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

+ **W.P.(C) 13825/2024 & CM APPL. 57931/2024**

SUMIT KUMAR SINGH & ANR.

.....Petitioners

Through: Mr.Gaurav Arora and Mr.Dhruv
Wadhwa, Advs.

versus

UNIVERSITY OF DELHI

.....Respondent

Through: Mr. Mohinder J.S. Rupal, Mr. Hardik
Rupal and Ms. Aishwarya Malhotra,
Advs. for R-1.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

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15.10.2024

1. Subsequent to the issuance of notice, the respondent-University appears to have filed the counter-affidavit, however, the same is not on record.
2. Learned counsel appearing on behalf of respondent-University is directed to ensure that the counter-affidavit is brought on the digital record of this Court, positively before the next date of hearing.
3. A copy of the counter-affidavit has been handed over across the Bar. The same has been perused for consideration.
4. The petitioners herein have raised two-fold grievance. One is with respect to the grant of admissions by applying the rule of tie-breaking without informing the petitioners, and the second is with respect to the non allotment of seats in respective colleges which are still lying vacant.



5. The petitioner has also relied upon a Judgment dated 03.02.2022 passed by this Court in *W.P.(C) 1035/2022* titled as ***Deepanshu Khanna & Anr. Vs. University of Delhi***. However, the same does not have any bearing on the facts and circumstances of this case.

6. The counter-affidavit placed on record by the respondent on the other hand, indicates that in Law Centre - 1 and 2, the last admitted candidate obtained 176 marks in the CUET. It has also been stated that though the petitioners also obtained 176 marks, however, as per the tie-breaking rule, the marks of the qualifying examination become relevant and the admitted candidates obtained higher marks than the petitioners in their respective qualifying examination. Learned counsel explains that in the qualifying examination, the last admitted candidate in Law Centre - 1 obtained 73.50 marks and stood at cut-off rank 30, whereas, in Law Centre - 2, the last qualifying candidate obtained 81.30 marks, and stood at cut-off rank 21. It is pertinent to note here that petitioner no. 1 obtained 66.20 marks in the qualifying examination and stood at rank 38. It is also stated that petitioner no. 2 obtained 68.71 marks. Evidently, both the petitioners obtained marks much below the marks of the last admitted candidate in respective Law Centres.

7. It is thus, seen that going by the merit principle, the respondent-University has not granted admission to any of the less meritorious candidate than the petitioners.

8. So far as the grievance with respect to non-grant of admission despite the seats lying vacant is concerned, it is to be noted that the seats got vacant on account of students leaving the course mid-way. The same cannot be a reason to allow admission to the petitioners, as the academic session has



already started. If such recourse is resorted to, the admission process would never come to an end. Generally, mid-term admissions are not appreciated unless there are exceptional circumstances.

9. Paragraphs no. 5 to 10 of the counter-affidavit filed by the respondent-University reads as under:

“5. The present Writ Petition is highly belated as the admission process has already come to a close on September 01st, 2024, therefore the Petitioner cannot seek the relief prayed for. It is well laid down Principle of Law that when the admission process comes to a close no admissions can be granted. Even otherwise on the date of closure of admissions there were no vacant seats. No candidate has been admitted which is having rank below in the category to which the petitioner belongs.

6. That the Petitioner-Candidate had applied in SPOT Round IV having form no. DUPG27905 and belongs to Unserved Category.

7. Without prejudice to the above that the Petitioner had scored 176 in COQP11. However, the Petitioner has scored average percentage of 66.20 in the Qualifying Marks.

8. That the Petitioner-Candidate did not make to the merit of SPOT ROUND IV due to Tie breaking rules. The last candidates admitted in Campus Law Centre in unreserved category had scored 177, i.e., above the Petitioner.

9. That the Last admitted in LAW Centre I with score 176 in COQP11 has scored 73.50 marks in qualifying examination, and the Candidate admitted in Law Centre II with 176 in COQP11 had 81.30 marks in qualifying examination. Comparative analysis that explains the position of the Petitioner is as follows:

<i>Centre</i>	<i>Cutoff the COQP marks</i>	<i>Tie Breaking marks of the last candidate allocated</i>	<i>Cutoff Ranks</i>
<i>Law Centre I</i>	<i>176</i>	<i>73.50</i>	<i>30</i>
<i>Law Centre II</i>	<i>176</i>	<i>81.30</i>	<i>21</i>
<i>Candidate DUPG279 05</i>	<i>176</i>	<i>66.20</i>	<i>His rank is 38, therefore did not make to the merit as per vacancy of seats</i>

10. There is no infirmity in the admission process undertaken by the University of Delhi. The Petitioner duly participated in the admission



process but could not get admission as per merit and the seats available in the LL.B course. The present Writ Petition is without any merits and no relief can be grant as sought or otherwise.”

10. In view of the aforesaid, this Court is not inclined to entertain the instant writ petition, and the same stands disposed of.

PURUSHAINdra KUMAR KAURAV, J

OCTOBER 15, 2024/MJ