**The writ court cannot examine the merits of the policy, but test it only on the anvil of arbitrariness and irrationality: High Court of Delhi**

If the University authorities have not found it necessary to adopt course, that is unexceptionable as a policy decision. The writ court cannot examine the wisdom or merits of the policy, but test it only on the anvil of arbitrariness and irrationality. As it was held by the **Hon’ble High court of Delhi** through the learned bench of Hon’ble Mr. **Justice Prateek Jalan** in the case of **Gunisha Aggarwal Vs University of Delhi And Ors [W.P.(C) 11676/2021].**

The brief facts of the case are that the petitioner had completed Class XII from a school affiliated to the CBSE. As the examinations were not held in the year 2021 due to the Coronavirus pandemic, the petitioner has been assessed on the basis of a scheme approved by the Supreme Court of India in **Mamta Sharma vs. Central Board of Secondary Education & Ors.** She has thereafter applied to the University for Admission to its undergraduate courses, but despite her high marks, she has found herself unsuccessful in the first cut-off list for her preferred course, i.e. B.A. Honours (Economics). She has however secured admission in Lady Shri Ram College in B.A Programme (Economics and Computer Applications). The grievance sought to be ventilated by the petitioner is that students who have taken the Class XII examinations from some of the State Boards have been marked on a much higher scale than the CBSE and ICSE [Indian Certificate of Secondary Education] examinees. As a result, the students from those boards have, according to the petitioner, achieved disproportionate admission in the University. She therefore seeks an order quashing the University’s policy to consider the marks awarded by different Boards at par, and a direction upon the University to evolve a mechanism for scaling of the marks scored by students of different boards.

Mr. Vipul Ganda, learned counsel for the petitioner, seeks to rely upon a chart to contend that the percentage of CBSE applicants who have secured admission is much lower than the percentage of successful candidates from the State boards in question. He submits that the University is required to take into account the differences in the scheme of marking of various examining bodies in order to arrive at the relative merit of the competing candidates.

Mr. Mohinder J.S. Rupal, learned counsel for the University, who appears on advance notice, submits that as a central university, Delhi University cannot distinguish between CBSE students and students of State boards in the manner suggested. He states that the policy of the University does not permit an assessment of the relative marks granted by the several boards from which candidates have passed their qualifying examinations, which in any event would be a cumbersome exercise.

After hearing both the parties, the **High Court** was of the view that the relief sought by the petitioner cannot be granted in the present petition under **Article 226 of the Constitution.** While relying on the Judgment of the Hon’ble **Supreme Court** in the case of **Rachna & Others vs. Union of India and Another (2021) 5 SCC 638**, the court stated that *“The policy of the University in the present case does not demonstrate such arbitrariness or irrationality as to warrant the interference of the writ court. The University receives applications from students who have taken the examinations through several boards. The petitioner’s argument would require it, in each academic year, to analyse all the applications received, come to a conclusion about the relative standard of assessment in each board and then devise an equalisation formula. If the University authorities have not found it necessary to adopt such a course, that is, in my view, unexceptionable as a policy decision. As held in the decisions mentioned above, the writ court cannot examine the wisdom or merits of the policy, but test it only on the anvil of arbitrariness and irrationality.”\*

**Judgment Reviewed by – Aryan Bajaj**