



2025:DHC:9749-DB



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

+ LPA 666/2025, CM APPL. 68291/2025, CM APPL. 68292/2025 & CM APPL. 68293/2025

NEHA MALAV

.....Appellant

Through: Mr. Ankit Mittal and Mr. Sachin,
Advocates.

versus

DEAN (ADMISSIONS BRANCH),
UNIVERSITY OF DELHI & ORS.

.....Respondents

Through: Mr. Mohinder J.S. Rupal, Mr. Hardik
Rupal, Ms. Aishwarya Malhotra, Ms.
Tripta Sharma and Ms. Lopamudra
Mahapatra, Advocates.

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*Date of Decision: 3rd November, 2025***CORAM:****HON'BLE THE CHIEF JUSTICE****HON'BLE MR. JUSTICE TUSHAR RAO GEDELA****J U D G E M E N T****TUSHAR RAO GEDELA, J: (ORAL)**

1. By way of the present Letters Patent Appeal, the appellant challenges the order dated 17.10.2025 passed in W.P.(C) 15352/2025 titled "*Neha Malav vs. Dean (Admissions Branch), University of Delhi & Ors.*", whereby the learned Single Judge has dismissed the underlying writ petition by holding that the admission process came to an end on 30.09.2025 and no fresh round of counselling can be ordered by the Court.
2. The concise facts germane to the *lis* are that on 01.08.2025, the respondent no.1/University of Delhi (hereafter referred to as "*DU*") had notified the commencement of LLB classes for the Academic Year 2025-26.



On 08.08.2025, DU is stated to have held Spot Round III, after the commencement of classes. It is also stated that Spot Round IV was held by DU on 02.09.2025. The appellant, who belongs to the Other Backward Classes category (hereafter referred to as “OBC”), alleges that after the Spot Round IV was closed on 12.09.2025, the DU deliberately concealed the status of 98 Unreserved (UR)/OBC seats which according to the appellant were still available. The appellant claims to have submitted a query to the DU to disclose the vacancies available in the OBC seats for LLB course and for consideration of the appellant’s name against leftover seats. It is also claimed that no response was received from the DU.

3. It is claimed that DU issued a notification on 29.09.2025 prescribing 30.09.2025 as the last date for admission to all UG, PG and Law Programmes and permitted withdrawal till 10.10.2025. The appellant claims to have filed the underlying writ petition on 04.10.2025 seeking the following reliefs:-

“a) Issue a writ of mandamus directing the Respondent No. 1 to immediately disclose the present vacancy position in the LLB programme (CUET-PG 2025) after the 4th Spot Round;

b) Direct the Respondents to consider the Petitioner (151 marks, only 4 marks short of the cut-off) for admission against such seats, if any remain vacant, in the interest of justice and to prevent wastage of public resources;

c) Declare that the Respondents' non-disclosure of vacancy status and non-consideration of the Petitioner is arbitrary, unconstitutional and violative of Articles 14, 16, 16(4), 21, 21A and 29(2);

d) Invoke this Hon'ble Court's jurisdiction under Articles 226 and 227 read with Section 151 CPC to pass such orders as may be necessary to secure complete justice.”

4. *Vide* the impugned order dated 17.10.2025, learned Single Judge dismissed the underlying writ petition relying on the judgment of this Court in **Sumit Kumar Singh and Anr. vs. University of Delhi**, LPA No. 1062/2024, decided on 30.01.2025. Aggrieved thereof, the present appeal has been filed.

5. The only contention raised by learned counsel for the appellant before



us is in respect of (i) that there are a number of vacancies in the OBC category in respect of the LLB course which if disclosed correctly by the DU, would entitle the appellant for consideration in a fresh round of counselling and (ii) since the petitioner obtained 151 marks in the CUET Examination and the last cut-off marks in respect of OBC candidate in the Spot Round IV counselling were 155 marks, there is every possibility that the appellant would also be found entitled to admission in case another round of counselling is directed.

6. Learned counsel further states that the ratio of the judgment in ***Sumit Kumar Singh*** (*supra*) is not applicable to the facts of the present case for the reason that in ***Sumit Kumar Singh*** (*supra*), the appellant therein had approached the Court after the last round of counselling was over and the admission to the said course were closed. Whereas, in the present case, the appellant had filed the underlying writ petition on 04.10.2025 and it was only due to the fortuitous circumstances of the Dussehra Vacation intervening, that the matter was actually listed on 08.10.2025. Thus, according to the learned counsel, even though the admission process closed on 30.09.2025, the appellant's writ petition being listed on 04.10.2025 would not impede the rights of the appellant who had approached the Court within time and before the closing of the admission process on the anvil of Doctrine of Relation filed. Based thereon, he states that the reliance on ***Sumit Kumar Singh*** (*supra*) is erroneous.

7. *Per Contra*, Mr. Mohinder Rupal, learned counsel appearing for the DU supports the reasoning rendered by the learned Single Judge and reiterates the ratio laid down by this Court in ***Sumit Kumar Singh*** (*supra*). He further states that in case the prayer as sought by the appellant is granted, the process of counselling would be never ending. That apart, he also vehemently contends that the appellant is not even a candidate who was eligible in the



Spot Round IV counselling where the last cut-off marks of the eligible candidate were 155 marks. In such circumstances, any direction as sought, that too at the behest of an ineligible candidate, would jeopardize the entire counselling process as also the commencement of classes.

8. We have heard learned counsel for the appellant and counsel for the DU, perused the impugned order as also the judgment in ***Sumit Kumar Singh (supra)*** passed by this Court.

9. At the outset, we may observe that the appellant does not dispute having secured 151 marks in the CUET Examination while the cut-off marks for the candidate in OBC category that too in Spot Round IV counselling were 155 marks. In these circumstances, we are unable to appreciate as to on what basis the appellant seeks a Mandamus for a direction to the DU to conduct a Spot Round V counselling after the admission process is already over. In case such directions are passed, it would lead to an anomalous, incongruous and a never ending situation. In that, every other ineligible candidate, irrespective of the category, would approach the Courts for passing a direction to the University authorities to conduct further rounds of counselling till all the seats are exhausted, irrespective of the cut-off marks. It was this incongruous situation which led the Hon'ble Supreme Court to pass a judgment in ***Neelu Arora & Ors. vs. Union of India & Ors.: 2003 SCC OnLine SC 119***, which was noted in the ***Sumit Kumar Singh (supra)*** in para 16 of the judgment. Learned Single Judge in para 9 of the impugned order has extracted the relevant paragraph of ***Sumit Kumar Singh (supra)*** and therefore we refrain from reproducing the same here.

10. Apart from the fact that Hon'ble Supreme Court has not appreciated the midstream admission of students, in ***Neelu Arora (supra)*** it has also observed that even if certain seats are not filled up for various reasons, that by itself,



cannot be a ground to direct the University authorities to hold another round of counselling. The Hon'ble Supreme Court also held that in case such a process is adopted, there could be vacancies which may arise again requiring further filling up of such vacancies which may be a never ending process. This procedure was deprecated.

11. On a query, Mr. Rupal fairly submits that even after the Spot Round IV counselling, unfilled vacancies may exist, yet that by itself cannot be the sole reason compelling us to direct the DU to conduct Spot Round V counselling. We clarify that, given the scheme of admissions, there has to be a finality to the admission process. In this case, the DU conducted four Spot Rounds of counselling, whereafter it was deemed appropriate by the University authorities to close such admission process. Learned counsel for the appellant was unable to show us any reason nor could he place on record any judgment or authority for the proposition that the Courts are empowered to issue a writ of Mandamus compelling a University authority to conduct a fresh round of counselling.

12. In view of the above, the appeal *sans* merit, is dismissed without any order as to costs.

TUSHAR RAO GEDELA, J

DEVENDRA KUMAR UPADHYAYA, CJ

NOVEMBER 3, 2025

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