



,* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
% **Judgment reserved on : 04 October 2024**
Judgment pronounced on: 07 October 2024
+ CONT.CAS(C) 1145/2024

ST. STEPHAN COLLEGEPetitioner
Through: Mr. Romy Chacko, Sr. Adv.
with Mr. Kartik Verma, Mr.
Ashwin Romy, Mr. Akshat
Singh and Mr. Joe Sebastin,
Adv.

versus

VIKASH GUPTA AND ORS.Respondents
Through: Mr. Mohinder J.S. Rupal, Mr.
Hardik Rupal and Ms. Aishwarya
Malhotra, Adv.

CORAM:
HON'BLE MR. JUSTICE DHARMESH SHARMA

J U D G M E N T

1. The petitioner-college is seeking initiation of the contempt proceedings under Section 12 of the Contempt of Courts Act, 1971 [“CC Act”] against the respondents for the alleged wilful disobedience of the directions passed by the learned Single Judge of this Court, contained in the order dated 22.04.2024 passed in W.P.(C) No.803/2022.

2. Shorn of unnecessary details, the petitioner-college instituted the aforesaid writ petition, seeking the following prayers:-

“(a) Issue appropriate orders directing the respondent university to honour the list of candidates for P.G. Operational Research and



Chemistry sent by the Petitioner College on 24th November, 2021.

(b) Issue appropriate orders directing the respondent university to respect the choice of the selected PG candidates to study at the petitioner college.

(c) Allot a proportionate number of PG seats to the petitioner college or in the alternative lay guidelines for allocation of seats to P.G. course.

(d) Award the cost of these proceedings in favour of the Petitioner and against the Respondents; and

e) Pass any other/further order(s) as this Hon'ble Court may deem fit and report in the facts and circumstances of the case to meet the ends of justice.”

3. The grievance of the petitioner-college in the writ proceedings was regarding the disproportionate allocation of the number of seats to the petitioner-college in PG¹ courses, lamenting about the fact that there are no objective guidelines governing the allocation of PG seats among the colleges affiliated with Delhi University [“DU”]. In this regard, a tabular representation has been referred to, demonstrating that, in comparison to other colleges under DU, a significantly lower number of seats have been allotted to candidates from the petitioner-college for pursuing their PG. courses.

4. At this juncture, it is pertinent to mention that the reliefs sought *vide* clause (a) & (b) were rendered infructuous due to passage of time, thus, the hearing in the writ was proceeded with respect to relief *vide* clause (c).

5. Suffice to state that the learned Single Judge after examining the whole gamut of the issues raised in the writ petition, as also a nine Judge Bench of the Supreme Court in the case of **Ahmedabad v. St. Xaviers College Society**² besides the decision by a Division Bench of

¹ Post Graduate

² (1970) 2 SCC 417



this Court in the case of **St Stephens College v. University of Delhi**³,
observed as under: -

“23. To the extent the above judgment of the Division Bench in **St. Stephen’s College** does not allow an interview to be conducted for admission of non-minority students, the petitioner college has carried the matter to the Supreme Court in Civil Appeals 7636-7637/2022. The said civil appeals are presently pending before the Supreme Court.

24. Following the above judgment, another Division Bench of this Court has, on 21 July 2023, passed an interim order in WP (C) 5426/2023 in the following terms:

“28. In view of the above, this Court is of the opinion that a prima facie case has been made that the Petitioner will suffer an irreparable loss if interim relief is not granted at this juncture. The balance of convenience also lies in favour of the Petitioner. Accordingly, as an interim measure, this Court directs that the admission policy as framed by this Court vide judgment dated 12.09.2022 shall be followed for the Academic Year 2023-24 and the St. Stephen’s College will adopt the marks secured in the CUET with 85% weightage for CUET and the College’s interview for shortlisted candidates with a weightage of 15% for Christian minority candidates. For non-minority candidates, the College will adopt the marks secured in the CUET alone as the sole eligibility criteria. The admissions made in the College would be subject to the final outcome of the instant writ petitions.”

25. Mr. Romy Chacko, appearing for the petitioner college, submits that the petitioner college is entitled, in view of the above legal position, to follow the same procedure as has been approved by the Division Bench of this Court in **St. Stephen’s College** and the interim order dated 21 July 2023 in WP (C) 5426/2023 (supra), insofar as minority students are concerned.

26. As the aspect of whether the petitioner college can resort to interview of non-minority students is presently pending before the Supreme Court and the judgment of the

³ 2022 SCC OnLine Del 2893



Division Bench in **St. Stephen's College** is presently against the petitioner on that score, Mr. Chacko submits that petitioner-College would not adopt the interview process for non-minority students.

27. Mr. Rupal, who appears for the DU, submits that, so long as the petitioner college restricts holding of interview for admission of PG students only to students belonging to the Christian minority community, the DU would not have any objection and would hereafter ensure that there is proportionate allocation of PG seats to the petitioner college, without the number of seats allocated being disproportionately less as compared to the seats allotted to other colleges.

28. In view of the said statement, it is not necessary for this Court to enter in merits into the aspect of the reasonability of the method of allocation of seats in the PG courses, by the DU.”

6. It is further pertinent to point out that the learned Single Judge, after observing that there were no guidelines whatsoever governing the allocation of seats framed by the DU, so much so as to characterize the station as smacking of arbitrariness, did not, however, deem it appropriate to issue any direction for the framing of guidelines or the creation of a policy. Nevertheless, the learned Single Judge concluded by passing the following directions: -

“30. For the aforesaid reasons, this writ petition is disposed of in the following terms:

(i) The petitioner college is permitted to subject minority students, seeking admission to PG courses in the petitioner college to interview and to allocate 15% marks to interview with 85% being allocated for the students' CUET score.

(ii) Non-minority students would, however, not be subjected to any interview for admission to PG courses in the petitioner college. Their admission would solely be on the basis of their CUET score.

(iii) The DU would ensure, henceforth, that allocation/allotment of PG seats in the petitioner-College is not disproportionate. Among other considerations, the DU may consider, in deciding on



the number of PG seats to be allotted, the infrastructure available with the concerned College, and the number of UG students in that course of study admitted in the College. These, however, are merely suggestions, and the DU is at liberty to adopt any objective criterion as it deems fit in that regard.

(iv) In order to avoid further heartburn on this score, the DU is directed to consider framing of an appropriate policy or appropriate guidelines, to govern allocation/allotment of seats in PG courses amongst various colleges.”

7. The petitioner-college, in the present contempt petition, laments that despite directions contained in the judgement dated 22.04.2024, the allocation of seats have not been properly made even for the academic year 2024-25, *inter alia* pointing out that the order dated 22.04.2024 was assailed in LPA No.526/2024, and no interim relief has been granted in favour of DU. It is agitated that the DU has again allocated extremely low number of seats to the petitioner-college in comparison to the other colleges. The grievance is that the list of candidates, belonging to the minority Christian community, which has been forwarded to the DU, has not been considered and not given admission in various PG courses. It is pointed out that no seats have been allocated for MSc Chemistry (Operation Research), which is in complete defiance of the judgement dated 22.04.2024. Hence, this petition for initiation of contempt proceedings.

THE STAND OF THE DU:

8. The DU has filed a reply through its Registrar by way of a short affidavit dated 21.08.2024, wherein it is deposed that the DU has introduced and implemented a new scheme applicable to admissions for all PG seats across all the departments/faculties of the DU, as well



as its various constituent colleges. Under this new scheme, the distribution of seats at DU is now structured such that 50% of the total sanctioned strength of the seats in the respective subject areas is allocated by the departments/faculties, while the remaining 50% is filled by the respective colleges. A comparative tabular chart is also depicted in the affidavit, claiming overall total seats in UG⁴ and PG programme in the colleges in the year 2021-22 and 2024-25, along with the proportion of seats in UG and PG for the aforesaid periods.

9. It is stated that DU has allowed the petitioner-college to interview Christian minority candidates for UG courses in accordance with the directions of this Court. However, the petitioner-college has merely forwarded the list of candidates as though there is a quota for them in PG. courses, without providing details regarding the CUET scores or interview marks.

10. At the outset, during the course of the arguments, the bone of contention seems to be the assertion/deposition *vide* the paragraph (11) of the affidavit which reads that “*it is pertinent to mention that in the post graduate programmes, there has never been any separate quota for Christian minority candidates of the petitioner college*”; and it is further asserted/deposed that “*the impugned judgment passed by the learned Single Judge does not create any separate quota for Christian minority students qua the PG programmes by the DU.*”

11. The matter came up before this Court on 27.09.2024, and on that date after hearing the learned counsels for the parties, the position that emerged was that although the petitioner-college has conducted

⁴ Under Graduate



an exercise of interviewing the minority Christian students and sent the details of shortlisted candidates to the DU, they have not been able to secure admission. Thus, on the request of the learned counsel for the respondent, a direction was made that the list of candidates, who have been shortlisted along with the CUET⁵ score sheet and the interview scores i.e. the evaluation sheets, be shared with the DU, which exercise has been done on 30.09.2024.

12. Having heard the learned counsel for the parties and on perusal of the record, there is an issue of admission of five students in PG courses in the DU. At the cost of repetition, the evaluation sheets have been shared with the DU.

13. Mr. Rupal, learned counsel for the respondents submits that on consideration of overall merits of the students who have applied for PG courses, a list would be drawn at the earliest and placement shall be done accordingly. He has reiterated that there is no quota for minority Christian students as such in the PG courses and the quota is only in the category of General, OBC⁶, SC⁷, ST⁸ & EWS⁹. He submits that the judgment of the Division Bench in the case of *St Stephens College v. University of Delhi (supra)* has no applicability in the present matter, as it pertains to UG courses for which there is 50% Christian candidate quota provided specifically only for admission in the petitioner college.

14. *Per contra*, Mr. Chacko, learned Senior Counsel appearing for

⁵ Common University Entrance Test

⁶ Other Backward Class

⁷ Schedule Caste

⁸ Schedule Tribes

⁹ Economically Weaker Section



the petitioner-college, has vehemently urged that this Court, in WP(C) no. 803/2022, has allowed the petitioner-college to select students for PG courses based on an 85% CUET weightage and 15% marks, and that the list of successful candidates should be honoured by DU, admitting them to the PG courses *viz.* Chemistry, English, History, Mathematics, Philosophy and Science streams. It is urged that the stand taken by the respondents that there is no quota for Christian minority students in PG courses runs contrary to the decision in the case of *St Stephen's College vs University of Delhi (supra)* and also decision in WP(C) 8814/2022 of this Court dated 12th September, 2022. It is further argued that such a plea can be canvassed in the LPA No. 526/2024, but not in the present contempt proceedings. Reliance is placed on decision in the matter of **Prithawi Nath Ram vs. State of Jharkhand**¹⁰.

15. Mr. Chacko, learned Senior Counsel for the petitioner-college has also vehemently urged that despite clear mandate of this Court, the number of seats allocated to the petitioner-college has been reduced from 37 in the academic year 2021 to 22 to 18 in the academic year 2024 to 25, and the contumacious conduct of the respondents is evident from the fact that two months have passed by and the selected students are yet to be given admission.

ANALYSIS AND DECISION:

16. Having given my thoughtful consideration to the submissions advanced by the learned counsels for the parties at the Bar and on careful perusal of the record, the following position emerges from the

¹⁰ (2004) 7SCC 261



history of litigation between the parties:

- (i) As per the decision of the Supreme Court, St. Stephen's College was established and is being administered by a minority community, viz., the Christian community which is indisputably a religious minority in India as well as in the Union territory of Delhi, where the College is located, and thus, enjoys rights and protection under Article 30 of the Constitution of India;
- (ii) The State has the right to regulate the standard of education and allied matters and minority institutions cannot be permitted to fall below the standards of excellence expected of educational institutions. In other words, although Article 30(1) of the Constitution of India is couched in absolute terms, it has to be read subject to the power of the state to regulate education, educational standards and allied matters;
- (iii) The issue as to whether the petitioner college can resort to interview of non minority students is pending before the Supreme Court and the aforesaid judgment given by the Division Bench of this Court is also operating against the petitioner college on that score;
- (iv) A categorical statement was given by the learned Standing Counsel for the DU that so long as the petitioner college restricts holding of interview for admission of PG students only to students belonging to Christian minority community, the DU would not have any objection and would hereafter ensure that there is proportionate allocation of PG seats to the petitioner college, without the number of seats allocated being disproportionate as compared to the seats allotted to other colleges;
- (v) This Court in W.P. (C) 803/2022 allowed the petitioner college to subject minority students, seeking admission to the PG courses in the petitioner college to interview and to allocate 15%



marks for the interview with the 85% being allocated to the students' CUET score.

17. The arguments of learned counsel for the petitioner-college implies that DU's delay in admitting these students may jeopardize their academic year. The focus shifts from the quota issue to the university's responsibility in ensuring timely admissions, considering the academic consequences for the students involved.

18. Thus, in view of the aforesaid broad propositions, reverting to the instant matter, indeed for now, the plea of the respondents that there is no quota for minority students *qua* the PG programmes by the DU is valid, however, the issues highlighted by the learned counsel for the petitioner-college raise a different concern. Learned Senior Counsel for the petitioner-college has been able to show that after passing of the order dated 22.04.2024, the list of selected students was supplied to the DU as back as in July, 2024, followed by repeated emails sent to the DU on 06.07.2024, and later on 10.07.2024 urging the DU to admit the students in the PG courses being offered by the DU. Evidently, two months have passed by and the sessions for various PG courses have already commenced, thereby putting the students at risk for not meeting the UGC teaching days requirement.

19. The bottom line is that the affected students are yet to see the light of the day as to where they stand in pursuing their preferred PG courses or otherwise. It is manifest that there has been no response from DU to the aforesaid emails, requests, or persuasions. There has been stoic silence on the part of the respondents since the time list of the selected candidates was furnished to them. The focus thus shifts



from the quota issue to *the responsibility of the DU in ensuring timely admissions*, considering the academic consequences for the students involved. During the course of hearing, it was clarified that a list of 36 students was supplied to the DU for admission in PG Courses and as of now the fate of five students hangs in balance who are yet to see as to whether or not they stand admitted in any PG Courses.

20. Further, it goes without saying that it was also rightly canvassed by the learned Senior Counsel for the petitioner-college that, despite directions of this Court, the allocation of seats in PG courses has been reduced as compared to the previous years. Evidently, DU is yet to formulate any policy or guidelines to govern allocation/allotment of seats in PG courses amongst various colleges.

21. Hence, unhesitatingly, this Court is of the opinion that the concerned officials of the respondent DU while settling their personal grouses with the management of the petitioner-college, are in virtually playing with the life of the students, which action or deliberate omission is neither acceptable nor sustainable in law. The respondents are miserably failing to show cause as to what steps they have taken so far to facilitate the admission of the selected students by the petitioner-college in getting admission in PG courses. At the cost of repetition, inordinate delay on the part of the respondents shall cause irreparable harm to the selected students. It is disappointing to see academics of repute displaying such insensitivity.

22. Therefore, this Court finds that the respondents are guilty of committing wilful disobedience in the nature deliberately stalling the implementation of the directions of this Court. The respondents No.1



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and 4 i.e. Registrar, University of Delhi and the Dean Admissions of University of Delhi are directed to appear before this Court, for now, through video conferencing on 15.10.2024 at 2.30 p.m. and show cause why they should not be punished in accordance with the law.

23. Re-notify on 15.10.2024 at 2.30 p.m.

DHARMESH SHARMA, J.

OCTOBER 07, 2024

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