

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

Pronounced on: 10.07.2015

+ **LPA 424/2015 & CM No.11842/2015 (stay)**

PALLAVI SHARMA Appellant

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

Versus

COLLEGE OF VOCATIONAL STUDIES & ANR

..... Respondents

Through: Mr. Ankur Chhibber, Adv. for R-1.

Mr. Mohinder J.S. Rupal, Adv. for University of
Delhi.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE JAYANT NATH

J U D G M E N T

MS. G.ROHINI, CJ

1. The unsuccessful petitioner in W.P.(C) No.6398/2015 is the appellant before us. The said writ petition was filed aggrieved by the action of the respondents in not giving admission to the petitioner in the course of B.A. (Vocational Studies) as per the 3rd cut-off list declared by the first respondent College and seeking a direction to the respondent No.1 to forthwith give admission to her in the 1st Year B.A.(Vocational Studies). The writ petition was dismissed by the learned Single Judge by order dated 06.07.2015 and the same is under challenge in the present appeal.

2. The appellant/writ petitioner passed the Senior School Certificate Examination (Class XII) of the Central Board of Secondary Education, Delhi in the stream of Commerce and secured 89% of marks. She desired to take admission in Under Graduate courses in the University of Delhi and accordingly she submitted the application form online.

3. It may be noted that the University of Delhi initiated a Central Registration System for students seeking admission in the Under Graduate courses in the University, according to which, the candidates need not submit the application form for each college of the University but it is suffice to submit the centralized registration form known as OMR Pre-Admission Form online or off-line at the Admission Information Centres mentioned in the Information Bulletin, 2015-16 issued by the University of Delhi.

4. The first respondent College i.e. College of Vocational Studies which is affiliated to the University of Delhi offers B.A.(Vocational Studies) Course for students of Commerce stream. The eligibility for admission into the said course is 40% of marks in 4 subjects (one language and three elective subjects) in Senior School Certificate Examination. The procedure of calculation of best of 4 percentage for B.A.(Vocational Studies) has been prescribed in the Bulletin of Information, 2015-16 issued by the first respondent College as under:-

“Procedure of Calculation of Best of Four Percentage for B.A. (Vocational Studies)

The following subjects have to be included in the calculation of the Best of Four percentage:

- i.) One Language (Elective/Core/Functional)
- ii.) Any three elective subjects can be chosen. A disadvantage of 3% may be imposed on the Best of Four percentage in case of change of stream.
- iii.) For admission to B.A. (Vocational) only, related vocational subjects may be treated at par with academic/elective subjects.”

5. It was pleaded in the writ petition that as per the third cut-off percentage list issued by the first respondent College for admission to B.A.(Vocational Studies), the cut-off percentage was declared as 88% and above and as such the petitioner/appellant who secured 89% of marks is eligible and entitled to admission in B.A.(Vocational Studies). It was alleged that the first respondent College refused admission to the petitioner/appellant on the ground that in the OMR Form submitted by her online in the Column “Courses” she had mentioned only (i) B.A.(Hons.) Academics, (ii) B.A.(Hons.) English, (iii) B.Com., and (iv) B.Com.(Hons.) but not B.A.(Vocational Studies). The said action of the respondents is assailed in the writ petition contending *inter alia* that the omission to mention B.A.(Vocational Studies) in the OMR Form is a mere technical error for which the petitioner who had admittedly secured more than the cut-off marks of 88% cannot be denied admission.

6. The learned Single Judge did not agree with the said contention and dismissed the writ petition holding that –

“11. I am unable to find the petitioner to have made out any case whatsoever. The procedure for admission prescribed by the respondent no.2 University of Delhi having provided for the admission seekers to fill up their choice of college and choice

of courses in which they want to pursue graduation, admission of a candidate who has not applied for admission to a particular college or to a particular course cannot be directed. If the same is done, it will throw the entire admission process out of gear and create a chaos. As aforesaid, it is not as if the choice of subjects was left to be exercised by the students after the cut off lists are successively declared. It is for this reason only that the applicants, in the OMR Form were required to fill the subject/courses to which they sought admission. The counsel for the respondent no.2 University of Delhi has rightly contended that it is not as if the petitioner could not have filled up the course of B.A. (Vocational Courses) in which she now claims admission. The petitioner however did not and cannot now be directed to be admitted to the said course merely because she fulfils the criteria for admission thereto.”

7. Having heard the learned counsel for both the parties and having perused the material available on record, we do not find any justifiable reason to interfere with the order under appeal.

8. As noticed above, in the Bulletin of Information, 2015-16 issued by the first respondent College itself the procedure for admission was specifically mentioned. As could be seen, the applicants have to mention in the OMR Form both the choice of college and choice of courses. Admittedly, the appellant/petitioner failed to include B.A. (Vocational Studies) in her choice of courses. Therefore, it is not open to her to claim admission in that course after the declaration of the cut-off percentage.

9. However, it is contended by the learned counsel for the appellant that the learned Single Judge failed to appreciate the fact that the appellant/petitioner having passed the Senior School Certificate Examination in Commerce stream is eligible for admission in B.A. (Vocational Studies) apart from the other courses mentioned by her in the

OMR and therefore there is no reason to deny admission to her on the ground of mere technical error committed by her while submitting the OMR. It is also contended that the purpose of filing OMR being the registration for admission in appropriate course on the basis of the cut-off percentage declared, a candidate like the appellant who satisfied the eligibility criteria and secured more than the cut-off percentage ought not to have been denied admission merely on the ground that she failed to mention the particular course in OMR. It is also submitted by the learned counsel that since the petitioner had admittedly secured more than the cut-off marks, no other candidate would be prejudiced if the petitioner is granted admission on the basis of the marks secured by her.

10. We may, at the outset, mention that all courses available in colleges for which registration is done through OMR Pre-Admission Form are included in the said Form itself at Column 11. The Information Bulletin, 2015-16 issued by the University of Delhi contained important instructions for candidates for filling up OMR Form wherein it was specifically mentioned -

“Select the course of study you would like to pursue by darkening appropriate bubble. The bubbles must be darkened properly. There is no limit on number of courses to be selected.”

11. It was also made clear in the instructions that information or data furnished on the Pre-Admission Form is the sole responsibility of the applicant.

12. A perusal of Column 11 of the OMR Pre-Admission Form shows that B.A. (Vocational Studies) has also been included among the 25 different courses of Arts/Commerce and Science mentioned therein.

13. That being so, we do not find any substance in the contention that the appellant/petitioner failed to mention the course of B.A. (Vocational Studies) in the OMR Form since she was not aware of the difference between a normal B.A. course and B.A. (Vocational Studies). The said plea appears to be only an after-thought to take advantage of the situation since the cut-off percentage has now been declared as 88% for B.A. (Vocational Studies) in the 3rd cut-off percentage list. Be that as it may, the fact remains that the appellant/petitioner failed to opt for the course of B.A. (Vocational Studies) while submitting the OMR Pre-Admission Form. Therefore, as rightly held by the learned Single Judge, grant of admission to the appellant/petitioner who has not even applied for admission to the course would be detrimental to the students who had applied for admission to the said course. The contention of the learned counsel for the appellant/petitioner that no other candidate would be prejudiced if the petitioner is granted admission on the basis of the marks secured by her is therefore untenable.

14. At any rate, the law is well settled that the procedure prescribed in the Prospectus/Bulletin of Information issued by the institutions is binding and no mandamus can be issued directing the educational institutions to act contrary to their own procedure (vide *Maharshi Dayanand University v. Surjit Kaur*; JT (2010) 7 SC 179).

15. It may also be added that the learned counsel appearing for the first respondent College, on instructions submitted that the first respondent College is the only College which conducts the course in B.A.(Vocational Studies) and all the seats in the said course are already filled-up and as of today no vacant seats are available.

16. For the aforesaid reasons, the appeal is devoid of any merit and the same is accordingly dismissed. No costs.

CHIEF JUSTICE

JAYANT NATH, J

JULY 10, 2015
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