

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

+ **LPA 366/2010 & CM 9755/2010**

UNION OF INDIA & ANR. Appellants
Through: Ms. Prema Priyadarshini,
Advocate

versus

DR. SATYENDRA KUMAR
GUPTA & ORS. Respondents
Through: Mr. Atul Kumar, Advocate for
R-3 and 4.

% Date of Decision : 22nd November, 2010

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE MANMOHAN

1. Whether the Reporters of local papers may be allowed to see the judgment? No.
2. To be referred to the Reporter or not? No.
3. Whether the judgment should be reported in the Digest? No.

J U D G M E N T

MANMOHAN, J

1. Though notices were issued and served upon respondent nos. 1 and 2, none has entered appearance on behalf of them. Accordingly, the matter has been taken up for final disposal.
2. The present Letters Patent Appeal has been filed against the order dated 26th March, 2010 passed in W.P.(C) 10766/2009 whereby the appellants herein were directed that respondent no. 2 be considered for admission to academic session 2010-2011.

3. The brief facts of the present case are that the respondent no. 2 appeared in All India Engineering/Architecture Entrance Examination (for short AIEEE) held on 26th April, 2009. The result of the examination was declared on 30th May, 2009. Thereafter the students/candidates were required to register themselves for 'online counseling' and lock their choices over the internet on the website www.ccb.nic.in. The case of the respondent no. 2 herein before the learned Single Judge was that though he locked his choices on the website yet owing to a technical snag, his choices were not registered and, therefore, his name did not figure in the list for first round of counseling. The learned Single Judge allowed the writ petition and directed the appellants that since the admissions for academic session 2009-10 were closed, the respondent no.2 be considered for admission in academic session 2010-11.

4. Having heard Ms. Prema Priyadarshini, the learned counsel for appellants and Mr. Atul Kumar, learned counsel for respondent Nos. 3 and 4 and on a perusal of the file, we find no justification for giving the above said direction, when the respondent no. 2 was in fact allowed in the 6th and 7th round of counseling. Further, we notice from the table as given in the additional affidavit filed by respondent No. 4 that the last All India Rank in OBC category to get a seat allotted in any of the National Institute of Technology was 44,713 at N.I.T, Srinagar. The respondent no.2 secured All India Rank of 83349 in the entrance examination, which clearly indicates that no seat was available for respondent no. 2 as per his rank and category.

5. Moreover, we gather from records that the respondent no. 2 had in fact only prayed that direction be issued to the effect that he be considered for counseling and be given admission in any of the 20 national institutes of technologies on the basis of his score card / merit as attained in AIEEE 2009.

6. Keeping in view the respondent no.2's rank in the merit list, we are of the view that the learned Single Judge erred in issuing the aforesaid direction. Consequently, the impugned order dated 26th March, 2010 passed by the learned Single Judge is set aside. Accordingly, the present appeal and application are disposed of.

MANMOHAN, J

CHIEF JUSTICE

NOVEMBER 22, 2010

rn/ms