

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

WEDNESDAY, THE 24TH DAY OF JUNE 2015/3RD ASHADHA, 1937

W.P.(C).No.18164 of 2015 (U)

PETITIONER(S):-

MATHEW JOSEPH KAVIRAYOR, AGED 18 YEARS,
S/O.DR.JOSEPH KAVIRAYOR ETHELBERT,
43/378C, 'KAVIRAYOR',
PAUL ABRAO ROAD, KOCHI-682018.

BY ADVS.SRI.K.M.V.PANDALAI
SMT.S.HEMALATHA.

RESPONDENT(S):-

1. UNION OF INDIA,
REPRESENTED BY THE SECRETARY,
MINISTRY OF HUMAN RESOURCE DEVELOPMENT,
GOVERNMENT OF INDIA, NEW DELHI-110 001.

2. THE CO-ORDINATOR,
DIRECT ADMISSION OF STUDENTS ABROAD (DASA),
MALAVIYANATIONAL INSTITUTE OF TECHNOLOGY JAIPUR,
J.L.N. MARG, JAIPUR-302017, RAJASTHAN.

R1 BY ASSISTANT SOLICITOR GENERAL OF INDIA SRI.N.NAGARESH
R1, R2 BY ADV. SRI.ANISH JAIN, CGC
R2 BY ADDL. SPOLICITOR GENERAL OF INDIA SRI.RAJADEEPAK RASTOGI.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
24-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:-

APPENDIX

PETITIONER(S)' EXHIBITS:-

EXT.P1 : TRUE COPY OF THE APPLICATION SENT BY THE PETITIONER TO
THE 2ND RESPONDENT.

EXT.P2 : TRUE COPY OF THE ADMISSION BROCHURE ISSUED BY THE
2ND RESPONDENT.

EXT.P3 : TRUE COPY OF THE MAIL COMMUNICATIONS BETWEEN THE
PETITIONER AND THE 2ND RESPONDENT.

RESPONDENT(S)' EXHIBITS:-

EXT.R2/1 TRUE PHOTOSTAT COPY OF THE PRINT OUT OF LOGIN HISTORY
OF THE PETITIONER ON THE DASA ONLINE PORTAL.

EXT.R2/2 THE PHOTOSTAT COPY OF PRINT OUT OF EMAIL DATED 10.06.2015.

EXT.R2/3 THE PHOTOSTAT COPY OF PRINT OUT OF EMAIL DATED 16.06.2015.

vku/

[true copy]

K. Vinod Chandran, J

W.P.(C).No.18164 of 2015-U

Dated this the 24th day of June, 2015

JUDGMENT

The petitioner is aggrieved with the fact that the petitioner had not been granted allotment, under the Direct Admission of Students Abroad [DASA] 2015 for Overseas Citizens of India [OCI], in the admission to Undergraduate Engineering Programmes for the academic year 2015-16 in the various National Institute of Technologies [NITs].

2. The petitioner's contention is that on 08.06.2015 when the results were published, the petitioner had logged on to the system to verify whether the petitioner's name figured in the 1st allotment. The petitioner asserts that there was a message in the portal showing the petitioner to be ineligible. In such circumstance, the petitioner did not further look for the 1st allotment. Later on when the 2nd allotment was in the anvil, the petitioner again logged on to the portal to verify his eligibility and found that he has been declined 2nd allotment, since he had neither declined or accepted or sought for upgradation on

acceptance, in the 1st allotment. The petitioner contends that the petitioner's name never figured in the 1st allotment and the petitioner was declined the 1st allotment only due to the mishap which happened to the 'system' of the 2nd respondent.

3. The 2nd respondent has filed a detailed counter affidavit, in which the system of allotment has been explained. Exhibit R2/2 also indicates the communication sent to the allottees under DASA by one of the NITs. On the results being published, the candidates are supposed to enter the portal of DASA and verify whether their names figure in the allotment. If they are eligible for 1st allotment, they would be shown as 'Allotted' to a specific NIT, and if not, as 'Not Allotted'. The applicant could either 'decline' or 'accept' or 'accept and upgrade' the allotment. If the applicant declines the 1st allotment, then he would not be considered for further allotment. Similar would be the position if he accepts it. If he accepts and then seeks for upgradation, he would be considered for upgradation. If the applicant is allotted a seat and before the date and time the allotment is neither accepted nor sought for upgradation, then the same would be treated as declined.

4. With respect to the particular results, the 2nd respondent alleges that the petitioner has been negligent insofar as not having entered the portal of the 2nd respondent to verify the results after the results were published. In fact, every applicant could access the portal only through their e-mail address, which entry is recorded by the portal. The details of the petitioner's entry into the portal has been produced as Exhibit R2/1, with specific reference to the time of the petitioner's logging on to the web. The petitioner is seen to have entered into the portal at 00:02 on 08.06.2015, i.e., at mid-night. Then the petitioner is said to have entered the portal at 06:09, 08:03, 10:02, 10:32 and 11:13 on the same day, all in the morning. The results were published only at 08.00 p.m. on 08.06.2015. The petitioner after entering into the portal at 11:13 a.m. on 08.06.2015, has accessed the portal thereafter only on 15.06.2015. The 1st allotment had to be accepted or upgradation sought within 12.06.2015. It is evident from Exhibit R2/1 that the petitioner has not entered the portal after the results were published. The petitioner's contention that there was a message to him to the effect that he was ineligible cannot be countenanced, since the respondent's affidavit reveals that

no such recital would be made on the portal. The only recital against the names published would be 'Allotted' or 'Not Allotted'. In such circumstance, the petitioner is disentitled for the 2nd allotment.

The writ petition would stand dismissed.

Sd/-

K.Vinod Chandran
Judge.

vku/-

[true copy]