



2025:DHC:7786



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**+ **W.P.(C) 526/2025****SH AMAN KAPASIYA**

.....Petitioner

Through: Mr. Naveen, Advocate (M:
9999404545)

versus

UNIVERSITY OF DELHI & ORS.

.....Respondents

Through: Mr. Mohinder J.S. Rupal, Mr. Hardik
Rupal, Ms. Aishwarya Malhotra, Mr.
Vibhu Sharma, Advocates for DU
(M:8377943421)
Mr. Ashu Bidhuri, Mr. Swapanam
Singh, Ms. Shabana Hussain, Mr.
Ankit Bhati, Ms. Shivani Bansal,
Advocates for R-3 (M:8447712548)**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 nos. 1 and 2 to cancel the candidature of Mr. Lokesh Choudhary, i.e., respondent no. 3, and to declare the petitioner as the successful candidate for the post of Joint Secretary in the Delhi University Students' Union ("DUSU") Election 2024-2025.

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

2.1 The petitioner is a student of University of Delhi admitted in the Department of Buddhist Studies. He was one of the candidates who contested for the post of Joint Secretary in the DUSU Elections 2024-2025, and secured second position in the said elections.

2.2 Respondent no. 3 was also one of the candidates who contested the



elections of DUSU 2024-2025, and was elected for the post of Joint Secretary in the said elections.

2.3 On 23rd September, 2024, the petitioner received information that respondent no. 3 had failed in the second and fourth semester of his LLB Course, and that he had failed in three out of five exams in his fifth semester. As a result, the respondent no. 3 was technically barred from contesting elections in terms of Clause 4 of the University of Delhi, Code of Conduct (For the candidates contesting DUSU and College Students' Union Elections 2024-2025).

2.4 When the abovementioned fact came to the knowledge of the petitioner, he made a representation/complaint dated 23rd September, 2024, before the Chief Election Officer of the University of Delhi, i.e., respondent no. 2 herein. In the said representation, the petitioner also mentioned that due to the backlogs of his previous semester exams, the respondent no. 3 had taken admission in the Department of Buddhist Studies, which is a clear violation of Clause 4 of the Code of Conduct.

2.5 The respondent no. 1 *vide* reply dated 21st December, 2024, intimated to the petitioner that no action is required against respondent no. 3, and his documents are in order. Therefore, the elections were held on 27th September, 2024, and respondent no. 3 was allowed to contest the elections.

2.6 The result of the elections for the Academic Year 2024-25, was delayed and declared on 25th November, 2024, wherein, the respondent no. 3 was declared as the successful candidate for the post of Joint Secretary and the petitioner secured the second position.

2.7 The respondent no. 3 contested the elections for the post of Joint Secretary under the name 'Lokesh Choudhary', whereas, in his mark sheet



of Department of Faculty of Law, College Law Centre-1, his name is mentioned as 'Lokesh'.

2.8 Aggrieved by the appointment of respondent no. 3 to the post of Joint Secretary, the present writ petition has been filed.

3. On behalf of the petitioner, it is submitted as follows:

3.1 The respondent no. 3 has won the election by misrepresentation, and by using unfair means, as he was not eligible for contesting the elections.

3.2 Further, the respondent no. 3, by changing his name from 'Lokesh' to 'Lokesh Choudhary', clearly shows the intention of respondent no. 3 to misrepresent by changing his name and getting admitted in a different department to contest the elections.

3.3 Respondent no. 3 has clearly violated the terms mentioned in Clause 4 of the University of Delhi, Code of Conduct (For the candidates contesting DUSU and College Students' Union Elections 2024-2025), the terms of which state as under:

"xxx xxx xxx

"4. The candidate should in no event have any academic arrears in the year of contesting the election. Any pending paper(s) will be construed as academic arrear(s). Candidates failed in the preceding academic year and/or re-admitted in the current academic year will not be eligible to contest the election."

xxx xxx xxx"

3.4 A writ petition, i.e., W.P.(C) 7980/2017, titled as "**Rocky Tuseed Versus University of Delhi & Ors.**", was filed with similar facts, wherein, *vide* judgment dated 20th July, 2018, the cancellation of candidature on similar grounds, was upheld.

4. *Per contra*, on behalf of respondent no. 1/University of Delhi, 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, the present writ petition has become infructuous. Further, it is submitted that the legal question as raised in the present writ petition be kept open, as the same is purely of academic nature at this stage.

5. On behalf of respondent no. 3, i.e., the winning candidate for the post of Joint Secretary in the DUSU Elections 2024-2025, it is submitted that at the time of filing his nomination, respondent no. 3 was a *bona fide* student of Buddhist Studies.

6. As regards the change of name from 'Lokesh' to 'Lokesh Choudhary', it is submitted that the respondent no. 3 got his name changed by way of a Gazette Notification. The documents pertaining to the same were handed over to this Court during the course of hearing, which have been taken on record.

7. As regards the judgment in the case of *Rocky Tuseed (Supra)*, it is submitted on behalf of respondent no. 3 that the said judgment is distinguishable, as in the said case, the issue was with regard to disciplinary action against the said person, which is not the case in the present proceedings.

8. Having heard learned counsels for the parties, this Court at the outset notes that the petitioner is seeking cancellation of the candidature of respondent no. 3, and a declaration that the petitioner is the successful candidate for the post of Joint Secretary in the DUSU Election, tenure of which Union, has already expired on 15th August, 2025. Clause 15 of the Delhi University Students' Union Constitution, which deals with the official year and tenure of the DUSU, 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)

9. 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/R-4614
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.

[Signature]
REGISTRAR

10. Therefore, considering the aforesaid fact that the tenure of the DUSU in question has already expired, this Court is of the view that the present



petition has become infructuous. The petitioner cannot be granted any tenure as Joint Secretary, when the tenure of the said Union has already expired.

11. In a case relating to elections of the Haryana Legislative Assembly, wherein 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.

xxx xxx xxx”

(Emphasis Supplied)

12. Likewise, 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 is over and fresh elections are being held, 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.

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(Emphasis Supplied)

13. Accordingly, considering the law laid down by the Supreme Court,

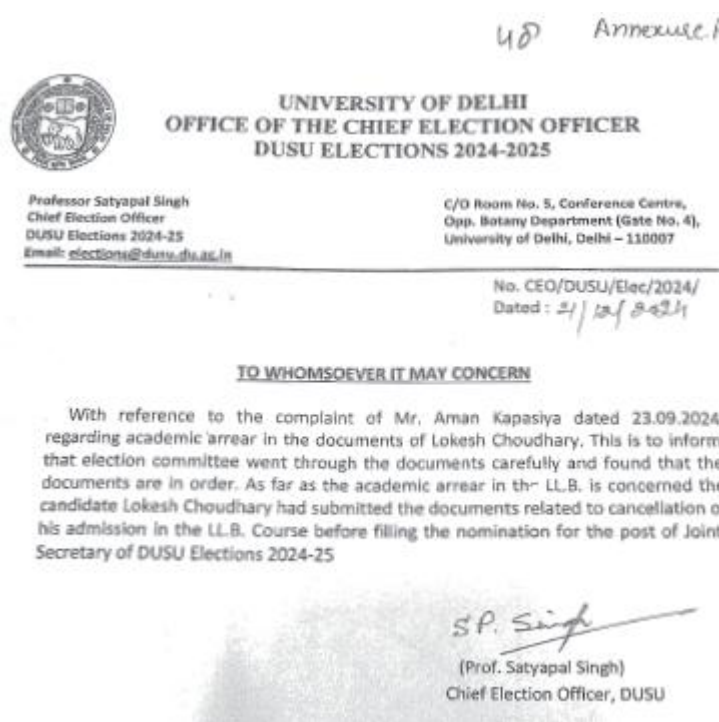


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when the tenure of the Union, which forms the subject matter of the present writ petition, is over, the present petition has become infructuous. No relief can be granted to the petitioner at this stage.

14. Further, this Court takes note of the submission that the respondent no. 3 was a student of the Department of Buddhist Studies at the time of filing his nomination. The reply dated 21st December, 2024, on behalf of University of Delhi, pursuant to complaint by the petitioner against respondent no. 3, is reproduced as under:



15. Since the tenure of the Union of the DUSU Elections 2024-2025 has already expired, this Court need not go into the issue as regards the validity of the candidature of respondent no. 3 at this stage, as the same is purely an academic issue, and would serve no purpose. Even if a finding was to be given in favour of the petitioner and against the respondent no. 3 herein, no relief can be granted to the petitioner in any manner.

16. Thus, 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.

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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)

17. Similarly, holding that the election petition becomes infructuous and becomes an exercise for academic interest, when the earlier elected assembly is already dissolved, and when 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.

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)

18. Accordingly, on account of the term of the DUSU 2024-2025, having expired and new elections having been notified, the present petition has been rendered infructuous, and no relief can be granted to the petitioner at this stage. The legal question raised in the present writ petition is left open.

19. Considering the aforesaid discussion, the present writ petition, is accordingly dismissed.

**MINI PUSHKARNA
(JUDGE)**

SEPTEMBER 08, 2025

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