



\$~9 & 10

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

Date of decision: 30.03.2026

+ **W.P.(C) 12516/2019 & CM APPL. 51096/2019**

POOJA

.....Petitioner

Through: Mr. Vivek B Saharya, Adv.

versus

GURU GOBIND SINGH INDRAPRASTHA UNIVERSITY AND
ORS.

.....Respondent

Through: Mr. Jasbir Bidhuri for R-1/GGSIPU

10

+ **W.P.(C) 12617/2019 & CM APPL. 51579/2019**

NEHA SETHI

.....Petitioner

Through: Mr. Vivek B Saharya, Adv.

versus

GURU GOBIND SINGH INDRAPRASTHA UNIVERSITY AND
ORS.

.....Respondent

Through: Mr. Jasbir Bidhuri for R-1/GGSIPU
Mr. Jivesh Kumar Tiwari, CGSC with
Ms. Nandini Aggarwal, Ms.
Samiksha, Advs. for R-5/UOI

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

: **JASMEET SINGH, J (ORAL)**

1. These are writ petitions filed under Article 226 of the Constitution of India seeking identical prayers, which are as follows:-

“(a) Issue writ of mandamus or any other appropriate writ/order/direction/(s) directing the respondent to allot the petitioner a seat in the Post Graduate Ayurveda Course 2019-20 session in Ch.Brahm Prakash Ayurveda Charak Sansthan and grant admission; and



(b) Issue writ of mandamus or any other appropriate writ/order/direction/(s) directing the respondents to cancel the seat allotted to candidates in the mop-up being in contravention of the notice dated 25.10.2019 and violative of the provisions of Article 14, 16, 19 and 21 of the Constitution and the Principles of Natural Justice...”

2. The facts are that the petitioners are graduates in Ayurveda Course and applied for State Counseling in April 2019 for Post Graduate Ayurveda Course. The respondent No. 1 is the university and respondent No. 2 is the college affiliated with respondent No.1 and respondent Nos. 3, 4, 5 and 6 are private respondents, whose admissions were sought to be cancelled by way of the present petitions.
3. On 14.07.2019, All India Post Graduate Ayurveda Entrance Test 2019 was held and the petitioners duly participated.
4. The petitioner in W.P.(C) 12516/2019, secured 1018 rank in Unreserved (“**UR**”) category and the petitioner in W.P.(C) 12617/2019 secured 1892 rank in the UR category and rank 809 in the OBC Category.
5. The first round of counseling was held pursuant to the notice dated 07.09.2019 and second round was held pursuant to the notice dated 30.09.2019. *Vide* notice dated 25.10.2019, 3rd round/mop up round was announced and only those candidates who were from respondent No. 2/college and their name was not present in the 1st list or 2nd list, were allowed to participate. Both the petitioners participated in this round.



6. The respondents Nos. 3, 4, 6 and 7 were found eligible in the stray round and hence, granted admission, which is being challenged in the present writ petitions.
7. Mr. Saharya, learned counsel for the petitioners, has challenged the notice for stray vacancy round issued on 25.10.2019.
8. He draws my attention to the reference Nos. 1 and 5 of the notice dated 25.10.2019, to state that only those students who were not allotted any seats in any round, were eligible to participate in the stray round.
9. The relevant paragraphs read as under:

“1. Only the candidates who have passed qualifying examination i.e. BAMS from GGSIP University and already registered with the University and have not been allotted seat in PG Ayurveda through any rounds of counseling (State/AIQ) are eligible to participate in the Offline State Quota Counseling.

It may please be noted that the candidates who have not qualified AIAPGET 2019 and also are not registered with GGSIPU are not eligible to participate in the counseling.

**5. SCHEDULE FOR STRAY VACANCY ROUND OF
'STATE QUOTE SEATS'**

Date	Particulars	Time
30.10.2019	All the REGISTERED CANDIDATES in person (IRRESPECTIVE OF CATEGORIES), who have passed BAMS from the affiliated college of Guru Gobind Singh Indraprastha University i.e. in Ch. <u>Brahm Prakash ayurved Charak Sansthan</u> , New Delhi, and also qualified AIAPGET	02:30 p.m.



	<i>2019 exam and their names appear in the Merit List displayed on University website on 09.09.2019.</i> <i>Who is Eligible at this stage?</i> <i>Only those candidates who have not been allotted seats in any rounds of PG Ayurveda Counselling. .</i> <i>As per the approved counselling scheme, candidates admitted in round 1 & 2 holding their respective All India Quota seats and candidates upgraded in round 3 from Round 1 & 2 of All India PG Counselling are not allowed to vacate their AIQ seats and also not allowed to further participate in State Quota Counselling.</i>	
--	---	--

10. He states the since respondent Nos. 3, 4, 6 and 7 were allotted seats in the first round of counseling in the All India and State level, they were ineligible to participate in the stray round.

11. Mr. Bidhuri, learned counsel appears on behalf of respondent No. 1 and draws my attention to notice dated 07.09.2019 and more particularly to paragraph No. 15, which reads as under:

“15. Withdrawal of Admission and Refund of Fee: The allotted candidates may withdraw their admission upto 4.00 P.M. on 16.09.2019. Such candidates shall visit the Admissions Branch, GGSIP University, Sector 16C, Dwarka, New Delhi alongwith their original admission slip alongwith the prescribed format (Appendix 8 – Form For Withdrawal of Admission – available in Part B, Admission Brochure 2019-20).”

12. He also draws my attention to FAQ and more particularly to Question Nos. 45 and 50, which read as under:

“Q.No. 45 What is the permissibility to students to exercise



fresh choice during counseling?

Ans: The following matrix explains the above question:

	Round	Free exit	Exit with forfeiture of security money	Ineligible for further counseling	Amount of security money
1	AIQI/ DU/ NI/ CU	✓			
2	AIQ II/ DU1/ NI1/ CU1		If not joined	If joined	Government / Govt aided colleges/ CU/ NI – Rs.10000 Deemed Universities/ Private Colleges Rs. 50,000
3	Deemed Mop-Up/ Central University / National Institute Mop-up				

Q.No. 50: Who is eligible for Stray Vacancy Round of Deemed / Central Universities?

Ans: All registered candidates except the following three categories are eligible for Stray Vacancy Round of Deemed I Central Universities:

- Candidates who joined the allotted seat in Round-2 of AIQ/ Deemed / Central Universities;*
- Candidates allotted a seat in Mop Up Round of AACCC;*
- Candidates joined a sat in Mop Up Round AACCC.”*

13. I have heard the learned counsel for the parties.
14. Reliance has been placed on the judgment of **S. Krishna Sradha v. State of A.P., (2020) 17 SCC 465**. Relevant paragraphs read as under:

“13. In light of the discussion/observations made hereinabove, a meritorious candidate/student who has been denied an admission in MBBS course illegally or irrationally by the authorities for no



fault of his/her and who has approached the Court in time and so as to see that such a meritorious candidate may not have to suffer for no fault of his/her, we answer the reference as under:

13.1. *That in a case where candidate/student has approached the court at the earliest and without any delay and that the question is with respect to the admission in medical course all the efforts shall be made by the court concerned to dispose of the proceedings by giving priority and at the earliest.*

13.2. *Under exceptional circumstances, if the court finds that there is no fault attributable to the candidate and the candidate has pursued his/her legal right expeditiously without any delay and there is fault only on the part of the authorities and/or there is apparent breach of rules and regulations as well as related principles in the process of grant of admission which would violate the right of equality and equal treatment to the competing candidates and if the time schedule prescribed — 30th September, is over, to do the complete justice, the Court under exceptional circumstances and in rarest of rare cases direct the admission in the same year by directing to increase the seats, however, it should not be more than one or two seats and such admissions can be ordered within reasonable time i.e. within one month from 30th September i.e. cut-off date and under no circumstances, the Court shall order any admission in the same year beyond 30th October. However, it is observed that such relief can be granted only in exceptional circumstances and in the rarest of rare cases. In case of such an eventuality, the Court*



may also pass an order cancelling the admission given to a candidate who is at the bottom of the merit list of the category who, if the admission would have been given to a more meritorious candidate who has been denied admission illegally, would not have got the admission, if the Court deems it fit and proper, however, after giving an opportunity of hearing to a student whose admission is sought to be cancelled.

13.3. In case the Court is of the opinion that no relief of admission can be granted to such a candidate in the very academic year and wherever it finds that the action of the authorities has been arbitrary and in breach of the rules and regulations or the prospectus affecting the rights of the students and that a candidate is found to be meritorious and such candidate/student has approached the court at the earliest and without any delay, the court can mould the relief and direct the admission to be granted to such a candidate in the next academic year by issuing appropriate directions by directing to increase in the number of seats as may be considered appropriate in the case and in case of such an eventuality and if it is found that the management was at fault and wrongly denied the admission to the meritorious candidate, in that case, the Court may direct to reduce the number of seats in the management quota of that year, meaning thereby the student/students who was/were denied admission illegally to be accommodated in the next academic year out of the seats allotted in the management quota.”

(emphasis added)



15. A perusal of the judgment shows that the Hon'ble Supreme Court has observed that the Court can grant admission to a meritorious candidate in a subsequent year, but such kind of relief is only to be granted in rarest of the rare cases. This course of action should not be ordinarily exercised.
16. In the present case, the petitioners are seeking admission pursuant to an exam held in the year 2019-20, i.e. after a lapse of more than 5 years. If the argument of the learned counsel for the petitioners is accepted, then that will lead to an outcome wherein the petitioners are getting admissions in the Session 2026-2027 on the basis of exams taken in the year 2019-2020. The same cannot be permitted. Additionally, the petitioners are not more meritorious than the candidates who have been granted admission as all the candidates have secured a rank higher than that of the petitioners. Hence, the ratio of *S. Krishna Sradha (supra)* is not applicable.
17. A perusal of the notice dated 25.10.2019, and FAQs clearly demonstrates that the ineligibility is applicable only to the candidates who have been admitted, i.e. secured an admission. The respondent Nos. 3, 4, 5 and 6 have not been granted admission as they withdrew the admission after first round of counseling. The said candidates have also filed undertaking to this effect. Hence, reference Nos. 1 and 5 are not applicable to the respondent Nos. 3, 4, 5 and 6.
18. For the said reasons, the petitions are dismissed.

MARCH 30, 2026/ (sp)
(Corrected and released on 11.04.2026)

JASMEET SINGH, J