

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13143 of 2016

Nitish Kumar, son of Naresh singh, resident of B.N.R. Road, Choudhary Tola, P.O: Mahendru, P.S: Sultanganj, Dist: Patna, Bihar;

.... Petitioner/s

Versus

1. The Union of India, through the Secretary, Human Resource Department, New Delhi;
2. The Secretary, Human Resource Department, New Delhi;
3. The Director, National Institute of Technology, Mahendru, Patna;
4. The Registrar, National Institute of Technology, Mahendru, Patna;
5. The Centre-in-Charge, JOSAA-2016, National Institute of Technology, Mahendru, Patna;
6. The Module Officer, National Institute of Technology, Mahendru, Patna;

.... Respondent/s

Appearance :

For the Petitioner/s	:	Mr. S. Arshad Alam, Advocate Mr. Fakhruddin Ali Ahmad, Adv. Ms. Anjum Perveen, Advocate
For the Respondent Nos. 3-6	:	Mr. Y. V. Giri, Sr. Advocate Mr. Sanjay Kumari Giri, Adv.
For the Respondent Nos. 1-2	:	Mr. Anshay Bahadur Mathur, CGC

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
ORAL JUDGMENT
Date: 06-09-2016

Heard learned counsel for the petitioner,
learned counsel for the NIT and counsel for the Union
of India.

Petitioner is one of those candidates, who
qualified in the JEE examination and was allotted a
seat in NIT, Patna. He was supposed to report for



admission after counseling on 18th of July, 2016. Petitioner did report, but he did not produce non-creamy layer certificate on that date. Since the petitioner was claiming benefit of reservation and in fact the allotment of seat was under the category of reservation, therefore, production of non-creamy layer certificate was a must. The seat stood cancelled. Annexure-2 indicates the same. Thereafter, the petitioner has rushed to the Court for a direction that he should be allowed to join the institution and pursue his studies.

Respondents have filed a counter affidavit. They take a stand that the petitioner did not produce the certificate in question on that date. He has filed the writ application and annexed Annexure-3, but that too is dated 20th of July, 2016, which is clear indication that the petitioner did not possess the certificate on the date of the counseling, i.e. 18th of July, 2016. Therefore, there cannot be any dispute on this aspect of the matter.

Since there is dead-line and the process had to be completed by 20th July, 2016 and the admission was closed, in the said institution and since the petitioner did not produce the certificate till that

date, the order, contained in Annexure-2, dated 18th of July, 2016 has to stand as it is.

Since, it is not one of those cases where some foul play has been played by the institution to deny admission to the petitioner. Since petitioner was a candidate for Engineering course, he should have been ready with all the certificates on the date of counseling. Since omission is on the part of the petitioner and in such admissions there is a long queue of claimants, therefore, the authorities did not have much leeway.

The reason for cancellation of the seat of the petitioner is attributable to the petitioner alone and in view of the closure of the admission in the said institution, the academic calendar having begun, the Court will not be inclined to give any direction at this juncture.

Counsel for the petitioner, thereafter, submits that there are vacant seats and that he did try to produce the certificate by 20th of July, 2016. These are submissions, which are made as an afterthought and do not reflect correct position in facts.

In view of the same, the writ application is dismissed. No relief can be granted with regard to the



prayer made in the writ application.

(Ajay Kumar Tripathi, J)

SKM/-

AFR/NAFR	N.A.F.R.
CAV DATE	
Uploading Date	07.09.2016
Transmission Date	