

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

% Date of Decision: 25.10.2013

+ WP(C) No.5250 of 2013

MOHD. KHALID ZIA Petitioner

Through: Mr. R.K. Saini, Adv.

versus

JAMIA MILLIA ISLAMIA & ORS. Respondents

Through: Mr. Rohit Gandhi & Ms. Manpreet
Kaur, Advs.

CORAM:

HON'BLE MR. JUSTICE V.K. JAIN

JUDGMENT

V.K.JAIN, J. (Oral)

The petitioner before this Court appeared in the Entrance Test for taking admission in BA (Hons.) History Course of the respondent-Jamia Millia Islamia University. A list of selected candidates as well as wait-listed candidates for the aforesaid Course was displayed on 24.6.2013, in terms of the admission schedule for the academic session 2013-2014. As per the aforesaid schedule, 4.7.2013 was the last date for completing admission formalities of the selected candidates, 5.7.2013 was the date for registration of the wait-listed candidates, 8.7.2013 was the date for the display of registered wait-listed candidates and the admission from the registered wait-listed candidates was to commence from 9.7.2013. The classes were to commence on 16.7.2013.

2. The respondent-University displayed a list of students admitted from the list of registered wait-listed candidates on 8.7.2013 but the

name of the petitioner did not figure in the said list. This was followed by similar lists displayed on 10.7.2013 & 15.7.2013. The name of the petitioner did not figure in the aforesaid lists as well. Consequently, the petitioner did not get admission up to 15.7.2013. However, despite the fact that the classes were to commence on 16.7.2013, the University displayed further lists of candidates admitted from amongst the registered wait-listed candidate on 18.7.2013, 26.7.2013, 1.8.2013, 6.8.2013, 19.8.2013 and 19.8.2013. The name of the petitioner figured in the list displayed on 26.7.2013.

3. The case of the petitioner is that since his name did not figure in the lists displayed on 8.7.2013, 10.7.2013 & 15.7.2013, he left for his home town on 16.7.2013 from where he returned only on 13.8.2013, and then he came to know that his name had figured in the list displayed on 26.7.2013. The petitioner claims to have made a representation to the University on 14.8.2013 seeking admission to the aforesaid Course. Having not been granted admission, he has filed this writ petition seeking the following reliefs:

“a. A writ of certiorari calling for the records of the case and peruse the same;

b. a writ of certiorari quashing the action on the part of respondents in not giving admission against the vacant seat of B.A. (H) in History under the Muslim OBC category for the session 2013-15, Jamia Millia Islamia University to the petitioner despite his being qualified in the entrance test conducted by the respondent Jamia and secured third position in the waiting list and all the more some seats are still vacant which are going to be waste, in violation of the principles of equity, justice and good conscience and in infringement of legal an fundamental rights of the petitioner;

c. A writ of Mandamus commanding respondents to forthwith give admission to the petitioner in the B.A. (H) in History under the Muslim OBC category for the session 2013-15, Jamia Millia Islamia University.”

4. In its short affidavit, the respondent-University has stated that as per the mechanism which was duly conveyed to the candidates no personal intimation was to be sent to the candidates with respect to the declaration of the results and the candidates were required to keep on checking its Notice Board and website till the admissions were closed by the University. The learned counsel for the respondent-University also states that the admission was made strictly in accordance with the admission procedure and the notification issued on 18.7.2013 whereby the last date for making admissions was extended up to 30.8.2013.

5. Admittedly, while displaying the lists of the candidates whose names were included in the list of registered wait-listed candidates and who were granted admissions, the respondent-University did not even indicate that it will also be publishing further lists of the candidates whose names are included in the list of registered wait-listed candidates and who are granted admissions on subsequent dates. A perusal of the lists displayed by the University would show that this contained only the particulars of the candidates who were granted admission from the waiting list. No intimation by way of the said list was given to the candidates that the University will come out with further list(s) containing the names of the candidates from the waiting list who are granted admission to the aforesaid Course. As a result, when the petitioner, on seeing the list published on 15.7.2013, found that his name did not figure in the said list and the classes were to commence on

16.7.2013, had no reason to assume that the University will come out with further list(s) of the candidates whose names were included in the waiting list of registered wait-listed candidates and who were later granted admissions to the aforesaid Course. It was on this assumption that the petitioner went to his native place assuming that he has not been able to get admission to the aforesaid Course.

6. In my view, it was imperative for the University while publishing the list of candidates from the waiting list who were granted admission to the aforesaid Course, to notify the candidates in advance that it would be coming out with further list(s) containing names of the candidates who are granted admissions to the said course. In the absence of such a prior notice, any unsuccessful candidate would assume that he will not be able to get admission to the aforesaid Course. Since the classes were to commence on 16.7.2013, the candidate would be justified in assuming that thereafter there will be no further admission from amongst the candidates whose names were placed in the waiting list. Had the University given advance notice in the list published on 15.7.2013 that it may come out with further list(s) containing names of the candidates from the waiting list who are granted admissions to the B.A. (H) History Course the petitioner in all probability would have continued to stay in Delhi instead of going to his native place and thereby losing a chance to take admission to the Course in which he had sought admission.

7. Admittedly the list published on 26.7.2013 as also the subsequent lists contained names of the candidate(s) who ranked lower in the ranking as compared to the petitioner. This resulted in a situation where a person who had secured lesser marks was able to get admission but the

petitioner did not get an opportunity to take admission, on account of default committed by the University in not giving advance notice to the candidates that it would continue to come out with further lists containing names of the candidates granted admission to the aforesaid Course. The petitioner cannot be made to suffer for no fault on his part, particularly when a seat in the aforesaid Course is still available pursuant to an interim order dated 23.8.2013 passed by this Court and also considering that even thereafter, admissions have been granted by the respondent-University till 29.8.2013 though not in the same category to which the petitioner belongs but in the same Course, for which he had applied.

8. For the reasons stated hereinabove, the respondent-University is directed to grant admission to the petitioner to the B.A. (H) History Course subject to his completing the requisite formalities in this regard within one (1) week from today.

9. For the purpose of computing attendance in the first semester, the total number of classes available to the petitioner shall be computed only w.e.f. the date he is given admission by the University.

The writ petition stands disposed of.

Dasti under the signatures of the Court Master.

OCTOBER 25, 2013
b'nesh

V.K. JAIN, J.