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

% Judgment delivered on: 29.09.2016

+ **W.P.(C) 7732/2016**

AMRITPREET SINGH MATHARU AND ANR..... Petitioners

versus

**THE PRINCIPAL SHRI GURU TEGH BAHADUR KHALSA
COLLEGE AND ORS Respondents**

Advocates who appeared in this case:

For the Petitioners : Mr M.Taiyab Khan.
For the Respondents : Mr Saurabh Banerjee, Advocate for R -1.
Ms Seema Dolo and Ms Surbhi Mehta, Advocates for
R-2 & R-3.

**CORAM:-
HON'BLE MR JUSTICE SANJEEV SACHDEVA**

**JUDGMENT
29.09.2016**

SANJEEV SACHDEVA, J. (ORAL)

1. The petitioner seeks admission in either of the course i.e. "B.Sc. Physical Science Computer Science/B.Sc.Physical Science Electronics.
2. The case of the petitioners is that the petitioners, at the time of the filling of the admission form, had opted for (i) B.Sc.

(Applied Physical Science) Analytical Method in Chemistry and Bio Chemistry, (ii) B.Sc. (Applied Physical Science) inclusive Chemistry and (iii) B.Sc.(Hons.) Computer Science in the science category and B.A. (Hons) Punjabi in the Arts/Humanities/Social Science category. It is contended that the petitioner, while applying for B.Sc.(Hons.) Computer Science was under an impression that the he was applying for B.Sc. Physical Science Computer Science/B.Sc. Physical Science Electronics.

3. The petitioner could not get admission in any of the four subjects as per the cut-off lists. It is contended that the petitioner is eligible as per the seventh cut-off list for admission in B.Sc. Physical Science Computer Science and B.Sc. Physical Science Electronics in the minority quota.

4. Learned counsel for the respondent submits that the petitioner had only applied for three courses in science category and had not applied for B.Sc. Physical Science Computer Science and B.Sc.Physical Science Electronics.

5. It is contended that the application is online in the dropdown menu, all the courses were shown and the petitioner, at his own discretion, had applied for only four courses. It is contended that as per the Information Bulletin, the petitioner had complete discretion to apply for as many courses as the petitioner

was eligible for, but the petitioner had only applied for three courses in Science stream, i.e. B.Sc. (Applied Physical Science) inclusive Chemistry and B.Sc.(Hons.) Computer Science, as B.A.(Hons.) Punjabi in Arts/Humanities/Social Science.

6. It is contended that once the application form has been filled up, no student can be permitted to change the option after the last date and more so, after the cut-off lists have been displayed. He relies on the decision of the Division bench in **Pallavi Sharma versus College of Vocational Studies & Anr.**, 221(2015) DLT 738(DB), wherein this Court has held as under:-

"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.”

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.

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.

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).”

7. The case of the petitioners is squarely covered by the decision in **Pallavi Sharma** (*supra*). It was the sole responsibility of the petitioners to fill up the admission form as all courses available in the Colleges were available to the petitioners. The petitioners filled up only four choices and did not fill up the courses for which the petitioner is now seeking admission in. Since the petitioner failed to opt for the course of B.Sc. Physical Science Computer Science or B.Sc. Physical Science Electronics, the petitioner cannot be granted admission in the said courses.

8. I find no merit in the petition. The petition is accordingly dismissed.

SANJEEV SACHDEVA, J

SEPTEMBER 29, 2016

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