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

% Judgment delivered on: 04.10.2016

+ W.P.(C) 8967/2016

SURAJ PRATAP SINGH

..... Petitioner

versus

UNIVERSITY OF DELHI & ANR

..... Respondents

Advocates who appeared in this case:

For the Petitioner	: Mr. Abhishek Sharma, 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, impugns the action of the respondent-university in not granting him admission in the LLB course for the academic session 2016-17.

2. The petitioner appeared for the qualifying B.A. (Sociology-Political Science) Course from the Swami Vivekanand Subharti University, Meerut. The petitioner applied in Delhi University for seeking admission to the LLB course commencing from the academic session 2016-17 and secured 478 rank in the OBC Category in the

entrance examination.

3. As per the petitioner, the result of the qualifying degree (B.A.) was not declared by the concerned university till the time application was submitted for appearing in the entrance test.

4. It is contended that in terms of the information bulletin issued by the Delhi University, candidates who had appeared for the qualifying Degree examination, were eligible to appear in the entrance test. Candidates who qualified on the basis of entrance admission test, but whose result of the qualifying degree examination were not available, were not to be granted provisional admission. However, such candidates could be considered for admission in the subsequent admission lists as and when their results of the qualifying degree examination were declared, provided the candidate(s) submit the result to the respondent-university.

5. It is contended that in the notification issued by respondent-university intimating the date of registration for the entrance test, it is stipulated that all the candidates, including those whose result of the qualifying degree examination have not yet been declared, must attend the counselling as per the schedule.

6. It is contended that the petitioner was invited for counselling on 26.08.2016, the date by which his result of qualifying degree examination had not been declared. The petitioner was not granted

admission.

7. It is contended that now the result has been declared by the concerned university and the petitioner has qualified his BA degree course. The result has been sent directly by the concerned university to the Respondent-University, which as per the tracking report has been received by it on 19.09.2016.

8. It is further contended that even post 19.09.2016, subsequent admission lists have been taken out by the respondent-university and the petitioner is, therefore, entitled for admission to the LLB course for the academic session 2016-17 in terms of bulletin of information of Delhi University.

9. Per contra, learned counsel for the respondent-university submits that the information bulletin is merely a general information bulletin and is a compendium of notice etc. of various departments/ centres/ faculties/ colleges. He submits that in so far as students seeking admission to LLB course are concerned, they are governed by the notification issued for registration for the entrance test and the subsequent admission lists.

10. It is contended that, in terms of the notification issued for registration for the entrance test, if a candidate's result for the qualifying degree examination has not been declared by the time he/she is invited for counselling as per his/her rank, he/she is not to be

granted admission. The candidate in such a situation would forfeit his/her seat and would not be entitled to admission even in the subsequent admission lists.

11. It is further contended that in terms of the notice dated 24.08.2016 issued for the first counselling, only those candidates who had got qualified rank in the entrance test as specified therein, and who could update their qualifying degree marks, were eligible for appearing in counselling. It is contended that since the result of the petitioner had not been declared till that date, he could not have updated the portal with the qualifying degree marks and hence he was not eligible for appearing in the counselling. It is further contended that in terms of the list of documents required for the admission to the LLB course, one of the mandatory documents required is the Degree certificate or Provisional certificate (if applicable) and as the result of the petitioner had not been declared till then, he could not produce the same and was therefore not eligible for admission.

12. Relevant portion of the bulletin of information of Delhi University reads as under :-

“4.2. The candidates appearing for the qualifying degree examinations shall be eligible to appear in the Entrance examination. However, all those courses wherein admissions are based on the rank in the entrance examination, the candidates shall be eligible for admission only after the result of the qualifying

examination has been declared and the candidates meet the minimum eligibility criteria. Thus the candidates, who are though eligible for admission on the basis of the admission entrance test but do not have the results of their qualifying degree examinations, shall not be allowed provisional admission. Such candidates will, however, be considered for admission in the subsequent admission lists, as and when the results of the qualifying examinations are declared, provided the candidates submit the results to the concerned department/faculty/college.”

13. Clause 4.2 lays down that candidates who have appeared in qualifying degree examination are eligible to appear in the entrance test and in courses where admission is based on rank in the entrance test, the candidates are eligible to admission only after their result of qualifying degree examination have been declared and the candidate meets the minimum eligibility criteria. Those candidates who are eligible for admission on the basis of admission entrance test, but do not have result of qualifying degree examination, are not entitled to be admitted provisionally as well. However, such candidates are to be considered when subsequent admission lists are taken out by the university, provided their qualifying degree examination are received by the concerned department/ faculty/ college by then.

14. If the said clause is applicable to the petitioner then as the petitioner has now passed the qualifying degree examination, he would be eligible for admission, provided further admission lists are

being considered by the Delhi University. As per the tracking report placed on record by the petitioner, the result of the qualifying degree examination of the petitioner has been received by the Delhi University on 19.09.2016, and admittedly the respondent-university has taken out subsequent admission lists after 19.09.2016.

15. The dispute raised by the respondent-university is that the information bulletin is merely a compendium of notices and the university has reserved its right to amend/ alter/ revise or delete any part thereof subsequently without giving any prior notice. It is contended that the same is not applicable to candidates seeking admission to LLB course.

16. Perusal of the Information Bulletin shows that the same is not a mere compendium of notices. The Bulletin contains rules and conditions applicable to all courses. The rules and conditions contained therein *inter alia* deal with seats in each course, the manner of admission, general conditions, reservation policy, hostel facility etc. In fact, the information bulletin in Annexure II clearly lists out the PG and Masters courses being offered by various faculties / centres/ departments/ colleges. Annexure II also includes LLB/ LLM courses. Even the number of seats in LLB/ LLM courses are listed in the information bulletin. The information bulleting is clearly applicable to LLB/ LLM courses also.

17. Furthermore, it is not the case of the respondent that the information bulletin has been amended/ revised/ modified or updated or any part thereof has been deleted. The respondent-university has merely relied upon subsequent notifications and notices.

18. Reliance has been placed on the notification issued by the Delhi University prior to registration for entrance test to deny admission is misplaced. Said notification does not alter the position as laid down by the bulletin of Information.

19. Clause 2 of the said notification reads as under :-

“2. The candidates failing to appear in person on the specified date and time for counselling shall forfeit his/her claim for admission. All candidates including those whose results of the qualifying Degree examinations have not been declared must attend counselling as per the schedule.

(underlining supplied)”

20. Reading of clause 2 of the notification under the heading ‘Counselling’ shows that the Delhi University has made it mandatory for all the candidates, including those whose result of the qualifying degree examination has not been declared, to attend the counselling as per schedule. However, there is no date or period mentioned, within which the result of the qualifying degree examination has to be submitted to the university.

21. The fact that it is mandatory for all the candidates to appear for counselling shows that the candidates cannot be denied admission merely because their result of the qualifying degree certificate is not available till then. A candidate who is called for counseling as per his/her rank and does not appear forfeits his right. Making it mandatory for candidates to report for counseling as per their rank, even if result is not declared, shows that such candidates whose result is not declared till then, would not forfeit their right, if they appear, but would be eligible to be considered if any subsequent admission list is issued.

22. The said clause does not read or suggest that such candidates are not eligible to attend the counseling, rather it shows that right is protected to seek admission if subsequent lists are issued by the university.

23. Mere non-possession of the Degree/Provisional certificate and not uploading of the qualifying marks at the time of counseling is of no consequence, in such cases, as admittedly their qualifying degree result has not been declared.

24. A coordinate bench of this court in '**Ankita Chaudhary vs. Gurugobind Singh Indraprastha University**' (2016) 230 DLT (391) has held that prospectus is law for the academic session to which it relates and eligibility for admission is to be seen in accordance with

the prospectus issued before the Entrance Test.

25. Clearly the information bulletin is the prospectus, which is issued by the university for intimating the students about the rules and procedures for admission in various courses. Subsequent notifications even if at variance with the information bulletin, cannot alter or modify the rules and procedures, which were intimated to the candidates prior to entrance examination. However, as held above, in my view the said notification issued prior to registration for entrance test does not alter the conditions laid down by the bulletin of information.

26. The contention of the learned counsel for the university that the petitioner has failed to challenge the subsequent lists, which have been taken out after 06.09.2016, which specify “*that candidates who were eligible for admission and had not appeared for counselling will not be considered*”, is untenable. The petitioner did appear for counselling but was not considered as his result was not declared by then. The petitioner cannot be treated at par with the candidates who had the result of qualifying degree examination but chose not to appear for counselling. The petitioner is covered by the bulletin of information.

27. In view of the above, the action of the respondent-university in denying the admission to the petitioner on the ground that his result

was not declared at the time when the first counselling was conducted is not sustainable.

28. The petition is accordingly allowed and the respondent-university is directed to consider the application of the petitioner for admission. Since the petitioner has chosen to approach this court at this belated stage, he would be considered in the OBC category, in case any seat in the said category is available today, on the basis of his rank in the entrance examination and also subject to satisfying all other conditions.

29. The writ petition is disposed of accordingly.

30. Order Dasti under the signatures of the Court Master.

OCTOBER 04, 2016
'sm'

SANJEEV SACHDEVA, J