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

+ **W.P.(C) 12789/2024 & CM APPL. 53327/2024**

DEV ADITYA (MINOR)

.....Petitioner

Through: **Mr. Santanu Ghosh, Adv.**

versus

DELHI SPORTS SCHOOL & ORS.

.....Respondents

Through: **Mr. Karn Bhardwaj, ASC, GNCTD
with Mr. Shubham Singh and Mr.
Rajat Gaba, Advs for R-1 to 3.**

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

ORDER

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18.12.2024

1. The petitioner, in the present writ petition, is aggrieved by the action of respondent No.1, Delhi Sports School [DSS], in denying admission to the petitioner to Class IX under the category of student-athletes for the sport of Table Tennis for the Academic Year 2024-2025.
2. It is seen that the petitioner had applied for admission pursuant to the circular dated 14.02.2024 issued by respondent No.2, University.
3. Respondent No.1 operates under the administrative control of respondent No.2.
4. The petitioner successfully underwent the initial stages of the Talent Scouting process, namely, Level I and Level II, as prescribed in the admission guidelines of the respondents.
5. On 28.06.2024, Respondent No.1 published the results of the Talent Scouting Camp [Level I and Level II] conducted for admissions to the said



school.

6. The petitioner participated in the Talent Scouting Camp and, as per the circular dated 05.08.2024, secured the highest marks, achieving 55.99 marks and obtaining Rank 1.

7. It is seen that the admission to the petitioner was denied solely on the basis of the circular dated 05.08.2024, which prescribed a minimum qualifying score of 60%. Aggrieved by this decision, the petitioner has approached this Court by way of the present writ petition.

8. On notice being issued to the respondents, they have filed their counter-affidavit and have denied the submissions made by the petitioner.

9. The respondents contend that admitting students lacking the requisite skill level would compromise the competitive environment and undermine the institution's primary objective of nurturing champions, therefore they contend that to uphold the necessary standards, they have prescribed a minimum threshold of 60% for admission. They assert that no candidate failing to meet this threshold has been granted admission and that this criterion has consistently been followed in previous academic years as well. The respondents submit that no less meritorious candidate has been granted admission. Accordingly, they contend that the petitioner is not entitled to any relief. Mr. Karn Bhardwaj, Additional Standing Counsel for the respondents, places reliance on the decision of this Court in *Ghanshyam v. D.S.S.S.B*¹ to support his submissions.

10. Mr. Santanu Ghosh, learned counsel for the petitioner, relying on the decision of this Court in *Piyush Dahiya v. Delhi Sports School*², contends

¹ 2007 SCC OnLine Del 1574

² 2024:DHC:9640



that the controversy raised in the present writ petition is squarely addressed and resolved in the said judgment.

11. Learned counsel for the petitioner submits that irrespective of the explanations advanced on behalf of the respondent, it is undisputed that the minimum threshold criterion of 60% was introduced only on 05.08.2024. He asserts that the petitioner has no objection to the respondents prescribing such criteria, as it falls within their domain. However, the objection lies in the stage at which the criterion was applied. Relying on paragraphs 29 to 31 of the decision in **Piyush Dahiya** learned counsel highlights the minutes of the meeting dated 23.07.2024, wherein the 60% benchmark was introduced *inter alia* other decisions taken in the said meeting. He contends that applying additional criteria, not part of the original advertisement, amounts to altering the rules of the game mid-way, which is impermissible.

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

13. In the instant case, it is undisputed that the original advertisement did not stipulate a minimum benchmark of 60%, which was subsequently introduced through the circular dated 05.08.2024. A review of the minutes of the meeting dated 23.07.2024 reveals that this benchmark was introduced and adopted by the committee based on the recommendation of the Agency to ensure that “*only students who achieve a higher level of proficiency across all evaluation components will qualify.*” However, if this was the intent, the respondents were obligated to incorporate this requirement at the outset, providing clear and prior notice to all students participating in the selection process regarding the applicable criteria at the inception itself.

14. In **Piyush Dahiya**, this Court examined a circular dated 28.06.2024,



where additional parameters, namely Sports-Specific Trials and Sports Science Tests, were subsequently introduced alongside the originally specified Medical Examination. The Court observed that these additional criteria were absent in the original prospectus and, in the absence of prior notice or consultation, deemed the conduct of the respondent to be contrary to the principles of fairness. Consequently, the additional criteria introduced by the respondent were set aside.

15. In paragraph no.34 in the case of **Piyush Dahiya** this Court has noted the lack of clarity on the part of the respondent, amounting to a deviation from the terms stipulated in the prospectus. The admission process employed by the respondent was found to be procedurally flawed. Paragraph no.34 of the aforesaid decision reads as under:-

“34. The Court finds this lack of clarity unacceptable, amounting to a deviation from the stipulated terms in the prospectus. Therefore, the Court holds that the admission process employed by the respondent diverges unjustifiably from the originally published prospectus, rendering it procedurally flawed. Given the status of the respondent as a State-affiliated institution, it bears a heightened duty to ensure utmost caution and precision in its approach. The responsibility to maintain absolute transparency in matters as crucial as admission brochures and their stipulated conditions is particularly significant, as any deviation in these documents profoundly affects the legitimate expectations and aspirations of prospective students.”

16. In the said case, it was further observed that two seats remained vacant. Consequently, the respondents were directed to prepare a fresh merit list to fill the vacant seats strictly in accordance with the originally notified admission criteria.

17. Under the facts of the present case, the decision in the case of **Ghanshyam**, which has been relied upon by learned counsel appearing on behalf of the respondents, is inapplicable. While the principle on uniformly



applying a selection criteria, even if defective, is undisputed, this case does not involve the consistent application of defective criteria from the outset. Rather, it pertains to the introduction of additional criteria at the belated stage of the admission process. The petitioner successfully cleared all trials, ranked 1, and obtained the highest marks. However, the denial of admission was solely due to the application of the minimum threshold criterion of 60%, which was introduced belatedly. Such denial is arbitrary and illegal, and the impugned decision is, therefore, set aside.

18. Learned counsel for the respondents submits that, as of date, only one seat remains vacant in the Table Tennis category.

19. Accordingly, the Court finds no impediment in directing the respondents to grant admission to the petitioner, who secured Rank 1.

20. In light of the aforesaid facts and circumstances, the instant writ petition stands disposed of with the following directions:-

- i. Let the petitioner be granted admission in the Academic Year 2024-2025 in the Table Tennis Category.
- ii. The petitioner is directed to complete all necessary formalities, including payment of fees and submitting requisite documents.

PURUSHAINDR KUMAR KAURAV, J

DECEMBER 18, 2024/MJ/SP