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

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W.P.(C) 2126/2016 &amp; CM APPL. 9125/2016

SHUBHAM AGGARWAL

..... Petitioner

Through

Ms. A. Gautam and Mr. Yashpal  
Singh, Advocates

versus

GURU GOBIND SINGH INDRAPRASTHA

UNIVERSITY &amp; ANR

..... Respondents

Through

Ms. Anita Sahni, Advocate for R-1.

**CORAM:****HON'BLE MR. JUSTICE MANMOHAN****ORDER**

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**05.04.2016**

Present writ petition has been filed seeking a direction to respondents to regularize the admission of the petitioner in their BBA programme 2015-16.

It has been averred in the writ petition that the petitioner was provisionally admitted to BBA programme subject to submission of result of Senior Secondary School from National Institute of Open Schooling (for short "NIOS").

Learned counsel for the petitioner states that vide order dated 2<sup>nd</sup> March, 2016 respondent no. 2 informed the petitioner that he is not eligible for admission in BBA programme 2015-16 as he submitted his Senior Secondary School result from NIOS after 2<sup>nd</sup> November, 2015.

It is the case of the petitioner that due to heavy load on the website of NIOS the petitioner could not submit its result to the respondents prior to 11<sup>th</sup> November, 2015.

Learned counsel for the petitioner states that respondents have withheld the result of the first semester of the petitioner and cancellation of the same would cause great hardship to the petitioner.

On the other hand, learned counsel for respondent no. 1-University points out that petitioner had at the time of filling the application form furnished an affidavit dated 23<sup>rd</sup> July, 2015 in which it had been stated that petitioner had appeared in the 12<sup>th</sup> class examination – the result of which was awaited. A copy of the said affidavit has been handed over in Court and the same is taken on record.

Learned counsel for respondent no. 1-University also points out that the mark sheet now furnished by the petitioner shows that the petitioner sat in an “On-Demand Examination (Sr. Secondary Level)” held in September 2015. Consequently, according to her, the petitioner has not approached this Court with clean hands.

Learned counsel for respondent no. 1-University also states that more than 150 candidates have been denied admission by the respondent no.1 and are similarly situated as the petitioner.

This Court is of the view that petitioner cannot be granted any relief inasmuch as he has failed to furnish his certificate/result before the last date of filing of admission form, namely, 2<sup>nd</sup> November, 2015.

This Court is also in agreement with the contention of learned counsel for respondent no. 1-University that petitioner has suppressed the facts inasmuch as in his affidavit dated 23<sup>rd</sup> July, 2015 submitted with the

respondents the petitioner had stated that his result was awaited even though the ultimate mark sheet furnished by the petitioner shows that he sat in an examination held in September, 2015.

At this stage, learned counsel for the petitioner clarifies that the petitioner had repeated only one paper in September, 2015. However, this Court is of the view that the same does not improve the position inasmuch as the petitioner had failed to furnish his certificate and required mark sheet before the cut off date, i.e., 2<sup>nd</sup> November, 2015.

Consequently, present writ petition and application are dismissed.

**MANMOHAN, J**

**APRIL 05, 2016**

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