



2025:DHC:7779



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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**+ **W.P.(C) 375/2025 & CM APPL. 1792/2025****DAKSH BHARDWAJ**

.....Petitioner

Through: Mr. Ashu Bidhuri, Mr. Swapnam  
Prakash Singh, Ms. Shabana Hussain,  
Mr. Sumit Dagar and Mr. Harsh  
Goyal, Advocates  
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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](mailto:officeadv.monika@gmail.com)  
Mr. Mohinder JS Rupal, Mr. Hardik  
Rupal, Ms. Aishwarya Malhotra,  
Advocates for University

**CORAM:****HON'BLE MS. JUSTICE MINI PUSHKARNA****JUDGMENT****08.09.2025**

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1. The present writ petition has been filed seeking a direction to the respondent no. 3, Kirori Mal College, University of Delhi, to cancel the candidature of three candidates from their respective posts in the Kirori Mal College Students' Union, and to declare the petitioner as the successful candidate for the post of the President in the Kirori Mal College Students'



Union Election 2024-2025.

2. The facts as encapsulated in the petition, are as follows:

2.1 The petitioner is a student at Kirori Mal College, pursuing B.A. Sanskrit (Honours). The petitioner contested the Kirori Mal College Students' Union Election of 2024-2025, for the post of the President, which was held on 27<sup>th</sup> September, 2024, and the counting of votes was held on 24<sup>th</sup> November, 2024. The final results of the said election were declared on 24<sup>th</sup> November, 2024.

2.2 The entire dispute in the present petition is regarding the violation of the Code of Conduct issued by the University of Delhi, by respondent nos. 4, 5 and 6, despite submitting affidavits stating that they will not violate the same. However, in the aforesaid elections, violation of the said Code of Conduct and the Guidelines issued by this Court, *vide* order dated 29<sup>th</sup> May, 2018, in *W.P.(C) 7824/2017*, titled as "*Prashant Manchanda Versus Union of India & Ors.*" and other connected matter, were reported, due to which, the Division Bench of this Court stayed the counting of votes for the Students' Union Elections. *Vide* its judgment dated 11<sup>th</sup> November, 2024, the Division Bench of this Court issued various guidelines, and the University and the Colleges were directed to ensure strict compliance of those Guidelines.

2.3 All the candidates for the Kirori Mal College Students' Union Election of 2024-2025, including, respondent nos. 4 to 6, furnished an affidavit at the time of filing their nomination papers that they would follow the Lyngdoh Committee Recommendations, Code of Conduct and no defacement of public property will be done by them or their supporters, after



the declaration of results.

2.4 There was a violation of all the terms and conditions by respondent nos. 4 to 6, and a complaint regarding the same was raised by the petitioner on 26<sup>th</sup> November, 2024, but no action has been taken till now. Thus, the present writ petition has been filed.

3. On behalf of the petitioner, it is submitted that there is clear evidence that respondent nos. 4 to 6, conducted road shows and rallies after the declaration of results of the said elections. The entire incident is in the knowledge of the University and the College Administration. However, a selective approach has been taken by disqualifying a few violators from their posts, while saving other violators, i.e., respondent nos. 4 to 6, which is against the established principles of law. It is submitted that respondent nos. 4 to 6 were equally liable for violation by taking part in road shows after the declaration of the results.

4. Thus, learned counsel for the petitioner prays for cancellation of the candidature of respondent nos. 4 to 6 from their respective posts in the Kirori Mal College Students' Union, and to declare the petitioner as the successful candidate for the post of the President for the Kirori Mal College Students' Union Election of 2024-2025.

5. It is further submitted that the election of two candidates for Central Councillors were declared as null and void. Re-election for the same was to be conducted, however, no such re-election has been done till date. The Central Councillors are elected at the College level and represent the College in Delhi University Students' Union ("DUSU"). Since there is no representation of the students in the Central Council, the subscription of Rs.



20/- paid by each student, ought to be refunded.

6. *Per contra*, learned counsel appearing for the respondent no. 1, i.e., University of Delhi 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 Kirori Mal College Students' Union is only till 15<sup>th</sup> August of each year, which has already expired for the year 2024-2025. Further, a Notification dated 13<sup>th</sup> 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.

7. It is further submitted on behalf of respondent no. 1-University of Delhi that the academic session 2024-2025, has come to an end. New admissions have already taken place at the Undergraduate and Postgraduate Level. Since the results of the elections were declared only in November, 2024, after the stay was vacated by the Division Bench of this Court, it was not possible to hold elections mid-term. In the peculiar facts and circumstances of the present case, re-election for the posts which were declared as null and void, could not be held. Even otherwise, there is no prayer in the petition for reimbursement of Rs. 20/- to the students, as contended by learned counsel for the petitioner.

8. Learned counsel appearing for respondent no. 3, i.e., Kirori Mal College, University of Delhi, submits that the complaint filed by the petitioner was duly placed before the Joint Committee comprising of Proctor, Teachers and Students. The said Committee, after issuing Show Cause Notices to respondent nos. 4 to 6, duly received and examined their replies, and unanimously exonerated them of all the allegations. It is



submitted that the petitioner has not challenged the said decision. Further, the students, i.e., respondent nos. 4 to 6 were merely present at the time of the incident, and their presence does not make them offenders and requisite action has duly been taken against the offending students.

9. In rejoinder, learned counsel for the petitioner submits that the decision of the Joint Committee was never communicated to the petitioner. The petitioner became aware of such decision, when the same was provided, along with the affidavit of reply of respondent no. 3.

10. Having heard learned counsels for the parties, this Court at the outset notes that the petitioner is seeking cancellation of the candidature of respondent nos. 4 to 6 from their respective posts in the Kirori Mal College Students' Union Elections, 2024-2025. Further, the petitioner is seeking declaration of the petitioner as the successful candidate for the post of the President of Kirori Mal College Students' Union Elections, 2024-2025, tenure of which Union has already expired on 15<sup>th</sup> August, 2025. Clause 15 of the Delhi University Students' Union Constitution, deals with the official year and tenure, and reads as under:

***“15. Official Year and Tenure***

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

*xxx xxx xxx”*

*(Emphasis Supplied)*

11. Further, this Court also notes that the Notification dated 13<sup>th</sup> 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 18<sup>th</sup> September, 2025. The Notification dated 13<sup>th</sup> August, 2025,



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issued by the University of Delhi in this regard, is reproduced herein below:

No. CEO/DUSU/Elec/2025-26/R-4614  
13<sup>th</sup> 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](http://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.

*Handwritten signature*  
**REGISTRAR**

12. Therefore, considering the aforesaid fact that the tenure in question has already expired, this Court is of the view that no purpose would be served in cancelling the candidature of respondent nos. 4 to 6. The petitioner cannot be granted any tenure as President, when the tenure of the Kirori Mal College Students' Union has already expired.



13. 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 mater 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.*

xxx xxx xxx

*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)*

14. Likewise, holding that even if a candidate 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.

xxx xxx xxx

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)

15. In a case related to elections of the Haryana Legislative Assembly, upon the 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)*

16. 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)*

17. Accordingly, considering the law laid down by the Supreme Court, when the tenure of the Kirori Mal College Students’ Union, which forms the subject matter of the present writ petition, is over, the present petition has become infructuous.

18. Further, this Court takes note of the affidavit filed on behalf of respondent no. 3-Kirori Mal College, wherein, it is categorically submitted that pursuant to the complaint of the petitioner, a Joint Committee comprising of Proctor, teachers and students, was duly constituted to consider the petitioner’s complaint. The said Committee issued Show Cause Notices to respondent nos. 4 to 6, pursuant to which, the said respondents



submitted their replies. After considering the replies submitted by respondent nos. 4 to 6, the Joint Committee unanimously exonerated them of all the allegations. The reply of respondent no. 3-Kirori Mal College, University of Delhi, in this regard, reads as under:

“xxx xxx xxx

**4. That the Petitioner has also suppressed material facts from this Hon’ble Court, namely that a Joint Committee comprising Proctor, Teachers, and Students was duly constituted to consider the Petitioner’s complaint. The said committee, after issuing show-cause notices to Respondent Nos. 4 to 6, duly received and examined their replies and exonerated them of all allegations.**

**5. That pursuant to the Petitioner’s complaint, show-cause notices were issued to Respondent Nos. 4 to 6, on 25.11.2024, giving them an opportunity to respond by 28.11.2024 by 5:00 pm.**

Copies of Show Cause Notices dated 25.11.2024 issued to the Respondent Nos. 4, 5 and 6 are annexed herewith as **ANNEXURE-R1.**

**6. That all three Respondents submitted their respective replies, which were placed before the duly constituted Joint Committee for consideration.**

That the copy of Reply is annexed herewith as **ANNEXURE-R2.**

**7. The composition of the said committee was as follow:**

**a) Proctors**

**b) Teachers**

**c) Students**

**8. That the said committee unanimously exonerated Respondent Nos. 4 to 6 of all allegations. The decision of the committee has been duly conveyed to the Respondents.**

That the copy of Minutes of the Meeting of the Committee are annexed herewith as **ANNEXURE-R3.**

xxx xxx xxx”

(Emphasis Supplied)

19. Accordingly, when the issue with respect to the action against respondent nos. 4 to 6, has been dealt with by the Committee formed in this



regard, and the said decision taken by the said Committee has not been challenged, no relief can be granted to the petitioner with regard to the challenge to the candidature of respondent nos. 4 to 6.

20. As regards the contention of the petitioner regarding refund of amount deposited by the students since no re-election process to the post of Councillors was held, this Court notes that such submission was made by the petitioner only during the course of arguments. There is neither any pleading to that effect in the petition, nor any prayer has been made in that regard. Such submission made by the petitioner is clearly an afterthought, and cannot be considered in the absence of any pleadings to that effect. Law in this regard is very clear that no relief can be prayed beyond the pleadings. In this regard, the Supreme Court in the case of *Bharat Amratlal Kothari and Another Versus Dosukhan Samadkhan Sindhi and Others*, (2010) 1 SCC 234, while holding that the Court cannot grant a relief which is not even prayed for by the petitioner, held as follows:

“xxx xxx xxx

*29. The approach of the High Court in granting relief not prayed for cannot be approved by this Court. Every petition under Article 226 of the Constitution must contain a relief clause. Whenever the petitioner is entitled to or is claiming more than one relief, he must pray for all the reliefs. Under the provisions of the Code of Civil Procedure, 1908, if the plaintiff omits, except with the leave of the court, to sue for any particular relief which he is entitled to get, he will not afterwards be allowed to sue in respect of the portion so omitted or relinquished.*

*30. Though the provisions of the Code are not made applicable to the proceedings under Article 226 of the Constitution, the general principles made in the Civil Procedure Code will apply even to writ petitions. It is, therefore, incumbent on the petitioner to claim all reliefs he seeks from the court. Normally, the court will grant only those reliefs specifically prayed for by the petitioner. Though the*



*court has very wide discretion in granting relief, the court, however, cannot, ignoring and keeping aside the norms and principles governing grant of relief, grant a relief not even prayed for by the petitioner.*

xxx xxx xxx”

(Emphasis Supplied)

21. The said principle was also reiterated by the Supreme Court in the case of ***Union of India Versus Ibrahim Uddin and Another, (2012) 8 SCC 148***, wherein, it was, held as follows:

“xxx xxx xxx

77. This Court while dealing with an issue in *Kalyan Singh Chouhan v. C.P. Joshi* [(2011) 11 SCC 786 : (2011) 4 SCC (Civ) 656 :AIR 2011 SC 1127], after placing reliance on a very large number of its earlier judgments including *Trojan & Co. v. Nagappa Chettiar* [(1953) 1 SCC 456 : AIR 1953 SC 235], *Om Prakash Gupta v. Ranbir B. Goyal* [(2002) 2 SCC 256 : AIR 2002 SC 665] *Ishwar Dutt v. Collector (LA)* [(2005) 7 SCC 190 : AIR 2005 SC 3165] and *State of Maharashtra v. Hindustan Construction Co. Ltd.* [(2010) 4 SCC 518 : (2010) 2 SCC (Civ) 207 : AIR 2010 SC 1299], *held that relief not founded on the pleadings cannot be granted. A decision of a case cannot be based on grounds outside the pleadings of the parties. No evidence is permissible to be taken on record in the absence of the pleadings in that respect. No party can be permitted to travel beyond its pleading and that all necessary and material facts should be pleaded by the party in support of the case set up by it.* It was further held that where the evidence was not in the line of the pleadings, the said evidence cannot be looked into or relied upon.

78. In *Bachhaj Nahar v. Nilima Mandal* [(2008) 17 SCC 491 : (2009) 5 SCC (Civ) 927 : AIR 2009 SC 1103] this Court held that *a case not specifically pleaded can be considered by the court unless the pleadings in substance contain the necessary averments to make out a particular case and issue has been framed on the point. In the absence of pleadings, the court cannot make out a case not pleaded, suo motu.*

xxx xxx xxx”

(Emphasis Supplied)



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22. Thus, on account of the decision by the Committee and the prayers in the present writ petition either being rendered infructuous, or not prayed for in the petition, this Court is of the considered opinion that no relief can be granted to the petitioner herein.

23. Therefore, considering the detailed discussion hereinabove, the present writ petition, along with the pending application, is accordingly dismissed.

**MINI PUSHKARNA  
(JUDGE)**

**SEPTEMBER 08, 2025**

Au/Sk