination. Admittedly, in the instant case, the petitioner completed his class XII education with English, Sanskrit, Maths, Physics, and Chemistry. However, the petitioner appeared in the CUET UG 2024 examination in English, Geography, History, Political Science and Sociology subjects, therefore, on account of ambiguity in subject mapping, the petitioner's candidature has been rejected.

6. In the instant case, if the petitioner, had any grievance with respect to clause 5 of the brochure, the petitioner ought to have challenged the same at the relevant point of time. Having appeared at the concerned examination and having tendered the undertaking to abide by the eligibility conditions as stipulated in the brochure, the petitioner cannot be allowed to challenge the validity of clause 5 of the brochure at this belated stage”

10. In view of the position laid down above, the Court is of the considered opinion that the resolution of the aforesaid controversy would be strictly a policy decision to be taken by the experts in the field of academics and the concerned University. The Courts, generally, loathes from interfering with the academic decision unless the facts of the case so warrant. In the instant case, there seems to be a sound logic in not permitting the candidates to appear in subjects which were not studied by the respective candidates. There also seems to be a marked distinction between two streams of studies i.e., History and Political science.

11. However, it is clarified that if the petitioner is found entitled for admission in any of the colleges as per mapping of his Class XII subjects, let the same be reconsidered by the respondent-University in accordance with law.



12. Accordingly, the petition alongwith pending application, stands disposed of.

PURUSHAINdra KUMAR KAURAV, J
OCTOBER 15, 2024/MJ