

Ruby Ranjan Vs. Head of Department Zoology, University of Delhi and anr.

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Court : Delhi

Decided On : Jan-12-1994

Reported in : 53(1994)DLT310

Judge : D.P. Wadhwa and; D.K. Jain, JJ.

Acts : [Constitution of India](#) - Article 226

Appeal No. : Civil Writ Appeal No. 5067 of 1993

Appellant : Ruby Ranjan

Respondent : Head of Department Zoology, University of Delhi and anr.

Advocate for Pet/Ap. : Apurab Lal and; Jaya Ram, Advs

Judgement :

D.K. Jain, J.

(1) In this petition under Article 226 of the [Constitution of India](#), the petitioner, who was an applicant for admission to M.Sc. (Zoology) in Delhi University seeks a writ of mandamus directing the University to consider her for admission to the said Course.

(2) The petitioner has passed the B.Sc., Zoology (Hons.) Examination from Ranchi University securing 68.37% marks. She applied for admission to the Post

Graduate Course of M.Sc. (Zoology) in the Delhi University in the academic year 1993-94 but has not been selected. Her grievance is that whereas candidates who have graduated from Delhi University with lesser number of marks have been granted admission, she has been denied admission because she has graduated from Ranchi University though has secured more than 60% marks. It is alleged that the method of selection adopted by Delhi University is arbitrary and discriminatory because it gives preference for admission to a candidate from Delhi University inasmuch as a candidate graduating from Delhi University securing 60% marks is given admission and a candidate graduating from other University with much higher marks is denied the admission.

(3) In response to the show cause notice, an answer has been filed on behalf of Delhi University wherein it is stated that admissions to various M.Sc. courses have been made strictly on merit in the order of preference, category-wise, approved by the Academic Council of the University, which is a statutory authority of the University. The first three categories for admissions set out in the reply are as under:

'D. M.Sc. Course in Zoology. Examination Eligibility conditions Category No. I. B.Sc Hons (3 years Course) 60% or above marks in the main after 10+2 from Delhi University subjects. Zoology/Applied Zoology II. B.Sc Hons 3 years after 10+2 from - do - other University. III. B.Sc(Genl) B.Sc(Pass) 3 years 60% or above marks in the Agg. course after 10 +2 from Delhi and 65% marks in the concerned University, subject.'

(4) From the above it appears that the first category is for those candidates who have passed in B.Sc. (Hons.) Examination (three years course after 10 + 2) from Delhi University securing 60% or above marks in the main subject. The second category is stated to be for those who have passed three years B.Sc. (Hons.) Examination after 10 + 2 examination from other universities with 60% or above marks in the main subject. It is stated in the reply that there were only 60 seats for M.Sc. (Zoology) course and the selection to the said course was done in order of preference of applicants falling in Category I i.e. applicants with B.Sc. (Hons.) (three years course after 10 + 2) from Delhi University with 60% or above marks

and for this purpose six lists were notified one after the other against the resultant vacancies till the Faculty exhausted with the intake capacity of 60 seats. It is also stated that, in fact, a large number of applicants falling in category No. II, to which category the petitioner belongs, with much higher marks than the petitioner could not be absorbed.

(5) We have heard learned Counsel for the petitioner. In our opinion the procedure adopted by the University for admission to M.Sc. (Zoology) is neither discriminatory nor arbitrary. We also do not find any unreasonableness in the University formulating various categories for admissions whereby some preference has been given to the students graduating from Delhi University. A preference to one attached to one University in its own institution for a post graduate course is not uncommon and such categorisation for that reason cannot be taken as unreasonable. We do not read either any discrimination or arbitrariness in the categorisation for the purpose of admission to the post graduate courses.

(6) Having held so, we are of the view that the argument that the petitioner has been discriminated in the sense that although she has secured 68.37% marks she has not been selected and other students who have passed out from Delhi University in B.Sc. with lesser number of marks than secured by her have been selected for the course is founded on a wrong premise as we feel that if on the basis of the aforesaid categorisation, a candidate from Delhi University having lesser marks might obtain admission at the cost of another, having higher marks from another university, it does not necessarily mean that a less meritorious candidate gets advantage over a more meritorious one.

(7) There is certainly a limit to judicial review. This Court has time and again expressed the view that interference by the Courts in matters involving admissions in education institutions has to be minimal. When the Academic Council in its wisdom has laid down certain guidelines, which, as noted above, we do not find to be arbitrary, it is not for this Court to say otherwise. There is no merit in the petition and the same is accordingly dismissed in limine.