

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

Date of decision: 23rd September, 2010.

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W.P.(C) No.5926/2010

SHUBHNIT HANS

..... PETITIONER

Through: Mr. Joginder Sukhija, Adv.

Versus

**GURU GOBIND SINGH INDRAPRASTHA
UNIVERSITY & ANR**

..... RESPONDENTS

Through: Mr. Mukul Talwar with Mr.
Sradhananda Mohapatra, Advocates
for R-1.
Mr. Satender Singh Baur, Advocate
for R-2.

CORAM :-

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

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| 1. | Whether 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 |

RAJIV SAHAI ENDLAW, J.

1. The counsel for the respondent no.2 states that he has filed the counter affidavit in the Registry; the same is not on record. Considering the urgency, a photocopy of the said counter affidavit has been taken from the counsel for the respondent no.2 and is taken on record. The counsels have been heard.

2. The petitioner has filed this writ petition claiming that he had applied for admission to B.A. L.L.B. (Hons.) course under the management quota in the respondent no.2 Institute affiliated to the respondent no.1 University. The information published by the respondent no.2 on its website regarding admission in management quota shows that the admission therein was to be

on the basis of merit list of the applicants on the basis of aggregate marks obtained in the qualifying examination (10+2). The petitioner claims that upon publication of the list of students admitted by the respondent no.2 Institute in the management quota, the petitioner realized that the respondent no.2 Institute had admitted in the management quota students having lower aggregate marks than that of the petitioner in the qualifying examination.

3. Notice of the writ petition was issued.

4. The case of the respondent no.2 Institute is that the petitioner had not applied for admission in the management quota and thus the question of the respondent no.2 Institute considering the application of the petitioner did not arise.

5. The petitioner in support of his case has relied only on photocopies of purported e-mails to the respondent no.2 Institute and the respondent no.1 University on 22nd August, 2010 and 23rd August, 2010 respectively. The counsel for the petitioner states that considering the procedure for admission as admitted by the respondent no.2 Institute also, of dropping the applications in the Drop Box, the question of the petitioner having an acknowledgement of having made the application, does not arise.

6. The respondent no.2 Institute in its counter affidavit has stated that e-mail address on which the e-mail dated 22nd August, 2010 is stated to have been forwarded was not functioning at the relevant time. It denies having received any communication from the petitioner.

7. The counsel for the respondent no.2 Institute has also contended that the respondent no.2 Institute had constituted a Grievance Committee for going into the complaints, if any of admission in the management quota; that three complaints were received which were duly addressed and the petitioner did not approach the Grievance Committee also and has directly

filed this petition.

8. It was enquired from the counsel for the respondent no.2 Institute as to in accordance with what procedure, the Grievance Committee was constituted. The counsel for the respondent no.2 Institute has invited attention to the Delhi Professional Colleges or Institutions (Prohibition of Capitation Fee, Regulation of Admission, Fixation of Non-Exploitative Fee & Other Measures to Ensure Equity and Excellence) Act 2007 and the Rules also of the year 2007 framed thereunder. Section 12 of the Act provides for allocation of 10% of the total seats as the management seats. Rules 8(2)(a) (viii) & (x) are as under:-

“(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.

(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.”

9. From a perusal of the above Rules, it appears that the respondent no.1 University which in the present case is the designated agency, has the overriding power to issue directions binding on the institution as the respondent no.2 Institute is, in respect of the disputes regarding admission under the management quota seats. I have enquired from the counsel for the respondent no.1 University as to whether management quota seats in the aforesaid course of the respondent no.2 Institute have been ratified as yet by the respondent no.1 University. The answer is in the negative.

10. In the aforesaid circumstances, the remedy of the petitioner is before

the respondent no.1 University and not before this Court.

11. The writ petition is therefore disposed of with the direction that the present writ petition be considered by the respondent no.1 University as a dispute raised by the petitioner with respect to the admission under the management quota seats in the respondent no.2 Institute. The respondent no.1 University to after giving an opportunity of hearing to the petitioner decide the said dispute in accordance with the Rules aforesaid. The petitioner to appear before the Joint Registrar (Academic) of the respondent no.1 University on 28th September, 2010 at 11.00 a.m. in the morning. The writ petition is disposed of. No order as to costs.

Copy of this order be given *Dasti* under the signature of the Court Master.

**RAJIV SAHAI ENDLAW
(JUDGE)**

23rd September, 2010
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