

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

+ **W.P.(C.) No.11754/2009**

% **Date of Decision: 22.09.2009**

Nisha Shokeen Petitioner
Through Ms. Kusum Sharma and Mr. Mannu
Mohan, Advocates.

Versus

Guru Gobind Singh Indraprastha University & Anr. Respondents
Through Mr. G.D. Goel with Mr. Praveen Kumar,
Advocates.

CORAM:
HON'BLE MR. JUSTICE ANIL KUMAR

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| 1. | Whether reporters of Local papers may be allowed to see the judgment? | YES |
| 2. | To be referred to the reporter or not? | NO |
| 3. | Whether the judgment should be reported in the Digest? | NO |

ANIL KUMAR, J.

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1. The petitioner seeks a direction to the respondent No.1 to grant admission to the petitioner forthwith to the course of M.Ed (Code-04) 2009-2010 on the basis that the petitioner has done her B.Ed. from an institution/college situated in Delhi.

2. The petitioner has contended that she appeared for the entrance test for admission in M.Ed Course (Code-04) for the academic year 2009-2010 in Guru Gobind Singh Indraprastha University. According to

the petitioner the result of the entrance examination was declared and the petitioner secured 1st rank in the OBC category and 35th rank in General category. According to the petitioner she has been denied admission on the ground that her study centre was at Meerut, therefore, she could not be considered as candidate from an institution located outside Delhi,

3. Perusal of the seat allocation of Guru Gobind Singh Indraprastha University, a copy of which is filed by the petitioner, reveals that the sanctioned intake of 15% for outside Delhi region is for those candidates who have passed the qualifying examination from any school/institute located outside Delhi whereas the sanctioned intake for the candidates from Delhi Region is 85%.

4. The grievance of the petitioner is that the petitioner should have been considered as a Delhi candidate and she could not be considered as a candidate from outside Delhi because she has done her B.Ed. from IGNOU and her regional centre was Delhi Region 2 and under the Regional Centre the study centre of the petitioner was at Meerut.

5. This is not disputed that petitioner was enrolled with Indira Gandhi National Open University for her course of B.Ed. The open university has study centres throughout the country and the petitioner was enrolled to a study centre which was at Meerut. The fact that the study centre/institution of the petitioner at Meerut was under the Regional Centre II which is located at Delhi does not make the study centre/institution in Delhi.

6. The study centre in the system of open learning is equivalent to a school or institution where the candidates attend classes under the contact programme. Though the regular classes are not conducted in the open system of education, however, the contact classes are conducted at the institution to which a candidate is enrolled. The petitioner cannot deny that she had to attend the contact classes at an institution which is also known as study centre located at Meerut. Since the study centre which is equivalent to an institution of the petitioner for the course of B.Ed was at Meerut, the petitioner cannot be considered as a candidate of Delhi region and petitioner could be considered only as a candidate of outside Delhi region.

7. Since the petitioner could not be considered as a candidate qualifying examination from any institution located in Delhi, therefore, she has not been granted admission and the decision of the respondents to consider the petitioner as a candidate who has done her qualifying degree of B.Ed. from an institution located outside Delhi cannot be faulted.

8. In the circumstances, the petitioner is not entitled for the relief claimed and the writ petition is, therefore, dismissed. Parties are, however, left to bear their own cost.

September 22nd, 2009
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ANIL KUMAR, J.