



2024:DHC:7588-DB



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

+ **LPA 977/2024**

VIDUSHI KASNIYA

.....Appellant

Through: Mr. Gunjan Kumar, Ms. Sumitra Choudhary, Mr. Raghav Raman, Ms. Jasmine Sheikh, Ms. Nitya Sharma and Mr. Aditya Choudhary, Advocates.

versus

UNIVERSITY OF DELHI & ORS.

.....Respondents

Through: Mr. Mohinder J.S. Rupal, Mr. Hardik Rupal and Ms. Aruiwariya Malhotra, Advocates for University of Delhi. Ms. Manisha Agarwal Narain, CGSC with Mr. Rahul Kumar Sharma, GP and Mr. Chandan Deep Singh, Mr. Sandeep Singh Somaria, Advocates for R-3&4.

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Date of Decision: 30th September, 2024

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

JUDGMENT

MANMOHAN, C.J : (ORAL)

1. Present appeal has been filed challenging the order dated 23rd August, 2024 passed by learned Single Judge in W.P. (C) 11640/2024 whereby learned Single Judge dismissed the petition filed by the Appellant herein.

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2. Learned counsel for the Appellant states that the Appellant applied for admission in the PG course i.e. M.A. in Psychology in the sports quota as the Appellant is a Karate Champion and has won many accolades and awards in the same. He states that the online application for admission in M.A. in Psychology did not show “Karate” in the options even though the same has been mentioned in their Bulletin of Information of CSAS (“Courses through Common Seat Allocation System”) (PG)-2024, due to which the Appellant could not select the option of “Admission on Sports Supernumerary Quota”.
3. He states that Respondent University has considered the sport “Karate” for providing Sports Numerary Quota until the Undergraduate (“UG”) Courses and even for selected Post Graduate (“PG”) Courses (M.A. Music, M.P.Ed., B.P. Ed, M.F.A. etc.,) but has denied the same for other Post Graduate Courses.
4. Learned counsel for the Delhi University points out that in Chapter 19 of the Bulletin, the University provides guidelines in respect of granting admission to “*Performance/Practical/Audition/Sport-Proficiency Based Programs*”. Thereafter, a list of games/sports, to be considered for ‘*awarding the sports proficiency marks*’ is provided in the Bulletin which provides for 30 sports, including Karate.
5. He points out that in contrast, Chapter 20 of the Bulletin provides guidelines in respect of granting admission in ‘*Sports Supernumerary Quota*’ in the PG courses. 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 and the same does not include the sport “Karate”.



6. He emphasizes that the Appellant herein has applied for admission in M.A. Psychology in respect of which she has sought benefit under Sports quota, and thus, only Chapter 20 of the Bulletin will be applicable in the case of the Appellant.

7. In rejoinder, learned counsel for the Appellant states Chapter 20 of the Bulletin is violative of Article 14 of the Constitution of India. In support of his submission, he relies upon the judgment of the Supreme Court in ***Deepak Sibal & Ors. vs. Punjab University & Anr. AIR 1989 SC 903.***

8. This Court is of the view 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. Consequently, 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 candidate/student cannot claim, as a matter of right, that the sport he or she participates in must be included in the sports quota. After all, it is admitted position that all sports are not at par and do not enjoy same popularity. A Coordinate Bench of this Court in ***Arjun vs. University of Delhi, LPA 10/2021*** has 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 noninclusion 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)

9. The judgment in **Deepak Sibal & Ors. vs. Punjab University & Anr.** (supra) has no application to the facts of the present case.
10. Consequently, the present appeal is devoid of merit and is dismissed.

CHIEF JUSTICE

TUSHAR RAO GEDELA, J

SEPTEMBER 30, 2024

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