



2026:DHC:9311



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
 # **CNR No. DLHC010484082026**

Date of decision: 09.10.2026

+ **W.P.(C) 14837/2026 & CM APPL. 69554/2026**

DIKSHA BOURAI & ORS.

.....Petitioners

Through: Mr. Ashu Bidhuri, Mr. Swapnam
 Prakash Singh, Ms Shabana Hussain, Mr Hrishabh
 and Mr Nisar Malik, Advs.

versus

UNIVERSITY OF DELHI & ORS.

.....Respondents

Through: Mr Anurag Dayal Mathur Adv for R2
 Mr. Mohinder JS Rupal, Adv. for R1

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CNR No. DLHC010422142026

+ **W.P.(C) 13020/2026 & CM APPL. 60482/2026**

SHRADDHA

.....Petitioner

Through: Mr. Ashu Bidhuri, Mr. Swapnam
 Prakash Singh, Ms Shabana Hussain, Mr Ankit
 Bhati and Ms. Shivani Bansal, Advs.

versus

UNIVERSITY OF DELHI & ORS.

.....Respondents

Through: Mr. Vikas Bhardwaj, Adv for R3
 Mr Anurag Dayal Mathur Advocate for R2
 Mr. Mohinder JS Rupal, Adv. for R1

CORAM:**HON'BLE MR. JUSTICE JASMEET SINGH**

: **JASMEET SINGH, J (ORAL)**

1. These are writ petitions filed under Article 226 of the Constitution of India seeking the following respective prayers:-



“W.P.(C) 14837/2026

a. Issue appropriate writ/order/directions in the nature of mandamus directing Respondent No. 2, Bhagini Nivedita College, University of Delhi, to issue the requisite No Objection Certificates (NOCs) in favour of the Petitioners for their respective inter-college migration, namely, for Petitioner No. 1 and Petitioner No. 2 to Respondent No. 3, Vivekananda College, University of Delhi, and for Petitioner No. 3 to Respondent No. 4, Ram Lal Anand College, University of Delhi, in accordance with Ordinance IV of the University of Delhi Calendar and the applicable Rules and Regulations;

b. Issue appropriate writ/order/directions in the nature of mandamus directing Respondent No. 3 to permit and facilitate the migration of Petitioner no. 1 to the B.Sc. (Hons.) Home Science, 2nd year, and Petitioner No. 2 to the B.A. (Hons.) History, 2nd year, and directing Respondent No. 4 to permit and facilitate the migration of Petitioner No. 3 to the B.A. (Hons.) History, 2nd year, in accordance with law.

c. Issue appropriate writ/order/directions in the nature of mandamus and direct the Respondents to pay the cost of this petition to the petitioner....”

W.P.(C) 13020/2026

a. Issue appropriate writ/order/directions in the nature of



mandamus directing Respondent No. 2 (Bhagini Nivedita College) to issue the requisite No Objection Certificate (NOC) for the Petitioner's migration to Respondent No. 3 (Swami Shraddhanand College) in accordance with Ordinance IV of the University of Delhi Calendar;

b. Issue appropriate writ/order/directions in the nature of mandamus directing Respondent No. 3 to allow the Petitioner's migration to the B.A. (Hons.) History, 2nd year;

c. Issue appropriate writ/order/directions in the nature of mandamus directing Respondent No. 2 to initiate appropriate action, in accordance with law, against the Union members/students responsible for assaulting the Petitioner and her mother on 31.08.2026, in the interest of justice.

d. Issue appropriate writ/order/directions in the nature of mandamus and direct the Respondents to pay the cost of this petition to the petitioner..."

W.P.(C) 14837/2026

2. For reasons stated in the petition, issue notice.
3. Mr. Rupal and Mr. Mathur, learned counsels, accept notice on behalf of respondent Nos. 1 and 2 respectively and have argued the matter.
4. The brief facts of the case are that the petitioners are bona fide students, studying in respondent No. 2, namely Bhagini Nivedita College, University of Delhi. The petitioner Nos. 1 and 2 are seeking migration to respondent No. 3 namely Vivekananda College, University of Delhi in B.Sc. (Hons.) Home Science, 2nd Year and B.A. (Hons.) History, 2nd Year,



respectively. The petitioner No. 3 is seeking migration to respondent No. 4 college namely Ram Lal Anand, University of Delhi, in B.A. (Hons.) History, 2nd Year.

5. The petitioners sought for an NOC for inter-college migration from the Principal of respondent No. 2 college. However, the same was denied to the petitioners. Hence, the present petition was filed.

6. For the sake of convenience, the facts are set out with reference to W.P. (C) 13020/2026, it being clarified that the same findings and reasoning shall apply *mutatis mutandis* to W.P. (C) 14837/2026.

W.P.(C) 13020/2026 & W.P. (C) 14837/2026

7. The brief facts of the case are that the petitioner is a *bona fide* student, studying in respondent No. 2 namely Bhagini Nivedita College, University of Delhi and is seeking migration to respondent No. 3 namely Swami Shraddhanand College, University of Delhi, in B.A. (Hons.) History Programme, 2nd Year. The petitioner got admitted in respondent No. 2 college in July, 2025, and has completed her first year securing a CGPA of 7.59.

8. It is the case of the petitioner that she has to commute a long distance from her residence to the respondent No. 2 college. Travelling on a daily basis is inconvenient for the petitioner and she has concerns regarding her safety and security due to the same.

9. It is further stated the respondent No. 3 College is considerably closer to the petitioner's residence. The petitioner sought issuance of No-Objection Certificate ("*NOC*") for inter-college migration according to the rules prescribed in the Ordinance IV of Delhi University Calendar, which was rejected by the respondent No. 2. Hence, the present petition was filed.



10. Mr. Mathur, learned counsel for respondent No. 2, has handed over a counter affidavit in W.P.(C) 13020/2926 in Court today and the same is taken on record. He states that migration is not a vested right of the student. He further states that the respondent No. 2 college was established with the vision of extending higher quality education to women, particularly those belonging to rural and semi urban regions of Delhi.

11. The college is situated at Kair, Near Najafgarh, New Delhi-110043, and caters largely to first generational learners, students from Economically Weaker Sections and young women from neighbouring villages and rural communities.

12. He further states that there has been a steady decline in the number of intake of students and draws my attention to a chart depicting the same. He states that if students are permitted to migrate to other colleges, the respondent No. 2 will have fewer students and the same will result in respondent No. 2 college having to shut down. Furthermore, the college would be unable to achieve its above-mentioned objectives.

13. In view of the said reasons, the NOC for inter-college migration was declined by the respondent No. 2 college.

14. Mr. Rupal, learned counsel for the respondent No. 1, draws my attention to the judgment of the Division Bench of this Court in **Apoorva v. University of Delhi, LPA 198/2012** dated 12.02.2012 and that of the Single Judge of this Court in **Himanshu v. University of Delhi & Ors., W.P.(C) 2789/2021** dated 21.12.2021 to contend that migration is not a vested right and can only be granted when valid reasons are shown. He also relies on the Ordinance IV of Delhi University Calendar which reads as under:-



²⁷Ord. IV - Migration & Re-admission

Migration

1. Inter-University migration may be permitted only in the beginning of the III Semester of only the B.A. Programme and B.Com Programme under semester mode on production of (i) leaving certificate from the Principal of the College or from the Registrar of the University he is leaving and (ii) marks sheets of the examinations already passed and (iii) documentary evidences in support of the ground on which migration has been sought.

Provided that such a student will have to pass all the papers of the I & II semester examinations of the said course of the University of Delhi.

Provided further that their marks shall be proportionately upgraded in the I & II Semester examinations in the absence of the Internal Assessment Marks.

2. Admission of a student to the University in the III Semester of study for B.A./B.Com degree examination may only be allowed on the ground that the parent or guardian of the student is residing in or has migrated to Delhi.
3.
 - (a) Inter College migration within the University of Delhi in the III Semester of B.A, B.Com, B.Sc., B.A.(H), B.Com (H), B.Sc. (H) Courses under the semester mode may be allowed subject to availability of seats and consent of Principals of both the colleges.
 - (b) Inter College migration will not be allowed at the post-graduate level.
 - (c) The last date for migration will be 31st August.
4. Applications for migration from one college of the University to another shall only be entertained by the Principal if forwarded by the Principal of the college from which migration is sought, and the necessary alteration in the enrolment entries shall only be made in the University Register by the Registrar after obtaining the consent in writing of both Principals.

Re-admission

5.
 - (a) A student of the University having failed to pass any examination of the University will be registered as an Ex-student for re-appearing in the said examination subject to the conditions laid down under the Regulations of the University relating to Conditions of Admission to University Examinations.
 - (b) A student of the University who was not allowed to appear in the examinations due to shortage of attendance will be re-admitted to the class he studied last in his College/Department, within the prescribed period of registration.
 - (c) If a student's name is struck off the rolls of his College, he may be re-admitted

²⁷ Replaced/Amended vide E.C. dated 06.03.2014.



to the same class at the discretion of his Principal in the same academic year or within the period of registration, if re-admission is sought in any subsequent year. No enrolment fee shall be charged in such a case and a remark in the University Register shall be deemed as equivalent to fresh enrolment.

The term "his college" means the College last attended by the Student.

Change of Subjects

6. No change in the optional or elective subjects or subsidiary subjects in any semester of the Post-graduate or Under-graduate courses is permitted.

15. He relies on the aforesaid Ordinance IV to contend that the Principals of the concerned colleges are to consider every application in accordance with the same before granting the NOC.

16. I have heard learned counsels for the parties.

17. In the present cases, the petitioners as per the given timelines, have made applications for issuance of NOC in order to migrate from respondent No. 2 college to respective respondent colleges. Furthermore, the reason given by the petitioners seeking migration concerns the long distance between the residence of the petitioners and respondent No. 2 college. The following table depicts the distance between petitioners' place of residences with the respondent No. 2 college as compared to the respondent colleges wherein they are seeking migration:-

Name of the petitioner student	Distance from petitioner's place of residence to respondent No. 2 college (approx)	Distance from petitioner's place of residence to the respective college wherein they are seeking migration (approx)
Ms. Diksha Bourai i.e. petitioner No.	55 kms	2.9 kms



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1 in W.P. (C) 14837/2026		
Ms. Vaishnavi i.e. petitioner No. 2 in W.P. (C) 14837/2026	72 kms	2 kms
Ms. Sakshi Dubey i.e. petitioner No. 3 in W.P. (C) 14837/2026	105 kms	38 kms
Ms. Shraddha i.e. petitioner in W.P. (C) 13020/2026	48 kms	7 kms

18. Mr. Rupal, learned counsel, relies on the judgment dated 12.03.2021 passed in **LPA 198/2012** titled **Apuvra vs. University of Delhi and Ors** wherein the respondent college's action of disallowing migration on the ground of the College being unable to improve its academic standards was upheld. The relevant paragraph Nos. 3, 4 and 5 read as under:-

"3. The respondent No.2 College had taken the policy decision not to allow migration on the ground of distance finding that a large number of its students (as many as 26 in the last academic year) were seeking migration and as a result of which the said College was unable to improve its academic standards and its faculty was getting demoralized.

4. We may notice that this Court in Chetan Goel Vs.



University of Delhi 2005 VIII AD (Delhi) 316 holding that if students belonging to a College which is constantly improving its academic achievements, are allowed to migrate to other colleges, the same has a demoralizing effect on the faculty which must be viewed seriously. Similarly in Jatin Behl Vs. University of Delhi 99 (2002) DLT 546 it was held that a student who has not been able to secure admission in a College due to less marks than the cut-off prescribed by that College, cannot be permitted to secure the same by seeking admission by way of migration. The Division Bench of this Court in Aman Ichhpuniani (supra) laid down the guiding principle of balancing the conflicting interests of the student and the institution. In the present case though the appellant undoubtedly has to travel for long for travelling to the respondent No.2 College and the distance from her residence to the Vivekananda College to which she sought migration is comparatively much less but it cannot be lost sight of that the appellant took admission in the respondent No.2 College knowing fully well the said distance. When we weigh the reason given by the appellant for migration against the reason given by the respondent No.2 College for disallowing migration, we find that the new colleges as the respondent No.2 would never be able to come up if their best do not remain with them.

5. Moreover as aforesaid, the second year of the three years course and in which migration is permissible is nearly over.



We therefore do not find any merit in this appeal and dismiss the same. ... ”

19. However, the aforesaid judgment dated 12.03.2012 fails to consider the judgment of this Court in ***Aman Ichhpuniani v. The Vice Chancellor Delhi University; 1998 (44) DRJ (DB)***, wherein it has been held that distance between the place of residence and the place of institution is a relevant consideration and reaffirmed a student's right to choose an educational institution of his choice while seeking an admission. The relevant paragraph Nos. 17, 19 and 23 read as under:-

“17. To illustrate, the concept of neighborhood schools is gaining ground amongst the students and parents/guardians as a school in neighborhood available to cater to the educational needs of the students avoids the necessity of commuting and thereby saving time, also saving from the hazards of traffic. Distance between the place of residence and the place of institution is a relevant consideration when the student may find another institution available to cater to his needs and situated in closer proximity.

....

19. No institution can afford to retain good students with it by forcing them to do so. They have to be persuaded and made to feel convinced. A good student leaving a good institution is a contradiction in terms. It is equally true that a student cannot be allowed to migrate if institutional discipline would suffer in permitting him to do so. To illustrate, student facing disciplinary proceedings in an



educational institution cannot be allowed to migrate if motivated by the idea of getting rid of such proceedings.

. . . .

23. To sum up, in our opinion :-

(i) To migrate from one college of the University to another is not a vested right of student. A student may seek migration from one College to another, if there be reasons for doing so. Ordinance-IV confers discretionary power on the principal of the College from which migration is sought to forward or not to forward a prayer by a student seeking migration. The power is coupled with a duty to act reasonably guided by relevant consideration not by whim or caprice. The welfare of the student and the institution have both to be kept in view and weighed - if there be conflict between the two;

(ii) A student has a right to choose an educational institution of his choice while seeking an admission, but such right cannot be exercised with the same vigour and vitality while seeking migration;

(iii) A request by student seeking migration for reasons relevant and germane to such prayer may not be denied unless the principal be satisfied of the non-availability of the grounds or be of the opinion that the migration will not be in the interest of the student or the interest of the institution outweighs the interest of the student. The choice of the student has to be respected by giving due weight; for



no sensible student would ordinarily like to leave the institution which he had chosen to join.”

(emphasis supplied)

20. Accordingly, a perusal of ***Aman Ichhpuniani (supra)*** shows that the distance between the place of residence and place of institution is a relevant consideration in a situation where the student may find another institution available to cater to his or her needs situated in a closer proximity to his or her place of residence.

21. Furthermore, the judgment of the Hon'ble Division Bench in ***Apuva (supra)*** did not consider ***Aman Ichhpuniani (supra)***. In any event, the judgment in ***Apuva (supra)*** is distinguished on the fact that the petitioner therein did not apply for issuance of NOC for migration within time.

22. The judgment of ***Apuva (supra)*** has also been distinguished by a learned Single Judge of this Court dated 10.09.2013 in ***W.P. (C) 5413/2013*** titled ***Himani Sharma vs. University of Delhi and Ors.***, wherein the Court held that a blanket decision to not grant migration cannot be upheld as the same is arbitrary and unreasonable. A decision rejecting such NOC must be accompanied by reasons which are cogent, fair and reasonable. The relevant paragraphs read as under:-

“7. If the decision taken by the institution to refuse the migration certificate/ NOC is found on reasons which are not legal or germane or are arbitrary and illogical, it would be open to the Court to interfere with the decision of the institution, in exercise of its jurisdiction under Article 226 of the Constitution. In the case before this Court, the respondent no.2 college did not undertake the exercise to consider the request of the petitioner on merit. No speaking order



was passed by the Principal of the said college, taking into consideration the interest of the petitioner as well as of the college and migration was refused solely on account of a decision taken by the Staff Council, not to grant migration from the said college to another college of the university. In my view, Staff Council was not justified in imposing a blanket ban on grant of migration certificate, when the rules of the university, which are binding upon the college, do permit migration from one college to another college in appropriate cases. A blanket decision, not to grant migration certificate in any case, irrespective of the merit of the case, would be wholly arbitrary, unreasonable and unfair. The request of the petitioner for grant of migration certificate could have been rejected only for the reasons which are cogent, fair and reasonable. The decision to refuse migration therefore is liable to be quashed.

...

9. The convenience of the student is required to be weighed vis-à-vis inconvenience, if any, to the college from which migration is sought by the student. Admittedly, the respondent no.2 Adity Mahavidhlaya is a college aided by the University Grants Commission. Therefore, no inconvenience or loss would be caused to the said college if the petitioner migrates to another college affiliated to the same university. On the other hand, it would certainly be beneficial for the petitioner if she studies in a nearby college. In any case, since the primarily it is for the student to decide where she wants to study, the request for grant of migration certificate, in my view, cannot be refused except for reasons which are cogent, germane and logical. No



such reason, however, is available for refusal of migration certificate to the petitioner.

...

11. The learned counsel for Delhi University submits that mere distance from the place of the student to the college would not be a sufficient ground for grant of migration. In support of his contention he relies upon a decision of this Court in Apurva Vs. University of Delhi [2012(189) DRTJ 178]. A perusal of the aforesaid decision, however, would show that migration in that case was declined on several grounds including different reasons quoted by the appellant from time to time, a policy decision of the college, not to allow migration on the ground of distance and the last date for migration was allowed which however is not the case before this Court. That judgment, therefore, does not ipso facto apply to the present case.”

(emphasis supplied)

23. In accordance with the afore-stated precedents and the specific factual matrix of the present cases, I am of the view that consideration of proximity between the student's place of residence and the place of the institution is a reasonable consideration to grant NOC for inter-college migration.

24. No doubt the petitioners do not have a vested right to seek an NOC for migration but the same can also not be arbitrarily rejected by the respondent No. 2 college. A student has the right to choose the college where he or she wishes to study.

25. The reason stated by the respondent No. 2 with regard to denial of NOC for migration to the petitioners is that the same will result in respondent No. 2 having fewer students and being unable to achieve its well-



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directed objectives. If the same is accepted, it would justify refusal of every request for migration, which can lead to a situation amounting to an arbitrary blanket denial.

26. I am of the view that the aforesaid cannot be held to be a valid reason to deny the said NOC and that the NOC cannot be withheld in an arbitrary manner. Therefore, the refusal to grant NOC by the respondent No. 2 in the present matters cannot be sustained.

27. Accordingly, the petitions are allowed and the respondent No. 2 is directed to issue NOC to the petitioners expeditiously.

28. Since today is the last date for migration, Mr. Rupal, learned counsel shall inform the colleges accordingly.

29. The petitions, along with any pending applications, are disposed of in the aforesaid terms.

JASMEET SINGH, J

OCTOBER 9, 2026 / AS / MS

(Corrected and released on 14.10.2026)