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

% Judgment delivered on: 03.10.2016

+ W.P.(C) 8758/2016

VINOD KUMAR

..... Petitioner

versus

UNIVERSITY OF DELHI & ANR.

..... Respondents

Advocates who appeared in this case:

For the Petitioner : Mr. R.K. Saini, Advocate.

For the Respondent : Mr. Mohinder J S Rupal, Advocate

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. The petitioner seeks quashing of action of the respondent-University in declining to grant him admission in LL.B. (Ist year) for the academic session 2016-17. The petitioner had appeared in B.A. (Pass) course from Garhwal University, Srinagar, Uttrakhand in the year 2007. The petitioner received only a provisional certificate dated 25.10.2010 from the said university and not the degree.

2. The petitioner applied for admission to the LL.B. Course from the Delhi University and appeared in the entrance examination. The petitioner

secured 49th rank in Scheduled Tribe (ST) Category on 26.08.2016. The petitioner was invited for counselling on 28.08.2016 and the petitioner submitted all the requisite documents. It is contended by the petitioner that the documents were scrutinized and accepted by the respondent university and the petitioner was informed that he would be sent a website link through which he can deposit the admission fee. When link was not received till 16.09.2016, the petitioner approached the respondent-university and made a representation. On 16.09.2016 itself the petitioner was informed that since he has not furnished the degree of the qualifying examination and only a provisional certificate has been furnished that too of the year 2010, same was not accepted and his admission was cancelled.

3. The petitioner thereafter approached the Garhwal University and applied for issuance of degree / fresh Provisional Certificate. The petitioner received fresh provisional certificate on 20.09.2016 and on 21.09.2016, he submitted the fresh provisional certificate with the respondent-university, which was accepted by the respondent-university on 21.09.2016 itself.

4. Learned counsel for the respondent-University contended that the provisional certificate was of the year 2010 and since the same was an old one, it was not accepted. It is further contended that as per notice dated 24.08.2016, the petitioner had the opportunity to deposit the admission fees till 06.09.2016 along with original documents.

5. It is contended that since the petitioner had not furnished requisite

documents till 06.09.2016 on which date the second list was taken out which clearly stipulated that the candidates who were supposed to report in terms of the first list but failed to do so, would not be considered in the second list and it would be applicable to subsequent ranks. As per the second list dated 06.09.2016, ranks in ST Category from 172 to 241 were considered. It is contended that the second list has not been challenged by the petitioner.

6. It may be noted that the petitioner had qualified for admission in the first list itself as per notice dated 24.08.2016, the list of documents required for admission are as under:-

“(3) LIST OF DOCUMENTS REQUIRED FOR THE ADMISSION

The candidates eligible for Admission will report in person at office of the Admission Committee or place notified by the Admission Committee on the specified date and time with all relevant documents for the purpose of admission list below:

- 1. Admission Ticket of LL.B. Entrance Test, 2016;*
- 2. Downloaded Admission form from DU Website (du.ac.in) in **PG PORTAL**;*
- 3. Age Certificate (High School/Matriculation) any other proof of age;*
- 4. Character Certificate (not older than six months on the date of admission);*
- 5. Degree Certificate of qualifying Degree examination or Provisional Certificate in case the degree is not issued by*

the University with a proof for the same;

- 6. Mark-sheet(s) of the qualifying Degree examination;*
- 7. Scheduled Caste/Tribe/OBC (non-creamy layer certificate not older than 3 yrs)/PH/CW certificate;*
- 8. Five passport size photographs;*
- 9. Candidates have to come with Admit Card, all original certificates and photocopies and 05 photographs.”*

7. The relevant document which is in issue here is mentioned at Sl. No.5 of the above list. In terms of that said document a candidate had to submit the Degree Certificate of qualifying Degree examination or the Provisional Certificate in case Degree has not yet been issued by the University with the proof thereof.

8. A reading of clause 5 makes it amply clear that Provisional Certificate would be acceptable till a Degree has been issued by the University. In the present case the petitioner was issued the Provisional Certificate by the Garhwal University in the year 2010. Issuance of provisional certificate in itself is proof that degree has not yet been issued by the University. There is no expiry date mentioned on the Provisional Certificate, therefore the Provisional Certificate would remain valid till the date Degree is issued by the university.

9. In this case the concerned Garhwal University has issued a fresh Provisional Certificate to the petitioner on 20.09.2016 which reaffirms the fact that Degree has not been issued by the university till date.

10. It is not the case of the respondent that the petitioner had not filed the documents in terms of notice inviting him for counselling. The petitioner appeared for counseling in accordance with the rank that he had scored in the entrance examination and submitted the requisite documents. It is not in the hands of a student as to when the Degree would be issued by the University. So long as the Degree is not issued by the University, the Provisional Certificate would be valid and as soon as the Degree is issued, the Provisional Certificate loses its sanctity.

11. In my view, the petitioner satisfied all the requirements of clause 5 contained in notice dated 24.08.2016 by submitting all the requisite documents. The respondent-university could not have denied admission to the petitioner on this ground. In view of the above, action of the respondent university in not granting admission to the petitioner is not sustainable. Respondent-Delhi University is directed to grant admission to the petitioner in the ST Category as per his option.

12. Writ Petition is accordingly allowed.

SANJEEV SACHDEVA, J

OCTOBER 03, 2016

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