



2025:DHC:2800



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

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Judgment Delivered on: 16.04.2025+ **W.P.(C) 3485/2025**

AJAY KUMAR

.....Petitioner

Through: Mr. Kumar Utkarsh, Ms. Ashna Khan
and Ms. Gousia Iqbal, Advs.

versus

UNIVERSITY OF DELHI & ANR.

.....Respondents

Through: Ms. Rashmi Singhanian, Adv. for R-
1/UoD.**CORAM:****HON'BLE MR. JUSTICE VIKAS MAHAJAN****JUDGMENT****VIKAS MAHAJAN, J (ORAL)**

1. The present petition has been filed under Article 226 of the Constitution of India seeking the following relief:

i) issue any appropriate writ, order or direction, directing the respondents to forthwith grant admission to petitioner Ajay Kumar in Ph.D. programme in Department of Education, University of Delhi in academic session 2024-2025 in OBC category;

2. The case of the petitioner is that the petitioner belongs to the OBC-NCL Category and has completed M.Ed in Special Education Intellectual Disability from Guru Gobind Singh Indraprastha University. The petitioner



applied for admission to Ph.D Programme in Department of Education, University of Delhi under the OBC Category.

3. The Bulletin of Information of the respondents / University for admission to Ph.D. Programs for the academic session 2024-25 provides that the last date for completion of admission process, which concludes with the payment of admission fee, was 14.01.2025 (inadvertently mentioned as 14.01.2024).

4. On 21.01.2025, the first merit list was published by the respondent / university, and the petitioner's name was there in the wait list at serial no.3 under the category of OBC.

5. On 10.02.2025, the university published the second merit list and three candidates were selected from the waitlist (02 from General and 01 from OBC). All the selected candidates were supposed to complete their admission process by 14.02.2025.

6. During an Orientation Programme on 03.03.2025, Head of Department of Education, Delhi University announced that two Ph.D seats in Department of Education under the OBC Category have remained unfilled.

7. The petitioner had submitted representations dated 10.03.2025 and 11.03.2025 requesting an admission against vacant seats in OBC category but received no response from the University. Thus, the petitioner was constrained to file the present writ petition.

8. Mr. Kumar Utkarsh, the learned counsel for the petitioner submits that University's refusal to grant admission to the petitioner in Ph.D. course in the OBC category despite there being vacancy in the said Category is arbitrary.



2025:DHC:2800



9. He has also hand over a note along with some annexures at Bar, the same is taken on record. Inviting attention of the Court, to the public notice dated 03.02.2025 annexed along with the written note, he submits that the respondent / University had extended the last date for completion of process of admission from 14.01.2025 to 16.02.2025, the two vacancies of Ph.D. under the category of OBC in the Department of Education became known to the University on 16.02.2025, therefore, the vacant seats should have been offered on the same date itself to the wait listed candidates at serial no. 2 and 3, including the present petitioner, who was at serial no. 3.

10. He submits that allowing the Ph.D. seats to remain vacant despite having eligible candidates in the wait list negatively impacts the academic environment and the same results in wastage of valuable educational resources. He, therefore, urges the Court that necessary directions may be given to the respondents to grant admission to the petitioner in the Ph.D. program in the Department of Education, under the OBC Category, especially when two vacancies under the said category are still available.

11. *Per contra*, Ms. Rashmi Singhania, the learned counsel for the respondents / University submits the admissions to the Ph.D program for the academic session 2024-25 is to be made in two phases. The University released the first Merit List on 21.01.2025 for the first phase alongwith the wait list.

12. The second merit list was released on 10.02.2025 and the candidates were informed to report to the Department between 12.02.2025 and 14.02.2025 for document verification and the last date for payment of requisite fee was on 16.02.2025. Therefore, Phase I Ph.D. admission got concluded on 16.02.2025.



2025:DHC:2800



13. She has invited attention of the Court to the counter-affidavit filed by the University to contend that after the last date of admission, two seats from the OBC category were found to be vacant. One of the candidates of OBC category who was allocated the Ph.D seat had appeared for document verification on 14.02.2025, but informed the department *via* email dated 16.02.2025 (Sunday) at 11:22 p.m. that that she does not wish to go ahead with the admission. The other candidate neither paid the requisite fee and nor informed anything about her decision of not taking admission to respondents / University.

14. She submits that the cognizance of the above developments was possible only on Monday i.e. 17.02.2025 and by that time, the last date for taking admission to the Ph.D. course i.e. 16.02.2025 had already elapsed. She, therefore, contends that the seats which remained vacant have to be carried forwarded for Phase II within the same academic year.

15. She has drawn the attention of the Court to Annexure R-2, filed along with the counter affidavit, which are minutes of a joint meeting of Department Research Committee and the Board of Research Studies held on 27.02.2025, to submit that the two seats which remained vacant in the OBC Category have already been notified for Phase II admissions in addition to seats notified for Phase II independently. She submits that the said seats are expected to be filled in due course of time within the same academic year i.e., 2024-2025. Therefore, the petitioner can re-apply in phase II.

16. The relevant excerpt of the aforesaid minutes of a joint meeting held on 27.02.2025 reads as under:-



2025:DHC:2800



In OBC category 2 seats are vacant, as they did not submit their admission fee till the last date of Admission i.e., 16th Feb, 2025. These two seats will be declared in the Phase-II Admissions.

As per the guidelines received from Admission Branch, DU for Ph.D. Phase-II Admission 2024-25, the committee suggested the following seat matrix:

Total Seat – 24 + *02 seats under the OBC Category which remained vacant at the close of Phase-I as notified by the University:

UR	EWS	SC	ST	OBC	Supernumerary seats		
					PwD	DU-Teaching & Non-Teaching	Foreign National
10	02	04	02	05+02*	01	02	02

(Minutes related to other agenda items not provided here)

17. She further adds that being in wait list does not entitle one to claim admission as a matter of right. Hence, the petitioner is not entitled to the relief as prayed.

18. I have heard the learned counsel for the petitioner, as well as, the learned counsel for the respondents / University and have perused the material on record.

19. It is trite law that time schedule for admission in educational institutions has to be adhered to.¹ A Division Bench of this Court in **Meenakshi vs. All India Institute of Medical Sciences**² has held that there has to be finality to admissions; the terms and conditions and schedule of the admission process has to be adhered to.

20. It is equally settled that the conditions stipulated in the prospectus are guidelines for all concerned and it is required to follow the same in letter

¹Order dated 10.06.2022 in SLP(C) 10571/2022, St. Stephens Hospital College of Nursing vs. UOI and Ors.

² 2021 SCC OnLine Del 2715.



and spirit and not act in transgression.³

21. In the present case, the last date as per the Bulletin Information for completion of admission was 14.01.2025 and the same was extended by the competent authority for certain unavoidable circumstances to 16.02.2025. Thus, it is not in dispute that the deadline for completion of admission process was 16.02.2025.

22. As per the counter affidavit filed by the respondent / university the two seats of Ph.D. program under the OBC category became vacant only on 17.02.2025 i.e. after the extended deadline for admission, therefore, the same could not be offered to the petitioner nor a mandamus can be issued directing the respondents/ University to grant admission to the petitioner contrary to the timeline stipulated in the information bulletin, as extended by the competent authority.

23. Likewise, the petitioner being a wait listed candidate cannot claim vested right to admission since the wait list ceased to operate after the last date of admission i.e. 16.02.2025.

24. Even otherwise, as noted from the minutes of a joint meeting of Department Research Committee and the Board of Research Studies held on 27.02.2025, the vacant seats now stand carried forwarded to the Phase II of the academic session 2024-2025. As set out in the counter-affidavit, the petitioner is not precluded from re-applying under the OBC category for the Phase-II admissions of the same academic session i.e. 2024-2025.

³Varun Kumar Agarwal vs. Union of India & Ors., 2011 SCC OnLine Del 1133.



2025:DHC:2800



25. In view of the above discussion, there is no merit in the present petition and accordingly, the petition is dismissed.

VIKAS MAHAJAN, J

APRIL 16, 2025/dss