



2025:DHC:9437-DB



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

+ LPA 647/2025, CM APPL. 66200/2025, CM APPL. 66201/2025 & CM APPL. 66202/2025

SAMYAK BHATIA

.....Appellant

Through: Ms. Sanjukta Basu, Adv.

versus

UNIVERSITY OF DELHI AND ORS.

.....Respondent

Through: Mr. Mohinder Rupal, Mr. Hardik Rupal  
and Ms. Aishwarya Malhotra, Advs.  
Mr. Vikrant N. Goyal, Mr. Piyush  
Wadhwa and Mr. Kunal Dixit, Advs.  
for UOI.

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***Date of Decision: 27.10.2025***

**CORAM:**

**HON'BLE THE CHIEF JUSTICE**

**HON'BLE MR. JUSTICE TUSHAR RAO GEDELA**

**J U D G E M E N T**

**TUSHAR RAO GEDELA, J: (ORAL)**

1. Present Letters Patent Appeal has been filed, *inter alia*, seeking following reliefs:-

*“1. Set aside the impugned judgment and order dated 19.08.2025 passed by the Hon’ble Learned Single Judge in W.P.(C) 15885/2024 either in whole or in part.*

*2. Allow the Appellant to shift from B. Com to B. Com. (Hons.), which he shall undertake at his own risks, in view of his special needs status (PwD), stellar academic records, and CUET score.*



3. Further in view of the fact that the violation of his rights remains unaddressed, the Appellant prays for appropriate relief, including:

- i) Directions acknowledging the lapse from the Respondent because of the loss of opportunity, hardship and emotional trauma caused to him due to their actions and inactions.
- ii) Grant of appropriate compensation as deemed fit by this Hon'ble Court, considering that the Appellant was compelled to pay much higher fees as a FSR candidate instead of the lower CSAS fee applicable to Indian/OCI students or Persons with Disabilities.
- iii) Directions to ensure that clear and relevant information for OCI cardholders is henceforth prominently included by the Respondent in all their Admission Bulletins and websites.

4. Pass such other and further orders as this Hon'ble Court may deem fit and proper.”

2. It is the case of the appellant that he is a U.S. citizen holding an Overseas Citizen of India (hereinafter referred to as “OCI”) card, had studied in India from Class IV to Class XII. On 10.06.2024, he applied online for admission to respondent no.1/University of Delhi (hereinafter referred to as “the University”) through the Foreign Students’ Registry (FSR), opting for B.Com (Hons.) and B.Com as his first and second preferences. On 26.06.2024, he submitted the required documents such as the NOC from the U.S. Embassy and an updated passport, also informing the University that he was awaiting his Common University Entrance Test (CUET) results, which were declared on 28.07.2024. The University informed him that his application for B.Com (Hons.) could not be considered as he had not studied Mathematics in Class XII. To secure his admission, the appellant requested consideration for the B.Com course, which was accepted, and he was allotted a seat at Shri Guru Teg Bahadur Khalsa College. He completed all admission formalities, including payment and document verification, thereby confirming his seat.



3. The appellant further states that subsequently, on 29.08.2024, the appellant requested that his case be reconsidered for B.Com (Hons.), citing that he had studied in India continuously from Class IV to XII and had taken Mathematics up to Class XI. He further took up the issue on 20.09.2024 by emailing the Vice-Chancellor, Registrar, and Dean of Admissions. Several correspondences followed, and finally, on 02.10.2024, the University clarified that the FSR and CUET admission processes were separate, advising the appellant to apply through CUET in the next academic year if he wished to seek admission to B.Com (Hons.). Aggrieved by this, the appellant filed the underlying writ petition seeking (i) direction to respondent no.1 to consider the appellant's application form for B.Com (Hons.) for the academic year 2024-25 and he may be given the appropriate course in appropriate college as per his CUET score; (ii) alternatively, the appellant may be awarded B.Com (Hons.) course in the same college i.e. Sri Guru Teg Bahadur Khalsa College, University of Delhi. The learned Single Judge *vide* the impugned judgement dated 19.08.2025, dismissed the relief sought by the appellant on the ground that the admissions had reached finality and the appellant filed the petition much after the last date for registration for CUET admissions. Hence, the present appeal.

4. Ms. Sanjukta Basu, learned counsel for the appellant submits that the appellant 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 omitting to publish or communicate this crucial information at the time of admission. She further submits that a Notification dated 20.06.2024, allegedly clarifying that OCI cardholder could apply to undergraduate programmes, had never been uploaded on the university's website. She submits that this crucial issue has



not been dealt with or considered by the learned Single Judge.

5. That apart, learned counsel also argues that the learned Single Judge has not rendered any finding or conclusion in respect of the contention that the University did not upload the Notification dated 20.06.2024 on its official website alongwith the publication of the Bulletin of Information which deprived the appellant from availing the opportunity to apply as Indian National and not as a Foreign National. The lack of significant information being made available on the official website deprived the appellant of an opportunity and forced him to apply as Foreign National resulting in the appellant getting only B.Com course instead of B.Com (Hons.). The attempt of the appellant to establish this lacuna by documentary proof alongwith a Certificate under section 65B of the Evidence Act, 1872, also, was not considered for the purposes of assessing the loss and consequent award of damages in favour of the appellant.

6. *Per contra*, learned counsel for the University submits that it is not correct that Notification dated 20.06.2024 was not uploaded on University's website and no hyperlink existed on the said website. He further 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 programme through CUET-CSAS portal and the same was duly annexed and uploaded on the website of the University on the same day. He hotly disputes and vehemently refutes the allegation that the information through the Notification dated 20.06.2024 was not available on the official website of the University.

7. We have heard the learned counsel for the parties and perused the impugned judgement dated 19.08.2025.



8. At the outset we have been given to understand that the appellant had been admitted to the B.Com course and has already spent one and a half years in pursuing the said course. Additionally, it would be relevant to bear in mind that the learned Single Judge in paragraph 46 of the impugned judgement has noted that the underlying writ petition was filed on 04.11.2024 which is much after the last date for registration for admission and possibly after the conclusion of admission process for the academic session 2024-25. Thus, even if we were inclined to interfere and grant the relief of declaration as sought, there cannot be any direction to the University to grant a degree in B.Com (Hons.) course when the appellant has not attended any class related to the B.Com (Hons.). Moreover, there is nothing on record to demonstrate that by the time the underlying writ petition was filed, there were any vacancies in the desired course. In such circumstances, we do not think it appropriate to interfere at this stage.

9. In so far as the alleged wrongdoing by the University and consequential award of damages is concerned, such relief, in our opinion, can only be granted by a Competent Court exercising civil jurisdiction, as production and adduction of evidence, both oral and documentary, required to prove for relief of damages under the section 73 and 74 of the Contract Act, 1973 can be appreciated only in a full fledged trial and not in writ proceedings which are ordinarily summary in nature. This observation is predicated on the allegation of the appellant that the Notification dated 20.06.2024, stated to be granting permission to OCI to apply as Indian National, was not uploaded by the University on its official website, while the University took a diametrically opposite stand that the said information was available on its website as on 20.06.2024. This issue, based on disputed questions of fact, cannot be appreciated in writ proceedings.



10. Thus, in view of the aforesaid disputed question of facts which cannot be ascertained by a Constitutional Court under Article 226 of the Constitution of India, 1950, we do not find any infirmity, legal or otherwise, in the impugned judgement dated 19.08.2025.

11. That apart, it is settled that the admission process cannot be left open ended for indefinite period. There has to be finality to the admissions as has been held in a judgement passed by this Court in ***Sumit Kumar Singh & Anr vs. University of Delhi: Neutral Citation – 2025:DHC:554-DB***, the relevant paragraph is extracted hereunder:-

*“16. There is merit in the contention of the learned counsel for the respondent no.1/DU. If this Court were to agree with the submissions of the appellants, there would be no closure to the admission process/filling up of seats or counselling which would be an incongruous and unpalatable situation. Everytime a seat would fall vacant on account of some student leaving the course mid way, some aspirant would petition the High Court under Article 226 of the Constitution of India seeking mandamus for filling process, maybe right uptill the end of the said academic session. This interpretation would create an unending loop for the Universities in general which cannot be countenanced. It was in this context that the Supreme Court in ***Neelu Arora (supra)*** had laid down as under:*

*“6. When a detailed scheme has been framed through orders of this Court and the manner in which it has to be worked out is also indicated therein, we do not think that if in a particular year there is any shortfall or a certain number of seats are not filled up, the same should be done by adopting one more round of counselling because there is no scope for the third round of counselling under the Scheme. It would not be advisable to go on altering the Scheme as and when seats are found vacant. What is to be borne in mind is that broad equality will have to be achieved and not that it should result in any mathematical exactitude. Out of about 1600 seats, if 250 seats are not filled up for various reasons, we do not think it should result in the third round of counselling. If that process is to be adopted then there will be again vacancies and further filling up of the seats falling vacant will have to be undertaken. In that process, it will become endless until all the seats under the all-India quota are filled up. That is not the object of the Scheme formulated by this Court. The object was to achieve a broad-based equality as indicated by us at the outset and we do not think that any steps have to be taken for altering the Scheme. Moreover, this Court in ***Medical Council of India v. Madhu Singh*** has taken the view*



that there is no scope for admitting students midstream as that would be against the very spirit of statutes governing medical education. Even if seats are unfilled, that cannot be a ground for making mid-session admissions and there cannot be telescoping of unfilled seats of one year with permitted seats of the subsequent year. If these aspects are borne in mind, we do not think any reliefs as sought for by the petitioners can be granted under these petitions.

(emphasis supplied)..."

12. In that view of the matter the appeal is dismissed, leaving the appellant to seek any other remedy which may be available to him under law, if advised.

**TUSHAR RAO GEDELA, J**

**DEVENDRA KUMAR UPADHYAYA, CJ**

**OCTOBER 27, 2025/rl**