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

+ W.P.(C) 5241/2012 & CM APPL. 10709/2012

% **Judgment dated 31.08.2012**

SURBHI KAMPANI

..... Petitioner

Through : Mr.Prashant Katara and Mr.Anil Mittal,
Advs.

versus

DELHI UNIVERSITY AND ORS

..... Respondent

Through : Mr.Mohinder J.S. Rupal, Adv. for Delhi
University.
Ms.Beenashaw Soni and Mr.A.B. Singh,
Advs. for respondent no.3

+ W.P.(C) 5343/2012 & CM APPL. 10908/2012

KHEMCHAND

..... Petitioner

Through : Ms.Rekha Aggarwal and Mr.Victor
Vaibhav Tanden, Advs.

versus

UNIVERSITY OF DELHI AND ORS

..... Respondent

Through : Mr.Mohinder J.S. Rupal, Adv. for Delhi
University.
Ms.Beenashaw Soni and Mr.A.B. Singh,
Advs. for respondent no.3

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

G.S.SISTANI, J (ORAL)

1. Present writ petitions have been filed by the petitioners under Articles 226

of the Constitution of India. In W.P.(C) 5241/2012 the petitioner seeks a direction to the respondents to grant extension of time till 30.11.2012 for submission of her final result for the B.A. Programme course for the purpose of getting admission in respondent no.3 college in M.A. Philosophy course. The petitioner also seeks a direction to the respondents to declare the result of revaluation for the economics paper under the B.A. Programme.

2. The petitioner has been granted provisional admission in M.A. Philosophy programme. Admission was granted provisionally on account of the fact that the result of the petitioner for B.A. Programme had not been declared. Subsequently, the result of the petitioner was declared on 17.8.2012. The petitioner was unable to qualify the subject of Economics, which disentitles her to admission to the M.A. Philosophy programme where she has been granted provisional admission. The petitioner has applied for revaluation, however, result of the revaluation has not yet been declared.
3. In W.P.(C) 5343/2012 the petitioner seeks a direction to the respondents to reserve a seat in the Bachelor of Education course of Central Institute of Education, University of Delhi, and not to cancel the petitioner's admission till the pendency of the application for revaluation of his B.A. Programme course final year examination and complete the process of revaluation expeditiously and in a fair manner.
4. The petitioner had appeared in B.A. Programme final year. The petitioner applied for admission for B.Ed programme. The petitioner was granted provisional admission as the result of the B.A. Programme was not declared. The result of B.A. Programme was declared on 17.8.2012. The petitioner was declared unsuccessful as he did not qualify the history paper-VI, which disentitles him for admission to the B.Ed programme. The petitioner has also applied for revaluation and the result of the

reevaluation is awaited.

5. Learned counsel for both the petitioners submit that a direction be issued to the University to either declare the result of the reevaluation forthwith or else last date may be extended to such a date when the result of reevaluation is declared. Counsel further submits that the provision for reevaluation would be rendered meaningless, if the result of reevaluation is not declared before the admissions are closed. Counsel for the petitioners have drawn the attention of the Court to the prospectus, according to which, a candidate is required to produce the Provisional Certificate of the required qualification within one week from the date of publication of their results by the University of Delhi and all candidates from other Universities are required to do so but not later than 31.8.2012 or such date as fixed by the University of Delhi. Counsel have further relied on the prospectus in support of their plea that the last date can always be extended by the University to await the result of the reevaluation.
6. Learned counsel for the petitioners have also relied upon a decision rendered by a Single Judge of this Court in *Sanwal Ram v. University of Delhi & Ors.*, W.P.(C) 8151/2010, on 10.3.2011, in support of their submission that the prospectus should not be ambiguous and should be clear. Reliance is also placed in the case of *Sh.Prashant Srivastava v. C.B.S.E. & Ors.*, CWP No.5069/2000, in support of the submission that in case a student clears the compartment examination the result would relate back to the date of the result declared in the main examination.
7. Mr.Mohinder J.S. Rupal, learned counsel for the respondent Delhi University, has opposed the present petitions on the ground that the petitioners were granted provisional admission not to await the result of their reevaluation but for the reason that their results were awaited and in case their results had been declared and the petitioners would not have

qualified the subject in question, they would not have been granted provisional admission, due to lack of eligibility criteria. Mr.Rupal further submits that the purpose of fixing 31.8.2012 as the last date for producing provisional certificate is in view of the fact that various Universities all over the country do not declare their result at the same point of time and thus to meet the requirement of attendance and completion of syllabus the University had decided to fix 31.8.2012 as the last date for providing the provisional certificate from other Universities. Mr.Rupal also contends that this relaxation is not available to the petitioners as the petitioners are ineligible for admission. Mr.Rupal next contends that revaluation is a lengthy process as two examiners are appointed to revalue the paper and in case of difference of opinion then the said paper is referred to a third examiner. Counsel also contends that large numbers of application are received and it is not possible for the University to revalue the papers in a very short span of time as suggested by the petitioners.

8. I have heard learned counsel for the parties, considered their rival submissions and also perused the material placed on record including the prospectus. Reliance by counsel for the petitioners on the terms of the prospectus is misplaced. The University recognizing the fact that students seek admission in the Delhi University from all over the country and all Universities do not declare the result at the same time has made a provision in the admission procedure so as to accommodate those students whose results have not been declared before the admission closes in the Delhi University. Such students are granted provisional admission with the relaxation to produce the Provisional Certificate of the required qualification by 31.8.2012 or such time frame which may be fixed. This relaxation is not available to those students whose result has been declared and who have not been able to make the eligibility criteria. Thus,

it cannot be said that the terms of the prospectus are ambiguous. In both the petitions the petitioners were granted provisional admission as the results had not been declared by the respective Universities. In case the result of the petitioners had been declared, they would not have been granted provisional admission. After the result of the petitioners have been declared and since the petitioners have not cleared Economics and history paper-VI respectively the petitioners do not fulfill the eligibility criteria for admission to the respective courses applied for.

9. The judgment sought to be relied upon by counsel for the petitioners in the case of ***Sanwal Ram*** (supra) is not applicable to the facts of this case. Counsel have been unable to point out or satisfy as to how the terms of the prospectus are vague or ambiguous. The case of ***Sh.Prashant Srivastava*** (supra) is also not applicable to the facts of this case for the reason that as and when the result of the revaluation of the petitioners are declared it would relate back to the date of the first result, however, it does not mean that students who are ineligible on the date of seeking admission should be granted admission, seats blocked in the hope that a candidate would succeed or his/her marks would improve. If the submission of the petitioners is to be accepted then the entire admission procedure would be unending.
10. The short question, which comes up for consideration before this court, is whether the date of 31.8.2012, which is the last date for enrolling the students by the Delhi University, can be or should be extended by this Court.
11. In this case, the petitioners were granted provisional admissions only for the reason that their results had not been declared. Had their results been declared both the petitioners would have been disqualified and ineligible for their respective courses. The time granted upto 31.8.2012 by the

University to produce the provisional certificate is not applicable for this category of students who have either not cleared their examination or seek rechecking, or revaluation, or reassessment or sit for their compartment examination. The purpose of sitting for compartment examination or revaluation would be either for the benefit of students to increase their percentage for future prospectus. In case the date of 31.8.2012 is extended in such cases this would become an endless procedure, the University would not be able to finish the syllabus and the students would be unable to attend their classes.

12. Accordingly, I find no grounds to entertain the present writ petitions and the same are accordingly dismissed.

CM APPL. 10709/2012 IN W.P.(C) 5241/2012
CM APPL. 10908/2012 IN W.P.(C) 5343/2012

13. Applications stand dismissed in view of the order passed in the writ petitions.

G.S.SISTANI, J

AUGUST 31 2012
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