



2025:DHC:7967-DB



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

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*Judgment reserved on: 31.07.2025*

*Judgment pronounced on: 12.09.2025*

+ LPA 466/2023 & CM APPL.44949/2025

**SURAJMAL MEMORIAL EDUCATION SOCIETY & ANR.**

.....Appellants

Through: Mr. Kirti Uppal, Senior Advocate along with Mr. Kumar Utkarsh, Adv. for A-1. Mr. Rakesh Kumar Khanna, Senior Advocate along with Mr. Kumar Utkarsh, Adv. for A-2.

versus

**GOVT. OF NCT OF DELHI & ORS.** .....Respondents

Through: Mr. Dhruv Rohatgi, Adv. for R-1 & R-2.  
Ms. Anita Sahani, Advocate for R-3.

**CORAM:**

**HON'BLE MR. JUSTICE ANIL KSHETARPAL**

**HON'BLE MR. JUSTICE HARISH VAIDYANATHAN  
SHANKAR**

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

#### **ANIL KSHETARPAL, J.**

1. The present Appeal assails the correctness of the Judgment dated 17.05.2023 [hereinafter referred to as “the Impugned Order”] passed by the learned Single Judge in W.P. (C) No. 14678/2022 and connected matters, whereby the admissions conducted by the Appellant – Maharaja Surajmal Institute of Technology [hereinafter referred to as “MSIT”] under the Management Quota for the academic session 2022–23 were held to be contrary to the applicable statutory



provisions, namely, the Delhi Professional Colleges or Institutions (Prohibition of Capitation Fee, Regulation of Admission, Fixation of Non-Exploitative Fee and Other Measures to Ensure Equity and Excellence) Act, 2007 [hereinafter referred to as “the Act”], as well as Delhi Professional Colleges or Institutions (Prohibition of capitation Fee, Regulation of Admission, Fixation of the Non-exploitative Fee and other measures to ensure Equity & Excellence) Rules, 2007 [hereinafter referred to as “the Rules”], and the circulars issued by the Directorate of Higher Education, Government of NCT of Delhi [hereinafter referred to as “GNCTD”], and Guru Gobind Singh Indraprastha University [hereinafter referred to as “GGSIP University”]. By the Impugned Order, while the admissions already granted were protected in the larger interest of students, a penalty was imposed whereby the Management Quota seats of MSIT were reduced to ‘Nil’ for the succeeding academic session 2023–24.

### **FACTUAL MATRIX**

2. In order to comprehend the issues involved in the present case, relevant facts in brief are required to be noticed. The Appellant No. 1, Surajmal Memorial Education Society (Regd.), is a registered society engaged in imparting higher and professional education. Appellant No. 2, MSIT is a self-financing private institution established under the aegis of Appellant No. 1, affiliated to GGSIP University, recognized under Section 2(f) of the UGC Act, and approved by the All India Council for Technical Education (AICTE).

3. In terms of the Act and the Rules framed thereunder, 10% of the



sanctioned intake in B.Tech. courses at MSIT was earmarked for admission under the Management Quota. For the Academic Session 2022–23, MSIT undertook the admission process for these seats.

4. On 22.09.2022, the Directorate of Higher Education, GNCTD, issued a circular directing the GGSIP University to create an online portal through which information regarding availability of seats and merit lists could be accessed by prospective applicants. Pursuant thereto, the GGSIP University issued further circulars dated 27.09.2022 and 14.10.2022 seeking to operationalise the admission process through such portal. These circulars, as well as the admission procedure adopted by MSIT, became the subject matter of challenge in W.P.(C) No. 14678/2022 filed by MSIT along with three other institutions.

5. Around the same time, a separate writ petition, W.P.(C) No. 11906/2022, was filed by one student, Shubham Jha, who alleged non-transparency in the process of distribution of admission forms. By order dated 08.09.2022, the learned Single Judge directed the concerned institutes to issue the requisite application form; that direction was complied with, and the petitioner's name subsequently appeared in the relevant applicant lists and he was ultimately admitted during the admission cycle (the record shows his admission took place in October 2022).

6. Prior to the above circulars, MSIT on 16.09.2022 had published a list of 69 applicants who had applied for admission under the Management Quota. Thereafter, MSIT conducted counselling between



27.10.2022 and 29.10.2022, and subsequently admitted 62 students.

7. On 17.10.2022, in the writ proceedings, the learned Single Judge recorded a *prima facie* view about the impugned circulars and directed the GGSIP University to ascertain the factual position regarding the admission processes then underway. Meanwhile, the GGSIP University issued further notifications on 18.10.2022 and 02.11.2022, publishing consolidated lists of applicants for Management Quota seats and requiring institutions to conduct counselling accordingly. By 29.10.2022, MSIT had substantially completed its admissions under the Management Quota.

8. The foregoing sequence of these events, and the interplay between the statutory scheme under the Act and the Rules, the administrative directions issued by GNCTD, and the subsequent circulars of GGSIP University, formed the backdrop of the Impugned Order dated 17.05.2023.

### **PROCEEDINGS BEFORE THE LEARNED SINGLE JUDGE**

9. The writ petitions filed by MSIT and other institutions primarily questioned the validity of the circulars issued by the Directorate of Higher Education, GNCTD and GGSIP University in September–October 2022, contending that the same travelled beyond the statutory framework of the Act and the Rules framed thereunder. It was urged that the directions requiring a centralized portal and consolidated merit lists were issued at a stage when the admission process had already commenced, and that compliance therewith was neither feasible nor legally mandated.



10. The learned Single Judge, upon considering the rival submissions and the material placed on record, held that the admission process followed by MSIT for the Management Quota seats during the academic session 2022–23 was contrary to the governing statutory provisions, the Act, the Rules framed thereunder, and the circulars issued by GNCTD and the GGSIP University. At the same time, having regard to the fact that students had already been admitted and were pursuing their courses, the admissions were not disturbed.

11. As a measure of penalty, however, the learned Single Judge upheld the decision of the GGSIP University to reduce the Management Quota seats of MSIT to *Nil* for the succeeding academic session 2023–24. It is this direction, along with the findings leading thereto, which forms the subject matter of challenge in the present Letters Patent Appeal.

### **CONTENTIONS OF THE APPELLANTS**

12. Learned counsel for the Appellant contended that the issue regarding the validity and applicability of the GNCTD Circular dated 22.09.2022 and the subsequent notifications issued by the GGSIP University for the academic session 2022-23 already stands settled by this Court. Reliance was placed on the order dated 04.08.2023 passed in LPA No. 563/2023 titled ***Vivekanand Professional Institution of Professional Institute vs Government of NCT of Delhi***, wherein it was held that the authority had no jurisdiction to issue such directions. Further reliance was placed on LPA No. 482/2023 titled as ***Noorakshi Dahiya vs GGSIPU***, decided on 31.08.2023, wherein the Circulars



dated 22.09.2022, 27.09.2022 and 14.10.2022 were held to be *ultra vires* Articles 14 and 19(g) of the Constitution of India, as well as violative of provisions of the Act and the Rules framed thereunder.

13. It was urged that once the admissions process has commenced, the governing rules for the admissions cannot be altered midway. The commencement of process is traceable to the date of publication of the brochure of GGSIP University for the academic session 2022-23, which set out the procedure for admission, including under the Management Quota. As per the brochure guidelines contained therein, the Appellant issued an advertisement on 26.08.2022 in the newspaper for filling the management quota. Pursuant thereto, 69 students who had applied were enlisted, and the said list was published at the website of the institute along with the marks obtained by them in the qualifying examination. Subsequently, the list was frozen on 16.09.2022, i.e., much before the issuance of circulars dated 22.09.2022 and 27.09.2022, whereby the process for admission to the Management Quota was sought to be modified.

14. It was further contended that the Appellants did not indulge in any unfair practices or procedures to deprive any meritorious candidate from applying for the Management Quota. Except for a condonable delay of a few days under Section 4(14) of the Act attributable to court proceedings and the delay in creation of the Government's portal, no violation of the statutory framework occurred. Though the merit list publication was delayed owing to subsequent circulars dated 22.09.2022 and 27.09.2022, no prejudice was caused, as the list had already been published within time, and no



complaint was received. Registration under the Directorate of Higher Education, GNCTD Circular dated 22.09.2022 and GGSIP University Circular dated 27.09.2022 began on 18.10.2022, yet the course- and institute-specific lists directed by the government were never provided. Consequently, the Appellants proceeded with its counselling schedule submitted on 07.10.2022 and as permitted by the Court's order dated 16.09.2022. Accordingly, first-round counselling was held on 27.10.2022 with prior intimation to the GGSIP University, followed by second-round counselling on 28–29.10.2022, both conducted in a free, fair, and transparent manner, with all admissions duly intimated to the GGSIP University, which also accepted the prescribed share of fees at Rs. 20,000 per student.

15. Learned counsel next argued that no punishment is prescribed under the Act or the Rules framed thereunder, and therefore the direction reducing 10% of the Management Quota seats of the Appellant Institution for the academic session 2023-24 to *nil* is beyond the scope of judicial review. Reliance was placed on the case of *M.S. Ahlawat vs. State of Haryana*<sup>1</sup>, wherein it was held that the Court cannot impose a punishment which is not provided under the Statute. Another limb of argument is that the punishment is imposed on the prospective students rather than in on the Institute, as the same takes away the rights of the prospective students who will be applying a year later i.e., 2023-24, and who may be entitled to gain admission in MQ on the basis of high score in CBSE examination without any opportunity of being heard and for no fault of theirs.

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<sup>1</sup> (2000) 1 SCC 278



16. Lastly, it was submitted that the Appellants had complied with all interim orders passed by the Court, including those dated 08.09.2022, 16.09.2022, 28.09.2022, 17.10.2022 and 20.10.2022, and that no instance of defiance or disregard can be attributed to them.

### **CONTENTIONS OF THE RESPONDENT NOS. 1 & 2**

17. Learned counsel for Respondent Nos. 1 and 2 submitted that the Circular dated 22.09.2022 was issued by the Directorate of Higher Education, GNCTD, with the prior approval of the then Hon'ble Minister of Higher Education/ Deputy Chief Minister of Delhi. The object of the said Circular was to introduce transparency, clarity and efficiency in the admissions against Management Quota seats in private institutions affiliated with GGSIP University, in conformity with the Act and the Rules.

18. It was further submitted that by Order dated 05.05.2011, GGSIP University was appointed as the *Designated Agency* for conducting admissions and counselling in the self-financing Institutions affiliated to it. Accordingly, Respondent No.2/Directorate of Higher Education, GNCTD has limited role once the designated authority is appointed, and therefore the answering respondents are not in a position to comment upon the manner in which the admission process was undertaken by the Appellants.

### **CONTENTIONS OF THE RESPONDENT NO. 3**

19. Learned counsel for Respondent No.3/GGSIP University supported the Impugned Order and submitted that the Appellants had





clearly flouted the provisions of the Act and the Rules framed thereunder, as noted in detail by the learned Single Judge. It was argued that despite repeated directions, the Appellants chose to follow their own admission schedule and procedure, thereby undermining the uniformity and transparency sought to be achieved through the Circulars issued by Directorate of Higher Education, GNCTD and the GGSIP University.

20. It was further contended that once the Directorate of Higher Education, GNCTD had mandated creation of an online portal, the GGSIP University was bound to operationalise the same in the larger public interest, so that all applicants had equal access to information. Consolidated merit lists were accordingly published, but the Appellants disregarded these and proceeded with counselling on their own terms, thereby creating scope for arbitrariness and exclusion of meritorious candidates.

21. Counsel for the GGSIP University emphasised that the penalty imposed — reducing the Management Quota seats of MSIT to *nil* for the academic session 2023–24 — is a corrective measure intended to ensure compliance in future and to deter other affiliated institutions from adopting similar practices. It was submitted that the punishment is not arbitrary, as it directly addresses the nature of the violation, and is proportionate to the gravity of non-compliance.

### **FINDINGS & ANALYSIS**

22. After considering the submissions advanced by learned counsel for the parties and upon perusal of the material placed on record, the



issue that survives for determination is confined to the correctness of the direction contained in Paragraph No.183 of the Impugned Order, whereby the learned Single Judge, instead of cancelling the admissions made in the Academic Session 2022–23, imposed the penalty of reducing the Management Quota seats of the Appellant–MSIT to *nil* for the succeeding Academic Session 2023–24. Paragraph 183 thereof reads as under:

*“183. Hence, instead of treating the admissions made in the Academic Session 2022-2023 as null and void, the 10% Management Quota Seats of the MSIT for the Academic Session 2023-2024 stands reduced to Nil, meaning thereby that the 10% Management Quota Seats shall be filled up by the designated authority as per the procedure to be followed for filling up the remaining 90% seats for the Academic Session 2023-2024. Any advertisement, already issued by MSIT, for admitting students against the 10% Management Quota Seats stands cancelled.”*

23. The learned Single Judge held that the Appellants failed to ensure transparency and compliance with the procedure mandated under the Act and the Rules, and the applicable circulars. The Court noted that the window provided by MSIT for applications was narrower than the minimum time contemplated under Rule 8 of the Rules, and that the Appellants proceeded with counselling despite the subsistence of various interim directions dated 08.09.2022, 16.09.2022, 17.10.2022 and 20.10.2022.

24. From the record, it is evident that the Appellants conducted admissions in October 2022 without aligning their process with the consolidated lists and online portal framework introduced by the GGSIP University pursuant to the circulars dated 22.09.2022 and 27.09.2022. The learned Single Judge, in paragraphs 144 –145 of the



Impugned Order, specifically recorded that MSIT's advertisement dated 26.08.2022 allowed barely two weeks for submission of application forms, contrary to the statutory mandate of granting a minimum of 18 days under Rule 8(2)(a), thereby undermining equal opportunity to prospective candidates.

25. Paragraph Nos.144 –145 of the Impugned Order read as under:

*“144. The fourth question is regarding the admission made by MSIT for the Academic Session 2022-2023 against the Management Quota of 10% seats.*

*145. According to MSIT's own stand, it issued an advertisement dated 26.08.2022 in a 'Daily English' newspaper and a 'Daily Hindi' newspaper. The last date for submission of application was prescribed to be 12.09.2022. The advertisement expressed that the application forms were available in the office of the institute upto 29.08.2022. The advertisement published in 'The Statesman' dated 26.08.2022 i.e., the English Daily reads as under:-*

***“ADMISSION NOTICE FOR MANAGEMENT QUOTA SEATS***

*In terms of Directorate of Higher Education/Govt. of NCT of | Delhi Notifications regarding filling up of 10% Management Quota Seats, applications are invited in the form available in the offices of the Institutes upto 29.08.2022 between 10.00 a.m. to 1.00 p.m. The last date for submission of application will be 12.09.2022 upto 1.00 p.m. The Counseling will take place in the premises of the Institutes on a date and time to be notified on the Institutes website with respect to the following courses:*

***Maharaja Surajmal Institute.:***

*• BBA (Gen.), BBA(B&I), BCA,B.Com. (H) – 1st and 2nd Shifts, B.Ed., MBA, BBA-LLB and BA-LLB*

***Maharaja Surajmal Institute of Technology:***

*• B. Tech. (IT), (CSE), (ECE) – 1st and 2nd Shift, B. Tech. (EEE)- 1st Shift and B. Tech. (Lateral Entry)””*

26. During the pendency of the present Appeal, an application filed by the Appellants was disposed of on 14.06.2023 whereby this Court



permitted the Appellants to fill the Management Quota seats for Academic Session 2023–24, subject to the condition that in the event of dismissal of the appeal, such quota would stand forfeited for the subsequent year. The GGSIP University has accordingly not permitted MSIT to exercise the Management Quota for the 2024–25 session. The said order dated 14.06.2023 reads as under:

*"1. This is an application seeking direction to the respondents not to include 10% management quota seats in the counselling for 90% general seats and allow the appellant to conduct the admission process against those management quota seats.*

*2. Issue notice. Ms. Sahani, learned counsel for respondent No. 3 accepts notice and opposes the application.*

*3. Mr. Tripathi, learned standing counsel has no objection to the prayers made in the application.*

*4. Mr. Mittal, learned senior counsel states that he may be permitted to fill the 10% management quota seats for this academic session and in case the LPA is disallowed, he will forgo his 10% management seats for the subsequent academic year. He shall file an affidavit to this effect.*

*5. Our attention has been drawn to para 29 of the impugned order which reads as under:*

*"29. During the course of argument, learned Standing Counsel for Respondent-NCT of Delhi takes a categorical stand that the Circular dated 22.09.2022 is prospective in nature and, therefore, in Clause (ii) of the Circular the word 'prospective' has been consciously mentioned. He also takes the categorical stand that the Circular would be made applicable once the University creates a portal. According to him, no portal has been created by the University for the Academic Session 2022-2023. He further submits that the University has deviated from the Circular dated 22.09.2022 while issuing the follow up Circular dated 27.09.2022. According to him, no registrations were intended to be done at the University level."*

*6. A perusal of the order shows that prima facie the circular was not applicable to the appellant, pursuant to which the appellant has been penalised. Hence, it is directed that the appellant shall be permitted to fill the 10% management quota seats for this academic session and in*



*case the LPA is disallowed, he will forgo his 10% management seats for the subsequent academic year.*

*7. Respondent No. 3 is at liberty to file an application seeking modification of the order before the Roster bench.*

*8. List on 03.07.2023 before Roster bench for clarification/modification of the order, if so required.”*

27. On 07.07.2025, an interim order was passed restraining the diversion of Management Quota seats to the General Quota until further directions. The same reads as under:

*“1. List the matter for hearing on 05.08.2025 at 02:30 PM.*

*2. The Management Quota seats shall not be diverted to the General Quota seats till the next date of hearing.*

*3. The date of 25.08.2025, stands cancelled.”*

28. It may be noted that the Appellants placed reliance on the Division Bench judgment dated 04.08.2023 in LPA No. 563/2023 captioned ***Vivekanand Professional Institute v. Govt. of NCT of Delhi***, wherein the Court observed that the order dated 22.09.2022 issued by the Directorate of Higher Education, GNCTD had not been shown to have been issued by a competent authority and that, consequently, any action taken pursuant thereto would be without jurisdiction. Reliance was also placed on the decision dated 31.08.2023 in LPA No. 482/2023 captioned ***Noorakshi Dahiya v. GGSIP University***, where the Division Bench reiterated the view that the circulars dated 22.09.2022, 27.09.2022, and 14.10.2022 could not be pressed into service so as to defeat admissions that had already commenced.

29. However, these observations cannot advance the case of the present Appellants, inasmuch as the GGSIP University itself, by a



contemporaneous circular dated 22.09.2022, reiterated and adopted the impugned directions, and the subsequent Division Bench rulings have also emphasized the necessity of ensuring transparency in the management quota admissions by requiring compliance with the procedure under the Act and Rules.

30. Although this Court entertains some reservations regarding the correctness of the finding of the learned Single Judge as to the competence of the Director to issue the circular dated 22.09.2022, the issue has since been rendered academic. This is because the GGSIP University, by a subsequent circular of the same date (Annexure P-9), reiterated those directions, which stand upheld in LPA Nos. 563 and 482 of 2023.

31. Further, with effect from 13.04.2023, an Admission Regulatory Committee has been duly constituted. By virtue of the creation of this statutory body, the Committee contemplated under the circular dated 22.09.2022 stands subsumed and no longer retains present relevance.

32. The Appellants' argument that the circulars could not alter the admission process mid-session, and that "the rules of the game cannot be changed midway," does not persuade this Court. While such a principle is well-settled, it cannot be invoked to justify non-compliance with statutory rules and binding judicial directions. The record discloses that the Appellants not only curtailed the minimum period prescribed under Rule 8(2)(a) of the Rules, but also proceeded with counselling in disregard of subsisting interim orders of this Court. The contention that no unfair practice has been established, and



that no punishment is prescribed in the Act or the Rules, is equally untenable.

33. On the contrary, learned counsel for the Respondents, has rightly pointed out, Rule 8(2)(a) mandates a minimum of 18 days' notice, which was admittedly not complied with. Further, Rule 8 stipulates that all admissions to the Management Quota shall remain provisional, subject to ratification by the designated agency. The Appellants' unilateral process, conducted without adherence to these provisions, cannot be countenanced. Rule 8 is extracted as under:

*"8. Allotment of seats :- (1) Allotment of seats in an un-aided professional college or institution shall be made college or institution-wise for each course.*

*(2) Every institution other than a minority institution, shall provide for seats in respect of management quota, wards of defence personnel, persons with disability and others in the manner as described below:-*

*(a) Management Quota. - (i) The Chairman or Secretary of the highest management body of the institution shall furnish an affidavit to the designated agency, mentioning therein that they have followed the procedure laid down in the Act and these rules in a transparent manner and that they have done so without any prejudice or undue favour. Such an affidavit shall accompany the list of successful candidates under management quota, to be lodged with the University in the manner laid down in sub-clause (viii).*

*(ii) The institution shall advertise the admission notice for management quota seats in at least two leading daily newspapers, one in Hindi and the other in English in addition to displaying the same on the institution's website and the institution's notice board, kept at a conspicuous place. The admission notice shall be displayed at least a fortnight before the last date for closing of admission for the concerned course in the University and shall include therein information necessary for the students seeking admission to management quota seats. The admission notice shall include therein the place from which admission forms will be available, the date, time and manner for submission of completed applications and the schedule for various admission processes and counselling. Prospective applicants shall be given a period of at least eighteen*



days to apply for seats under the management quota, in the aforementioned manner.

(iii) While calculating the management seats, fraction less than 0.7 shall be ignored and above that converted into one full seat.

(iv) Based on the aggregate marks obtained by qualified applicants at the qualifying examination, the institution concerned shall prepare and display the rank ordered merit list of such applicants on the institution's website and notice board kept at a conspicuous place of the institution, within two days of the closing date for receipt of the management quota applications. The criteria for rank ordering of applicants with a tie in the qualifying examination's aggregate marks shall be the same as those laid down in the admission brochure or as laid down by the designated authority.

(v) Based on the merit list so drawn up, the institution concerned shall conduct admission counseling for allotment of branches/courses to qualified applicants within a period of three days of drawing up of the merit list of qualified management quota applicants. Such admission counseling will, however, be subject to the condition that there shall not be more than two rounds of counseling. The list of applicants who will be called for a given round of admission counseling shall be displayed on the institution's website and notice board, kept in a conspicuous place.

(vi) Following the conduct of admission counseling, the list of applicants admitted to the management quota seats made on the basis of the merit list drawn up in the aforementioned manner and the balance of the management quota seats in each course shall be published at the end of each round of counseling on the website of the institution as well as that of the designated agency. A copy of such list shall be displayed on the notice board of the designated agency as well as that of the institution, kept at a conspicuous place for the information of the candidates and others. The list of the candidates being called for the first round of counseling shall be displayed in the aforementioned manner along with the merit list, indicating therein the date, time and place at which the counseling will be held. The date, time and place of the second round of counseling will be displayed along with the list of candidates admitted in the first round of counseling:

Provided that the second round of counseling shall commence only twelve hours after publication of the list of applicants admitted in the first round of counseling and the discipline/course-wise balance of seats. (vii) The last date to fill up the management quota seats will be nine calendar days after the last date for regular admissions in the University and the concerned course





(viii) All admissions made to the management quota seats shall be provisional and will need ratification by the designated agency, which will convey its decision within a day of being informed by the institution of the list of successful candidates and the basis of their selection as per procedure mentioned herein before.

(ix) The affiliated institutions shall not be authorized to admit candidates against the management quota seats after the cut-off date fixed as mentioned in sub-clause (vii) above.

(x) If any dispute arises with regard to the admission under the management quota seat(s), the designated agency or the Government, as the case may be, shall have the overriding power to issue directions to the institution which shall be binding upon the institution concerned.

(b) Wards of Defence Personnel. - Five percent of the seats under each programme of study shall be reserved for widows/ wards of personnel of Armed Forces in the order prescribed by the Rajya Sainik Board from time to time.

(c) Physically Challenged candidates. - Three percent of seats for each programme of study shall be reserved for persons with disability, duly certified by the prescribed authority. (d) Wards of persons with liability of transfer outside Delhi. - 0.5% of the seats in a programme of study shall be kept reserved for the wards of employees working in the Government/Legislature/Judicial Services of Delhi and having liability for transfer outside Delhi.

(e) Supernumerary seats. - (i) Subject to the clearances as may be required from the competent statutory authorities, five percent supernumerary seats in each programme will be earmarked for the wards of non-resident Indians in institutions which are being run from permanent campuses having adequate space and infrastructure and in 6 23 institutions which have received specific 'No Objection Certificate' to that effect from the Government for admitting students from non-resident Indians category. Admissions to non-resident Indian quota seats shall be on merit as per procedure to be notified by the Government.

(ii) One seat will be earmarked for Kashmiri migrants in each institution and admission for the same shall be based on merit through common entrance test conducted by the designated agency, preference being given to a migrant registered in Delhi upto the 11th day of June, 2001. A certificate from the competent authority for availing admission against this quota shall be produced by the candidate at the time of counseling or admission, as the case may be. The designated agency shall earmark the branch and the unit in which such supernumerary seat is to be earmarked by an institution.



*(3) For minority institutions, percentage of seats to be filled up on the basis of merit shall be decided by the management of the institution and the remaining seats shall be filled up as per the laid down procedure prescribed for the non-minority institutions. The percentage of seats so decided shall be communicated by the management of the institution to the designated agency at least a month before the commencement of the counseling for the concerned programme of study.”*

34. This Court is also not persuaded by the plea that the penalty imposed operates harshly against students rather than the institution. The restriction for one academic session is a direct and proportionate consequence of the Appellants’ own default. Students already admitted have been protected, while prospective students continue to have the opportunity of seeking admission through the general pool under a transparent and uniform process. The measure, therefore, balances the equities and preserves the integrity of the admission framework.

35. The reliance placed on *M.S. Ahlawat* (supra) by the Appellants is misplaced. In that case, the Hon’ble Supreme Court held that the Court cannot, under Article 142, impose a punishment which is not provided under the statute or supplant substantive law. While the principle is well-settled, the present case involves clear non-compliance with statutory provisions, binding rules, and interim judicial directions, which undermined transparency and procedural fairness in the admission process. The penalty imposed by the learned Single Judge is prospective, targeted, and proportionate, aimed at safeguarding the integrity of the admission process rather than creating a new substantive obligation. Accordingly, the decision does not fall foul of the principles laid down in *M.S. Ahlawat* (supra).



36. Having regard to the aforesaid position, this Court finds no ground to interfere with the order passed by the learned Single Judge for the following reasons:

i. The contention that the circulars could not have been issued mid-session after the admission process had commenced has been rendered academic, particularly since the relevant academic session now stands concluded. However, there is no merit in the further submission that the Appellant did not violate the provisions of the Act, the Rules, or the applicable circulars.

ii. The learned Single Judge has exhaustively dealt with the issue of non-compliance, and this Court finds no reason to take a different view. On the contrary, the record demonstrates that the Appellants proceeded with admissions in flagrant disregard of multiple interim directions issued by this Court, thereby acting in an arbitrary manner.

iii. The further submission that the penalty imposed is unwarranted is also untenable. In the peculiar facts of this case, the learned Single Judge was justified in ensuring that the provisions of the Act, the Rules, and the circulars were duly implemented so as to safeguard transparency and prevent exploitative or arbitrary admissions.

iv. It is well-settled that the Court, in exercise of its jurisdiction, is empowered to mould the relief to meet the ends of justice in the circumstances of each case. Unless shown to be contrary to constitutional or statutory provisions, such an



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exercise cannot be said to be arbitrary. No such infirmity has been demonstrated in the present matter so as to warrant interference by this Court.

37. Accordingly, finding no merit in the Appeal, the same is dismissed. Pending application also stands dismissed.

**ANIL KSHETARPAL, J.**

**HARISH VAIDYANATHAN SHANKAR, J.**  
**SEPTEMBER 12, 2025/sg/er/pl**