



2024:DHC:9625-DB



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

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Date of Decision: 12.12.2024

+ **LPA 1181/2024 & CM No.70824/2024**

VATSAL GOSWAMI

.....Appellant

Through: Mr. Shashank Rai, Adv.

Versus

DELHI UNIVERSITY THROUGH ITS
DEAN ADMISSIONS

.....Respondent

Through: Mr. Mohinder J.S. Rupral, Mr. Hardik
Rupal & Ms. Aishwarya Malhotra,
Advs. for University of Delhi.**CORAM:****HON'BLE THE ACTING CHIEF JUSTICE****HON'BLE MR. JUSTICE TUSHAR RAO GEDELA****VIBHU BAKHRU, ACJ.(Oral)**

1. The appellant has filed the present appeal impugning the judgment dated 27.11.2024 (hereafter *the impugned judgement*) rendered by the learned Single Judge of this court in W.P.(C) No.15706/2024 captioned *Vatsal Goswami v. Delhi University through its Dean, Admissions*.

2. The appellant has filed the said petition praying that directions be issued to the respondent – Delhi University (DU) to grant admission to the appellant against the vacant seats in the course of M.Sc. Statistics or in the alternative in M.Sc. Operational Research (hereafter *courses in question*).

3. The appellant had not participated in the Common University Entrance Tests – Post Graduation [hereafter *CUET (PG)*] exam and therefore, was not eligible for participating in the admission process for the courses in question. The admissions were granted to the students who had participated in the



CUET(PG) exam on the basis of their Common University Entrance Test (CUET) scores. However, the appellant rests his case on the Circular dated 07.06.2024 issued by the University Grants Commission (UGC) in regard to the Standard Operating Procedures (SOP) for Central Universities to fill up the vacant seats. The appellant claims that since seats are vacant in the courses in question, he is entitled to admission to University of Delhi (DU) in those courses.

4. The aforementioned Circular is reproduced below:

“D.O. No. F. 22-8/2023 (CU)

June 7, 2024

Subject: Standard Operating Procedures (SOP) for Central Universities to fill up their vacant seats-reg.

It has come to the notice of UGC that a good number of seats at times remain vacant even after three or four rounds of counselling in some of the Central Universities and their constituent/affiliated colleges. To keep the seats vacant for an entire academic year is not only a waste of resources but also results in denial of quality higher education to many students who aspire to pursue higher studies in Central Universities. University Grants Commission in its 572nd Meeting, held on 20th September 2023 approved a set of Standard Operating Procedures (SOP) to facilitate the Central Universities to fill up their vacant seats. SOPs are enclosed herewith for appropriate action at your end.

It may also be pertinent to mention here that CUET scores will remain the primary criteria for admitting students. In fact, UGC has already written to all the Central Universities to admit students through CUET.”

5. It is the appellant’s case that there were vacant seats after allocating the same to the candidates on the basis of their CUET scores and therefore, the said seats were required to be filled in accordance with the aforementioned Circular. The appellant submits that admission for filling the vacant seats was closed on 03.09.2024 and as on that date, all seats had not been filled up.



6. The learned counsel appearing for DU countered the said contention and contended that all seats were allocated at the final round of counselling. It is relevant to refer to the said counter affidavit filed on behalf of DU. The relevant extracts of the same are set out below:

“5. That the UCG notification of September 30, 2023 relied upon by the Petitioner clearly states that CUET scores will remain the primary criteria for admitting the students. The Respondent University of Delhi adopted the same criteria for admissions to Postgraduate programs. **Only the scores of CUET (PG) have been used for PG admissions 2024-25.**

6. That the said notification further states “*in case, seats remain vacant even after exhausting the list of applicants who appeared in CUET, the Universities may take recourse to admitting students on the basis of qualifying examination.*” In this regard, it is pertinent to mention that no such situation had arisen for admission in M.A. Statistics or M.A. Operation Research. The Respondent University had received 1038 CUET appeared applicants for M.A/M.Sc Statistics on sanctioned strength of 116, and 861 CUET applicants applied for Master of Operation Research on the sanctioned strength of 1775.

7. Finally, in the last round of PG admissions, i.e. in Spot Round IV, announced on August 25, 2024, allocations on the basis of merit score of CUET (PG) were done on all vacant seats as on that date.

8. Hence no occasion arose to carry out further admissions since the list of Applicants who appeared in CUET was never exhausted. Even otherwise the present Writ Petition is highly belated since the admission process has come to a close on 31.08.2024 for PG Admissions. The classes are almost over for the first semester and the examination are due to be held in December 2024. Even otherwise it is well laid down principle of law that admissions cannot be granted in mid-term which shall further involve carrying out the Counselling. This is without prejudice to the submissions that Spot Round IV, announced on August 25, 2024, allocations on the basis of merit score of CUET (PG) were done on all vacant seats as on that date.”

7. It is apparent from the above that DU has made an unequivocal



statement that the final round of PG admission (Spot Round) was announced on 25.08.2024 and all vacant seats in respect of the same were allocated on that date. Thus, there remained no vacancies as on the date of the spot counselling.

8. Plainly, this is not a case where DU has exhausted the admission of students on the basis of their score in CUET (PG) and still hold vacant seats. It is unequivocally affirmed in the counter affidavit filed by DU in the writ petition that the list of the students who had appeared in the CUET (PG) examination and aspirants of the course in question, was not exhausted.

9. The fact that certain seats had remained vacant on account of some of the students not joining the course after admission had been closed would not entitle the appellant to seek an admission against those vacant seats.

10. The opening sentence of the Circular dated 07.06.2024 issued by the UGC indicates that it seeks to address the issue where the number of seats have remained vacant after three or four rounds of counselling. Therefore, if some seats are not filled up in the counselling session, the Circular issued by the UGC requires the universities to fill up those seats by giving admission to other students notwithstanding the fact that they may not have participated in the CUET (PG) examination. The Circular has little application in a case where all seats are allocated in the counselling rounds as is affirmed in this case.

11. It is also material to note that the UGC Circular also expressly provides that CUET scores would remain the primary criteria for admitting the students. As noticed above, in this case, there are number of students who have participated in the CUET (PG) exam but had remained unsuccessful in the allocation of seats on account of the same being filled up on the spot



round held on 25.08.2024.

12. In the aforesaid context, the learned Single Judge had held that the decision regarding vacant seats, on account of the students not joining after the last date of admission – as has been informed to the appellant pursuant to the application filed by the appellant under the Right to Information Act, 2005 – could not be looked into at this stage. Paragraph 9 of the impugned judgment is set out below:

“9. As far as the contention regarding the position of vacant seats pursuant to a subsequent RTI, is concerned, the same cannot be looked into at this stage, for the very reason that after the grant of admissions against the sanctioned strength, some of the candidates might have vacated their seats for various reasons. Any seats subsequently falling vacant cannot be the sole reason to grant mid-term admission. Such recourse, only on the pretext of the subsequent vacant seats, would tantamount to an endless exercise and opening a pandora’s box thereby, creating various anomalies in the entire admission process.

13. We concur with the aforesaid decision of the learned Single Judge and find no infirmity in the impugned judgment rendered by the learned Single Judge.

14. The appeal is, accordingly, dismissed. Pending application is also dismissed.

VIBHU BAKHRU, ACJ

TUSHAR RAO GEDELA, J

DECEMBER 12, 2024

‘gsr’

[Click here to check corrigendum, if any](#)