

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

% **Date of Decision: 19.07.2013**

+ **W.P.(C) 4378/2013**

ASHWANI KUMAR

..... Petitioner

Through: Mr. Ashutosh Dubey with Ms. Vriti
Anand and Mr. Abhishek Chauhan, Advocates.

versus

CENTRAL BOARD OF SECONDARY EDUCATION (CBSE) & ORS.

..... Respondents

Through: Ms. Ritika Nagpal with Mr. Amit Bansal
Advocates for the respondent/CBSE.

Mr. J. S. Rupal, Advocate for the respondent/
University of Delhi.

Mr. Roshan Lal Goel, Advocate for respondent
No. 3/UOI.

+ **W.P.(C) 4511/2013**

VAISHNAVI VERMA

..... Petitioner

Through: Mr. J. P. Sengh, Senior Advocate
with Mr. Rishi Sehgal, Mr. Amit Khemka,
Mr. Sumeet Batra and Ms. Ankita Gupta, Advocates

versus

CENTRAL BOARD OF SECONDARY EDUCATION & ANR

..... Respondents

Through: Ms. Ritika Nagpal with Mr. Amit Bansal
Advocates for the respondent/CBSE.

Mr.J.S.Rupal, Advocate for the respondent/
University of Delhi.

CORAM:
HON'BLE MR. JUSTICE V.K.JAIN

JUDGMENT

V.K.JAIN, J. (ORAL)

The petitioners before this Court appeared in National Eligibility-cum-Entrance Test(NEET) 2013 for admission to MBBS/BDS Courses. The result of the aforesaid test was declared on 5th June, 2013. Vide Notification published in the newspapers on 1st June, 2013, University of Delhi, Faculty of Medical Science notified that the Bulletin of Information for admission to MBBS/BDS Courses under 85% DU quota for the Session 2013-14, based on the marks/merits of NEET(UG) 2013, would be available from 10th May, 2013 to 10th June, 2013. The application form could also be downloaded from the website of University as well as website of Faculty of Medical Science and sent to the Deputy Registrar, Faculty of Medical Science along with the Demand Draft of prescribed amount. The grievance of the petitioners before this Court is that since the Bulletin of Information issued by the Central Board of Secondary Education did not contain any requirement of applying separately to the University for admission to MBBS/BDS courses, they were not aware of the aforesaid requirement and consequently, did not apply to the University within the time limit fixed for this purpose. Consequent to representation received from various students, the Faculty

of Medical Science, vide decision dated 19th June, 2013 extended the time for submission of the application forms for admission to the aforesaid courses upto 28th June, 2013. This decision was taken considering the representations made by the candidates/their parents seeking acceptance of application forms beyond 10th June, 2013 on various grounds. The aforesaid decision to extend the date upto 28th June, 2013, however, was not published in newspaper though it was uploaded on the website of the Faculty of Medical Science.

2. The petitioners before this Court claim that since they were not in Delhi and were not in a position to reach Delhi in time, they could not apply to the University on or before 28th June, 2013. They submit that had they been aware of the requirement to apply separately to the University, they would not have left Delhi. They have, on returning to Delhi, applied to the University but their applications are still pending with the University and they have not been allowed to appear in the counselling for admission to the aforesaid courses.

3. In my view, since the last date initially fixed by the University for submission of the application forms was notified in newspapers, the decision to extend the time upto 28th June, 2013 also ought to have been published in the newspapers where the initial notice was published. That however has not been done. Consequently, there is a possibility that some of those who could not apply upto 10th June, 2013 did not apply thereafter on the assumption that the last date

fixed for the purpose had already expired. There is also merit in the grievance of the petitioners that the Bulletin of Information issued by CBSE ought to have contained information with respect to the requirement to apply to the University for admission to the aforesaid courses.

4. The counselling is scheduled to commence on 22nd July, 2013. The merit list prepared by the University containing the names of the students who have been asked to appear in the counseling and prepared on the basis of the applications received upto 28th June, 2013 has already been uploaded on the website of the Faculty of Medical Science.

5. Considering the peculiar facts and circumstances stated hereinabove, I am of the view that not only the petitioner before this Court but all those who have already applied or who apply by 6.00 p.m. today i.e. 19th July, 2013 should be permitted to appear in the counselling provided, considering their position in the merit list, they are otherwise eligible to appear in the counselling.

6. In order to ensure that those who have not yet applied to the University even after 28th June, 2013 get another opportunity to do so, it is directed that the Faculty of Medical Science shall upload a notice on its website by 3.00 p.m. today intimating therein that those who have not applied for admission to MBBS/BDS courses can collect the application forms and submit the same, complete in all respects, to the Faculty of Medical Science by 6.00 p.m. today. This direction, in

my view, is necessary considering that those who have not approached this Court and have also not applied to the University on or before 28th June, 2013 assuming that the last date for submitting the application had already expired, also get an opportunity to apply and are granted equal treatment. The modified merit list, in terms of this direction shall be uploaded on the website of the Faculty of Medical Science on 20th July, 2013 and, if possible, a public notice shall be issued by the University in leading newspapers, requiring those who have applied to the University for admission to the aforesaid courses to check its website to verify whether their names find mention in the revised merit list or not. If any student is unable to furnish the requisite fee in the form of Bank Draft/Pay Order, the Faculty of Medical Science will accept the fee, in cash from him/her upto 6 p.m. today.

The petitions stand disposed of.

A copy of this order be given dasti to the parties under the signature of the Court Master.

V.K. JAIN, J

JULY 19, 2013

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