



2025:DHC:7782



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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 17200/2024 & CM APPL. 73132/2024**SACHIN BHATI**

.....Petitioner

Through: Mr. Ashu Bidhuri, Mr. Swapnam
Prakash Singh, Ms. Shabana Hussain,
Mr. Sumit Dagar, Mr. Sahil Vidhuri,
Advocates
Mob: 8447712548
Email: ashubidhuri5996@gmail.com

versus

**UNIVERSITY OF DELHI THROUGH ITS VICE-CHANCELLOR
& ORS.**

.....Respondents

Through: Ms. Monika Arora, Mr. Prabhat
Kumar, Mr. Subhrodeep Saha, Ms.
Anamika Thakur and Mr. Abhinav
Verma, Advocates
Mob: 8979496930
Email: officeadv.monika@gmail.com

CORAM:**HON'BLE MS. JUSTICE MINI PUSHKARNA****JUDGMENT**

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08.09.2025

1. The present writ petition has been filed seeking directions to the respondent no. 3 to quash and set aside the Hansraj College Students' Union ("Union") election result dated 24th November, 2024, for the post of the President, and to conduct recounting of votes for the post of the President, with immediate effect.

2. As per the facts on record, the petitioner contested the Hansraj College Students' Union Election of 2024-2025, for the post of the President. The elections of the Union were held on 27th September, 2024, and the counting of votes for Hansraj College Student Union, was held on 24th November, 2024.



3. As per the case put forth by the petitioner, the entire dispute in the present petition is regarding counting of votes and arbitrary actions of the Chief Election Officer, Hansraj College and the College Administration.
4. It is submitted that as per the Rules and Regulations of the University, there shall be one representative/counting agent on behalf of each contesting candidate during the counting of votes. However, the College Administration did not follow the said rule. The Chief Election Officer put a message in the WhatsApp group created for the candidates, and asked them to nominate two representatives on behalf of their panel. Accordingly, the petitioner also nominated two members on behalf of his panel.
5. However, it is submitted that the representatives were not allowed to sit on the counting tables or note down the votes polled for their candidates. The representatives were only allowed to inspect the counting process, but not allowed to note down the data for their reference.
6. It is submitted that the candidates and their representatives were not updated about the number of votes polled for them. The names of the winners were declared by the Election Committee, but at this time also, neither the number of votes obtained by the candidates, nor the margin of victory was declared by the said Committee. Although the petitioner and other candidates asked about the number of votes polled for them, or the margin of victory, however, they were not informed of the same.
7. Since the petitioner was defeated by a very narrow margin of 25 votes, and there were some irregularities in the result, as well as in the counting process, the petitioner applied for recounting of votes by submitting request letters dated 25th November, 2024 and 29th November, 2024, to the Chief Election Officer. Further, on the evening of 29th November, 2024, the petitioner received an email from the Principal of



Hansraj College informing him that his request for recounting of votes had been declined.

8. Thus, aggrieved by the same, the present writ petition has been filed.

9. Learned counsel appearing for the petitioner submits that there was a gross violation of Rules and Guidelines during the counting of votes. No opportunity was ever granted to the candidates or their representatives to raise any grievance. Further, no chance was given to the petitioner to represent himself before rejecting his representation for recounting of votes.

10. It is further submitted that since the Lyngdoh Committee Recommendations have given no specific directions for counting of votes, guidelines of the Election Commission of India (“ECI”), shall apply. In support of his submission, learned counsel for the petitioner relies upon para 29 of the Election Commission Rules, which reads as under:

“xxx xxx xxx

*29. The Observer/Returning Officer will ensure that the results of **table-wise – round-wise** counting of votes are immediately displayed prominently on a notice board inside the counting center and announced through public address system. After the counting is completed and the Returning Officer has compiled the final result sheet, the Observer will tally the figures of votes obtained by the candidates with the details of round-wise breakup kept by him in his folder and allow the result to be declared only when the figures tally with each other.*

xxx xxx xxx”

11. Learned counsel for the petitioner further relies upon paras 14.4 and 14.5 of the Handbook for Counting Agent 2023, issued by the ECI, with regard to recounting of votes, which reads as under:

“xxx xxx xxx

14.4 After the entries made in the result sheet are announced, any candidate or in his/her absence his/her election agent or any of his/her counting agents may apply in writing to the Returning Officer to count the printed paper slips in the VVPAT in respect of any polling station or polling stations. The Returning Officer may, based on the guidelines issued by ECI, decide the matter as provided in Rule 56D



of the Conduct of Election Rules.

14.5 For this purpose, the Returning Officer will announce the exact hour and minute up to which he/she will wait for receiving the written application for recount. When such an application for recount is made, the grounds urged for the recount will be considered and a decision taken by the Returning Officer. He/she may allow the application in whole or in part if it is reasonable, or he/she may reject it in toto if it appears to be frivolous or unreasonable. The decision of the Returning Officer will be final. If, in any case, an application for recount either wholly or in part is allowed, the Returning Officer will direct counting of the votes over again. The postal ballot papers may also be recounted if a request is made for their recount and such a request is allowed by the Returning Officer. After such recount has been completed, the result sheet will be amended to the extent necessary and the amendments so made announced. After the total number of votes polled by each candidate has been announced, the result sheet will be completed and signed.

xxx xxx xxx”

12. Thus, learned counsel for the petitioner has prayed that recounting of votes be done for the post of the President in the Hansraj College Students' Union Election of 2024-2025.

13. *Per contra*, learned counsel appearing for the respondents submits that the election process followed by the College was proper and there was no discrepancy therein. It is submitted that the official tenure of the Union is only till 15th August of each year, which has already expired for the Union of the year 2024-2025. Further, Notification dated 13th August, 2025, has already been issued by the University of Delhi declaring the schedule of elections. Thus, it is submitted that the present writ petition has become infructuous.

14. Having heard learned counsels for the parties, this Court at the outset notes that the petitioner is seeking recounting of votes for the post of the President in the Hansraj College Students' Union Elections, 2024-2025, tenure of which Union has already expired on 15th August, 2025. Clause 15 of the Delhi University Students' Union Constitution, deals with the official



year and tenure of the student Unions, and reads as under:

“xxx xxx xxx

15. Official Year and Tenure

(i) The official year of the Union will be from 16th of August of every year to the 15th of August, of the following year.

xxx xxx xxx”

(Emphasis Supplied)

15. Further, this Court also notes that the Notification dated 13th August, 2025, has already been issued by the University of Delhi, thereby, announcing elections for the current academic year 2025-2026, which are to be held on 18th September, 2025. The Notification dated 13th August, 2025, issued by the University of Delhi in this regard, is reproduced herein below:

No. CEO/DUSU/Elec/2025-26/2464
13th August, 2025

NOTIFICATION

**SCHEDULE FOR ELECTION OF OFFICE BEARERS OF DELHI UNIVERSITY
STUDENTS' UNION AND MEMBERS OF CENTRAL COUNCIL: 2025-26**

1. Last date for receipt of Nomination Papers alongwith Demand Draft of Rs. 500/-, Affidavit and a Bond of Rs.1.00 Lakh	: Wednesday, the 10 September, 2025 till 03:00 p.m.
2. Scrutiny of Nomination Papers	: Wednesday, the 10 September, 2025 at 03:15 p.m.
3. Publication of list of duly Nominated Candidates	: Wednesday, the 10 September, 2025 till 06:00 p.m.
4. Last date for Withdrawal of Nominations	: Thursday, the 11 September, 2025 till 12:00 Noon
5. Publication of final list of Candidates	: Thursday, the 11 September, 2025 till 05:00 p.m.
6. Date of Election	: Thursday, the 18 September, 2025
7. Timings of Voting	: Day Classes: 08:30 a.m. to 01:00 p.m. Evening Classes: 03:00 p.m. to 07:30 p.m.
8. Counting of Votes	: Friday, the 19 September, 2025

Note: Submission of Nomination Papers:

For DUSU – Office of the Chief Election Officer
Conference Centre,
Opp. Botany Department (Gate No. 4),
University of Delhi, North Campus,
Delhi-110007.

For Central Council – Concerned College/Department

Note: (a) The prescribed nomination papers for the Office Bearers of DUSU are to be put in the sealed box kept in the Office of the Chief Election Officer, DUSU Elections 2025-26 at the above address from 10:00 a.m. to 05:00 p.m. on any working day.

(b) Nomination papers for the Membership of Central Council are to be obtained from the concerned Colleges/Departments/Institutions.

(c) All nomination papers are to be downloaded from the Delhi University Website (www.du.ac.in).

(d) The Code of Conduct, Constitution of DUSU, decision of Hon'ble Supreme Court of India regarding Students' Union Election "University of Kerala v. Council, Principals, Colleges, Kerala and others" (Lyngdoh Committee Recommendation), Hon'ble Delhi High Court order dated 29.05.2018 and dated 11.11.2024 in W.P (C) No. 7824/2017 titled Prashant Manchanda v. Union of India & Ors (Defacement Case), The Delhi Prevention of Defacement of Property Act, 2007 and NGT order may be seen on DU Website.

REGISTRAR



16. Therefore, considering the aforesaid fact that the tenure of the Union in question has already expired, this Court is of the view that no purpose would be served in directing recounting of votes. The petitioner cannot be granted any tenure as President, when the tenure of the said Union has already expired.

17. Holding that an election petition stands infructuous when the earlier elected assembly is already dissolved, and a schedule for fresh elections is announced, the Supreme Court in the case of *Nafe Singh Versus Rajpal*, 2000 SCC OnLine SC 46, has held as under:

“xxx xxx xxx

9. Since challenge to the election of the appellant was based only on allegations of unfairness during counting, with the dissolution of Haryana Legislative Assembly, the matter had become only of academic interest and the election petition itself had been rendered infructuous. The High Court on being informed about the dissolution of the Legislative Assembly ought to have dismissed the election petition as infructuous and in any event should have recalled the order of re-count by passing an order on the application filed by the appellant on 21-12-1999.

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11. In view of the admitted position that Haryana Legislative Assembly stood dissolved with effect from 14-12-1999, the sole challenge made in the election petition to the election of the returned candidate based on alleged unfair counting of votes did not merit any further consideration and the order of re-count of votes, under the circumstances, is unsustainable. We, therefore, allow this appeal and set aside the impugned order but leave the parties to bear their own costs insofar as this appeal is concerned.”

(Emphasis Supplied)

18. Likewise, holding that even if a party was to succeed in the litigation, the same would be of no consequence on account of fresh elections, and that it is a settled practice not to pronounce upon matters which are only of an academic interest, the Supreme Court in the case of *P.H. Pandian Versus P. Veldurai and Another*, (2013) 14 SCC 685, has held as follows:



“xxx xxx xxx

2. Though, fresh elections have since been held to Tamil Nadu Legislative Assembly and to an extent this appeal has been rendered infructuous, the manner in which the election petition was dealt with by the High Court causes us concern and that necessitates our making reference to some salient facts.

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8. Mr Sivasubramaniam, learned Senior Counsel, however, vehemently contended that the returned candidate had a subsisting contract with the Panchayat Union and the State Government and was, therefore, disqualified to be chosen for the seat under Section 9-A of the Act. He has drawn our attention to GOMs No. 4682 dated 16-11-1951 dealing with the specific issue of “request of contractors for withdrawal from subsisting contracts and removal of the name from list of approved contractors”. He has, in particular, drawn our attention to paragraphs 2 to 4 of the GO. According to Mr Sivasubramaniam, learned Senior Counsel, the High Court fell in error in not considering the above GO in its correct perspective. Maybe he has a point there but we do not wish to detain ourselves to consider this aspect of the case because the charge of corrupt practice having failed, even if the appellant was to succeed on this issue, it would be of no consequence because fresh elections have already taken place and the exercise of examining the challenge based on Section 9-A of the Act, would only be now of an academic interest. We, therefore, do not consider it proper to proceed any further with the discussion on this issue. It is a settled practice of this Court not to pronounce upon matters which are only of an academic interest.

9. Thus, the appeal for all intent and purposes has been rendered infructuous.

xxx xxx xxx”

(Emphasis Supplied)

19. In a case related to elections of the Haryana Legislative Assembly, upon dissolution of the said Assembly, it was held that nothing further survived for consideration. Thus, in the case of **Romesh Versus Ramesh K. Rana and Others**, (2000) 9 SCC 265, it was held as follows:

“xxx xxx xxx

3. On 14-12-1999, the Haryana Legislative Assembly has been dissolved. Learned counsel for the appellant rightly submits that since there were no allegations of commission of any corrupt practice, with the dissolution of the Haryana Legislative Assembly, nothing further survives for consideration, at this point of time,



insofar as this appeal is concerned. We agree. The appeal is hereby dismissed and the same is consigned to records. No costs."

(Emphasis Supplied)

20. Similarly, in the case of ***Mundrika Singh Yadav Versus Shiv Bachan Yadav and Others, (2005) 12 SCC 211***, it was held that when the term of the Legislative Assembly, election to which formed the subject matter of the petition, was over, no relief can be allowed, and the appeal had been rendered infructuous. Thus, it was held as follows:

"1. An election petition under Sections 80 and 80-A of the Representation of the People Act, 1951 filed by the appellant was dismissed by the High Court. A perusal of the judgment of the High Court shows that the appellant had sought for the relief of re-count of ballot papers. The High Court on trial found a case in that regard having not been made out. The election to the Bihar State Legislative Assembly forming subject-matter of the election petition was held in the year 2000. The term of the Legislative Assembly is over. Fresh elections are being held. No relief can be allowed to the appellant in this appeal even if this appeal is allowed. The appeal is rendered infructuous and is dismissed accordingly.

xxx xxx xxx"

(Emphasis Supplied)

21. Accordingly, considering the law laid down by the Supreme Court, when the tenure of the Union, which forms the subject matter of the present writ petition, is over, the present petition has become infructuous. No relief can be granted to the petitioner at this stage.

22. Further, this Court also takes note of the affidavit filed on behalf of respondent no. 3/Hansraj College, wherein, it is categorically stated that neither the petitioner nor his appointed representative made any grievance at the time of the counting of votes. No objection was raised by any of the candidates before declaration of the result. Furthermore, the complaint of the petitioner was duly considered by the Student Advisory Committee that decided not to proceed with the recounting of votes. The submissions of the College in this regard in its affidavit, are reproduced as under:



“xxx xxx xxx

d. Furthermore, it is also pertinent to note that the Petitioner herein has not raised any grievance against the counting of votes or any alleged ‘arbitrariness’ of the college administration before the declaration of results of the election. The nominated representative of the Petitioner Mr. Nishant Dhama of B.A. III year has also given the undertaking certificate stating that ‘the EVMs have been found sealed and opened in my presence at the time of counting’ Therefore, it is humbly submitted that neither the Petitioner nor his appointed representative made any grievance at the time of counting of votes. The copy of the signed undertaking of the nominated representative of the Petitioner is marked and annexed herewith as ANNEXURE-R3. Petitioner’s grievance against the alleged ‘arbitrariness’ in the counting of the votes arose only when he was defeated by the margin of 25 votes.

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m. In response to para 15 and 16, it is submitted that the entire process of election & subsequent counting was conducted fairly as per the guidelines. No objection was raised by any of the candidate before declaration of the result. Furthermore, the petitioner vaguely made allegations about the irregularities and arbitrariness however has not provided any material evidence to support his contention and request for recounting of votes. Therefore, the Student Advisory Committee unanimously decided not to proceed with the recounting of the votes.

xxx xxx xxx”

(Emphasis Supplied)

23. Accordingly, no relief can be granted to the petitioner at this stage.
24. Considering the aforesaid discussion, the present writ petition, along with the pending application, is accordingly dismissed.

**MINI PUSHKARNA
(JUDGE)**

SEPTEMBER 08, 2025

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