



2025:DHC:6998



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% *Judgment Delivered on: 19.08.2025*+ W.P.(C) 15885/2024, CM APPL. 66730/2024, CM APPL. 1218/2025
& CM APPL. 12945/2025

SAMYAK BHATIA

.....Petitioner

Through: Mr. Rishi Raj Singh, Adv
versus

UNIVERSITY OF DELHI

.....Respondents

Through: Mr. Mohinder JS Rupal, Mr. Hardik
Rupal and Ms. Aishwarya Malhotra,
Advocates for R-1 and R-2
Mr. Anshuman Sharma, Mr. Paritosh
Pandey, Mr. Azaz Ahmed, Advs. for
R-3.Mr. Vikrant N. Goyal, Mr. Sumit
Goswami and Mr. Arun Kumar
Yadav, Advs. for R-4.**CORAM:****HON'BLE MR. JUSTICE VIKAS MAHAJAN****JUDGMENT****VIKAS MAHAJAN, J**

1. The case set out in the petition is that the petitioner is a citizen of U.S.A., who holds an 'Overseas Citizen of India' [hereinafter 'OCI'] card, having studied from 4th standard to 12th standard in India.

2. On 10.06.2024, petitioner submitted an online application form for admission in the respondent / Delhi University [hereinafter, the 'University'] through Foreign Student's Registry [hereinafter, 'FSR'] opting B.Com



(Hons.) and B.Com. as his first and second preferences, respectively.

3. Thereafter, *vide* email dated 26.06.2024, while submitting documents like NOC from U.S Embassy, updated passport, etc. for admission related purpose, the petitioner also informed the University that he was awaiting his CUET results. As a matter of fact, CUET result was declared on 28.07.2024.

4. In response to petitioner's application form, petitioner was informed that his application for B.Com. (Hons.) could not be considered as he had not studied Mathematics in Class XII. However, to secure his seat, petitioner emailed the University on 02.07.2024, requesting that his application be considered for the B.Com.

5. Subsequently, petitioner sent an e-mail dated 22.07.2024 thanking the University for offering him a seat and also sent his preference list of colleges.

6. On 14.08.2024, during a follow-up visit to the University, petitioner was informed that he had been allotted a seat in B.Com. course at Shri Guru Teg Bahadur Khalsa College, which was acknowledged by petitioner *via* email dated 16.08.2024. The petitioner also completed the formalities like, payment, document verification, thereby confirming his admission.

7. It is the case of the petitioner that through email dated 29.08.2024, he made a request to the University that he should be considered for B.Com. (Hons.) as he had studied in India continuously from IV to XII standard and had studied Mathematics as a core subject up to Class XI. On 20.09.2024, the petitioner escalated this issue by sending an email to Vice-Chancellor, Registrar, and Dean of Admissions of the University.

8. Thereafter, multiple emails were exchanged between the petitioner and the University, and the latter in its last email dated 02.10.2024, informed



that FSR and CUET processes are separate and advised petitioner to apply through CUET in the next academic year for taking admission in B.Com. (Hons.).

9. Mr. Rishi Raj Singh, learned counsel appearing on behalf of the petitioner submits that petitioner is an OCI card holder who has been constrained to study B.Com. as a Foreign National, as he was not made aware by the University that he could apply like an Indian National through CUET by not publishing or communicating this crucial information at the time of admission. He submits that the petitioner had to enrol in B.Com. as a Foreign National as he had not studied Mathematics in Class XII.

10. He submits it was only on 02.10.2024 that the University finally informed the petitioner that despite being an OCI holder, he could have also applied like an Indian National through CUET.

11. He, therefore, submits that due to the University's lapse in publishing requisite notification and timely informing that petitioner could apply like an Indian citizen, the latter was constrained to enrol in a B.Com. course as a Foreign National through FSR.

12. Elaborating on his submission, he submits that Indian Nationals are not required to have studied Mathematics in Class XII to be eligible for taking admission in B.Com. (Hons.) at the University, whereas Foreign Nationals, like petitioner are required to study Mathematics in Class XII.

13. To support his case, Mr. Singh has placed reliance on the following decisions in *TMA Pai Foundation and Ors. vs. State of Karnataka and Ors. (2002) 8 SCC 481*, *PA Inamdar and Ors. vs. State of Maharashtra and Ors. (2005) 6 SCC 537*, *Rajan Purohit and Ors. vs. Rajasthan University of Health Sciences and Ors. (2012) 10 SCC 770*, *Priya Gupta*



vs. State of Chhattisgarh and Ors., (2012) 7 SCC 433, Vanshika and Anr. vs. University of Delhi and Ors., (2024) 2 HCC (Del) 72, Pallavi Sharma vs. College of Vocational Studies & Anr, 2015 SCC OnLine Del 10249, Ajay Kumar Shukla vs. State of U.P. and Anr., 2024 SCC OnLine All 3804 and Asha vs. P.T. BD Sharma University of Health Science and Ors., (2012) 7 SCC 389.

14. Per contra, Mr. Mohinder J.S. Rupal, learned counsel appearing on behalf of the University, at the outset submits that petitioner has already got admission in B.Com. in Shri Guru Teg Bahadur Khalsa College in the academic year 2024-25 and as an afterthought, he is now seeking admission in B.Com. (Hons.) in the same academic year, which is not permissible.

15. He submits that petitioner had sought admission on the basis of non-Indian passport of USA through FSR admission portal in academic session 2024-2025. As per the Admission Bulletin, FSR (2024-2025), [hereinafter, 'FSR Bulletin'], an overseas applicant seeking admission in B.Com. (Hons.) must have studied Mathematics as a subject in Class XII, which petitioner did not, thus, he was rightly given admission in B.Com.

16. He submits that petitioner's reliance on CUET Guidelines is misplaced in the context of the application submitted through FSR portal. The CUET norms apply to domestic applicants, while overseas applicants are required to adhere to the specific criteria outlined in the FSR Bulletin.

17. He submits that the University has no structure to merge/intermix two types of admission processes and therefore, the same is not possible. He submits that switchover from B.Com. to B.Com. (Hons.) course is not possible since the course content of both courses is entirely different and no migration is possible from one course to other under the University's Act,



Statutes & Ordinances.

18. He submits that the fact that petitioner has already secured admission in B.Com. at Shri Guru Tegh Bahadur Khalsa College demonstrates that there has been no denial of opportunity or procedural unfairness in this matter at the end of the University.

19. He submits that CUET-UG Admissions commenced on 28.05.2024 and ended on 07.08.2024 and the admission branch, as early as on 20.06.2024, had issued the Notification clarifying that an OCI Card Holder candidate can also apply to UG program through CUET-CSAS portal and the same was duly annexed and uploaded on the website of the University on the same day. He submits that the same was done in view of decision of Hon'ble Supreme Court in *W.P.(C) No. 891 of 2021* titled as *Anushka Rengunthwar and Ors. vs. Union of India and Ors*, wherein it was observed as under:

“Persons who are born in a foreign country subsequent to 04.03.2021..... and who seek for a registration as OCI cardholder would have a choice to either seek for citizenship by descent or to continue as a foreigner in the background of the subsisting policy of the Sovereign State.”

20. He further submits that on announcement of the above-mentioned Notification, CSAS portal was activated for all OCI card holders who wished to take admissions through CUET to register on the University's registration portal-CSAS.

21. He submits that petitioner had more than two-and-half months to register through CUET mode but rather preferred admission under FSR's quota. He submits that on the announcement of Notification dated 20.06.2024, CSAS registration portal did not by default relegate OCI card



holders automatically to FSR portal, as alleged by petitioner. He submits that had the petitioner got himself registered for admission under CUET mode, only then he could have been considered for B.Com. (Hons.) course and not otherwise.

22. He submits that the very fact that petitioner had appeared in the CUET Examination itself shows that petitioner was aware that he was eligible through CUET mode also. The Petitioner, however, opted to apply under Foreign Nationals' quota in which there is direct admission without CUET scorecard.

23. He submits that petitioner was also well aware that under Foreign Nationals' quota he is not eligible to seek admission in the B.Com. (Hons.) without having studied mathematics in class XII, and therefore opted to take admission in B.Com.

24. He submits that if petitioner is willing to study B.Com. (Hons.), then he has to apply afresh as per the admission criteria and policy for the academic year 2025-2026.

25. He submits that it is not correct that Notification dated 20.06.2024 was not uploaded on the University's website and no hyperlink existed on the said website. It is a new plea taken by petitioner which is based on disputed facts and hence, this Court cannot go into the veracity of such disputed fact.

26. In rejoinder, Mr. Singh submits that stand of the University that the Notification dated 20.06.2024 was duly issued, published and hyperlinked as "1" on the University's website is incorrect and misleading, inasmuch as no such hyperlink existed on the said webpage during the relevant period of admissions. He submits that had such a notification truly been uploaded in



June 2024 i.e. at the relevant time, the same would have formed part of the University's counter affidavit dated 24.01.2025. The University's failure to do so, *prima facie* shows that the said Notification was in fact uploaded much later after the admission process had concluded.

27. He invites attention of the Court to the screenshot of the University's website taken in the month of October 2024, which is annexed as Annexure P-28 to show that no such Notification existed on the University's website during the relevant period.

28. He submits that the Notification dated 20.06.2024, which allegedly informed students about OCI candidates' parity with Indian citizens was not named in a clear or descriptive manner, but rather was titled cryptically as "1".

29. He submits that even assuming, though not admitting, that the hyperlink was uploaded within time, the cryptic name itself shows that the University failed to effectively communicate the existence and purpose of the Notification to prospective applicants. He submits that the Notification merely quotes a paragraph from the decision in **Anushka Rengunthwar** (supra) which specifically begins with words: "*Persons who are born in a foreign country subsequent to 04.03.2021...*". He submits that petitioner was born on 25.01.2006 i.e. well before the cut-off date of 04.03.2021, therefore, the Notification does not by its plain wording cover persons like petitioner.

30. He submits that the third paragraph of the Notification also refers to "*such candidates*", which, on a reasonable construction, applies only to those born after 04.03.2021. He, therefore, contends that the language of the Notification does not conclusively guarantee parity of OCI candidates born prior to 2021 with Indian nationals in UG admissions. Instead, it remains



limited to a narrower class of applicants. Therefore, the Notification, even if uploaded, failed to convey with sufficient clarity to an average Class XII applicant its true import, thereby defeating its stated purpose.

31. He further submits that Admission/Information Bulletin (2024–2025) and the FAQ section for FSR also contained no reference to the Notification dated 20.06.2024. The FSR website, being the primary source of information for overseas applicants, failed to provide any mention about the Notification. This omission demonstrates a grave lapse on the part of the University and violates the established principles of fairness and transparency in admissions.

32. He submits that while it may be true that the CSAS portal was technically activated for all OCI candidates, the very design of the portal barred them from proceeding. He elaborates that CSAS website asks every candidate whether they are citizens of India, and only two buttons are displayed: “yes” and “no.” There is no separate button specifically for OCI candidates. It is obvious that an OCI holder is not a citizen of India, and hence, on selecting “No,” the portal displays information in red stating that Foreign Nationals should apply *via* foreign website. He submits that this fundamental design flaw forced OCI candidates like petitioner to exit the CSAS registration process.

33. He submits that this fact was conveyed by petitioner to the Dean of Admissions and the staff of the University during an in-person discussion held in the first week of October 2024. The petitioner also summarised the contents of this discussion in an email dated 07.10.2024, wherein he reiterated that the question regarding citizenship directs the candidates to the FSR website and this fact has not been controverted by the University.



34. He submits that though the petitioner attempted to register through CUET, the same could not be completed, as during the very first step, answering question pertaining to citizenship as “No”, it led the petitioner to apply through foreign website as a Foreign National.

35. He submits that merely because the petitioner took the CUET 2024, it cannot automatically be inferred that he was aware that the University permitted him to apply through CUET mode, rather the same was done by the petitioner to ensure that every available option for securing admission was kept open to him.

36. He submits that petitioner has an excellent academic record. Also, the fee for applying through CSAS portal is substantially lower than the fee payable under the Foreign Nationals’ category, making it unreasonable to believe that petitioner would voluntarily choose the more expensive option. He submits that petitioner would also have benefitted from the reservation for persons with benchmark disabilities, as he has 80% autism spectrum disorder.

37. He submits that case set up by the University that the course content of B.Com. (Hons.) and B.Com. is entirely different, is not correct. He submits there are, in fact, several overlapping subjects which are taught in the first year of both courses, particularly foundational papers.

38. Having heard the rival contentions of the learned counsel for parties, it needs to be noted that grievance of the petitioner essentially is that he was constrained to take admission in B.Com. instead of B.Com (Hons.) only for the reason that University at no stage had clarified by way of any notification that petitioner, who is an OCI Card holder is also eligible for admission to B.Com. (Hons.) after having appeared in CUET (UG) 2024,



despite not having studied Mathematics in Class-XII.

39. It is not in dispute that FSR Bulletin prescribes that for admission of foreign students in B.Com. (Hons.), a candidate must have studied Mathematics in Class XII. The relevant portion of FSR Bulletin 2024-25, reads thus:

“Merit-based admission to B.Com. (Hons)/ B.Com. programs offered through the Faculty of Commerce and Business Studies.”

| <i>Program</i> | <i>Program-specific Eligibility Criteria and Combination of Subjects for Calculation of Merit</i> |
|----------------------|---|
| <i>B.Com (Hons.)</i> | <i>An aggregate of 45% marks in the qualifying examination. The Candidate must have studied and passed Mathematics / Business Mathematics / equivalent paper as specified in Appendix VIII at the qualifying examination for admission to B. Com. (Hons.).</i> |

(emphasis supplied)

40. The case of petitioner is that while applying for admissions, he had given his first preference to B.Com. (Hons.) and second preference to B.Com, but since the petitioner had not studied Mathematics in Class-XII, his application for B.Com. (Hons.) was not accepted, following which on 02.07.2024, the petitioner requested the University through an e-mail to consider his application for B.Com.

41. Accordingly, the petitioner was offered a seat in B.Com. at Shri Guru Teg Bahadur Khalsa College which was acknowledged by him vide e-mail dated 16.08.2024. Thereafter, petitioner completed the process of payment and verification for his admission. Subsequently, petitioner through e-mail



2025:DHC:6998



dated 29.08.2024 made a request to the University that his candidature be considered for B.Com. (Hons.) as he had studied continuously from class IV to class XII in India and had studied Mathematics as a core subject till class XI. Thereafter, there was exchange of e-mails between petitioner and the University authorities. However, vide e-mail dated 02.10.2024, the University finally informed petitioner that admission process under FSR cannot be mixed up with admission process under CUET and petitioner is eligible to take CUET examination but only next year. The submission on behalf of petitioner is that it was only on 02.10.2024 that the petitioner was informed by the university that he could have also applied like an Indian National and had this fact been made known to petitioner at any point of time earlier, he could have taken admission in B.Com.(Hons.).

42. On the other hand, the stand taken by the University in its additional counter-affidavit dated 25.02.2025 is that Admission Branch of the University as early on 20.06.2024 had issued a Notification on its website that OCI card holder candidates can apply to undergraduate programme of the University through CSAS and that this Notification was issued in due compliance of the judgment passed by the Hon'ble Supreme Court in *Anushka Rengunthwar* (supra).

43. The petitioner has disputed the aforesaid stand of the University and has contended that the so-called Notification dated 20.06.2024 was not uploaded on the University's website. However, Mr. Singh on behalf of petitioner has argued that even assuming that the said Notification was uploaded within time, it was cryptically titled as "1", therefore, it did not serve the purpose of a notification to prospective applicants.



44. Be that as it may, it is not in dispute that the University had communicated to petitioner as early as on 02.07.2024 that his first preference i.e. B.Com. (Hons.) could not be granted because he had not studied Mathematics in Class XII. Thereafter, the petitioner had accepted admission in B.Com. and completed all formalities.

45. Indubitably, petitioner got admission in B.Com. through FSR. By way of the present petition, the petitioner is seeking admission in B.Com. (Hons.) on the basis of his score in CUET-2024. The University in its additional counter-affidavit, has taken a stand that registration for CUET admissions started on 28.05.2024 and lasted for around 03 months i.e. till 07.08.2024, which position is not disputed by the petitioner.

46. The present petition came to be filed on or about 04.11.2024 i.e. much after the last date for registration for CUET admissions, and possibly after the conclusion of admission process. In any case, it cannot be disputed that the admission process for academic session 2024-25 stood concluded long ago.

47. Incidentally, the FSR Information Bulletin contains an express bar on the migration or transfer from one course to another after the completion of the admission process. The relevant excerpt of “*FSR Information Bulletin 2024-25*” reads thus:

*“13) TRANSFER AND CHANGE OF PROGRAMME.
As per the rules of University of Delhi, no request for any
Change of Programme and / or College will be entertained
after the completion of the admission process.”*

48. Clearly, at this stage the petitioner’s prayer for change of programme from B.Com. to B.Com. (Hons.) cannot be allowed in view of the specific



prohibition on change of programme after completion of admission process, which cannot be left open ended for indefinite period. There has to be finality to the admissions.¹

49. It is equally settled that Prospectus / Bulletin of Information issued by Institution / University is binding and no *mandamus* can be issued to the educational institutions to act contrary to their own procedure. In this regard reference may had to be made to the decision of Division Bench of this Court in ***Pallavi Sharma*** (supra), wherein it was observed as under:

“14. At any rate, the law is well settled that the procedure prescribed in the Prospectus/Bulletin of Information issued by the institutions is binding and no mandamus can be issued directing the educational institutions to act contrary to their own procedure (vide Maharshi Dayanand University v. Surjit Kaur; JT (2010) 7 SC 179).”

50. Further, the petitioner did not approach the Court with promptitude before the completion of admission process. Even during pendency of the present petition, by way of an interim relief, the petitioner was not permitted to attend the classes of B.Com. (Hons.) though petitioner had prayed for the same. The position as it stands today is that the petitioner has completed one year of B.Com. Programme.

51. The transfer or change of programme from B.Com. to B.Com. (Hons.) after completion of one year, otherwise does not appear to be feasible and justified. The University in its additional counter-affidavit has taken a stand that course content of B.Com. (Hons.) as compared to B.Com. for the First and Second Semester is entirely different. It has further stated in the said

¹ Meenakshi and Ors. vs. AIIMS & Ors., 2021 SCC OnLine Del 2715.



affidavit that switch over from B.Com. to B.Com. (Hons.) cannot be allowed as there is no migration possible from one course to other under the University of Delhi's Act, Statutes and Ordinances. Relevant paras of additional counter-affidavit read thus:

“13. Even otherwise the course content of B.Com (Hons) as compared to B.Com(pass) for the first and second semester is entirely different.”

“14. The Petitioner cannot be allowed to switch over from B.Com (pass) to B.Com (Hons) course as there is no migration possible from one course to the other under the University of Delhi Act, statutes and Ordinances.”

52. The above position has though been controverted by petitioner in rejoinder, but nothing has been placed on record by petitioner along with rejoinder to suggest that course content of B.Com. (Hons.) and B.Com. for the First and Second Semester is identical or that there is any provision permitting such migration.

53. This Court is cognizant that while exercising the powers under Article 226 of the Constitution cannot undertake the task of comparing the course content of said two undergraduate programmes. Such an exercise is within the domain of the experts. However, to satisfy conscience, this Court has taken an overview of the course content of B.Com. and B.Com. (Hons.) of first two semesters, which shows that in Semester-1, under the B.Com (Hons), the Discipline Specific Core Course-1 ('DSC-1') is titled as *Management Principles and Applications*. In contrast, under the B.Com., DSC-1 is titled as *Business Organization and Management*. This alone demonstrates a divergence in course content.



54. A cursory glance of course content of Semester-2, also reveals that B.Com. (Hons.) offers a set of four General Elective courses, viz., GE 2.1 (*Communication in Management*), GE 2.2 (*Financial Management for Beginners*), GE 2.3 (*Sales Promotion*), and GE 2.4 (*Computerised Accounting System*), whereas, the B.Com programme does not prescribe any such elective subjects in Semester-2, which means that students in B.Com can neither select nor study elective courses.

55. Juxta positioning the course contents of first two semesters of the two programmes thus, reveals that both the courses are distinct in the first two semesters. Therefore, on this premise also, the prayer of petitioner for transfer and change of programme from B.Com. to B.Com. (Hons.) cannot be entertained.

56. Before parting, the judgments cited by the petitioner may be adverted to. The petitioner has relied upon the decisions in *TMA Pai* (supra); *PA Inamdar* (supra); *Rajan Purohit* (supra); *Priya Gupta* (supra) and *Asha* (supra) for the proposition that the admission procedures must mandatorily satisfy the test of being fair, transparent, non-exploitative and strictly merit-based. The said decisions are not applicable to the facts of the present case. The petitioner had applied for B.Com. (Hons.) as a Foreign National through FSR. He was denied admission into B.Com. (Hons.) as he did not meet the mandatory requirement of having studied mathematics in class XII as stipulated in the FSR Bulletin. Accordingly, petitioner was offered admission in B.Com., for which he was eligible in terms of FSR Bulletin, and the same was accepted by the petitioner without demur. Insofar as petitioner's grievance as to non-publication of, or cryptically named/worded Notification dated 20.06.2024 is concerned, suffice it to observe at the cost



of repetition that the petitioner ought to have approached the court with promptitude, at least before the completion of admission process. In any case, the disputed fact concerning the publication of the Notification dated 20.06.2024 does not lead to a conclusion that the University acted unfairly.

57. Further, in *Ajay Kumar Shukla* (supra), the challenge was made to validity of selections made on the post of Post Graduate Teachers (English) for the year 2013 issued by the Secondary Education Services Selection Board. An alternative prayer was made for revision of the final answer key and issuance of select list on the basis thereof. The High Court of Allahabad held that when key answers are palpably and demonstrably erroneous, the petitioner cannot be made to suffer on account of errors committed by the Selection Board and it calls for interference by Court in exercise of its Writ jurisdiction. The controversy involved in the present case is clearly distinct, therefore, the said decision will also not advance the case of petitioner.

58. Likewise, the judgment of *Vanshika* (supra) is also distinguishable. In the said decision the issue was that the petitioner therein had filled in the application form for undertaking her first semester examination in February 2023 and deposited requisite fees. However, as there was a failure in the transaction for payment of fees, no admit card was issued to the petitioner so as to enable her to undertake the first semester examination. It was contended that despite having not undertaken the first semester examination, the petitioner was assured, by the relevant authorities, that she could undertake the first semester examination along with her third semester examination without any complications. However, the petitioner was later on not permitted to undertake her third semester examination. In such circumstance, a coordinate bench of this Court held that there is no case



against the petitioner, of her having been remiss either in her attendance or in her performance as a student, in the first, second or third semesters. Resultantly, the petition was allowed. The issue in the present case is entirely different. The transfer or change of programme from B.Com. to B.Com. (Hons.), as noted above, cannot be permitted after conclusion of admission process, all the more when petitioner has already completed B.Com. programme for one year. Hence, the said decision will not aid the case of petitioner.

59. Similarly, petitioner's reliance on *Pallavi Sharma* (supra) is also misplaced. In the said decision, it was observed by this Court that the procedure prescribed in the Prospectus or Bulletin of Information issued by an institution is binding on all concerned. It was held that no mandamus can be issued directing an educational institution to act contrary to its own established procedure. The said decision rather than supporting the case of petitioner, reinforces the position of the University.

60. In view of the above discussion, there is no merit in the petition. Accordingly, the petition alongwith pending applications, is dismissed.

AUGUST 19, 2025
N.S. ASWAL

VIKAS MAHAJAN, J