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

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Judgment delivered on: 22.11.2016

+ W.P.(C) 11059/2016 & CM No. 43191/2016

AARUSHI MAHAJAN

..... Petitioner

versus

GURU GOBIND SINGH INDRAPRASTHA
UNIVERSITY AND ORS

..... Respondents

Advocates who appeared in this case:

For the Petitioner : Mr. S.N. Khanna, Adv..

For the Respondents : Mr. Mr. Vaibhav Kalra and Ms. Neha Bhatnagar, Advocates for R-1
Mr. Mohinder J.S. Rupal, Standing Counsel with Ms. Simran Jeet,
Adv. for DU

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

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

CM No. 43192/2016 (Exemption)

Allowed, subject to all just exceptions.

W.P.(C) 11059/2016

1. The petitioner has filed the present petition seeking a direction to the respondents not to cancel the provisional admission of the petitioner to the MBA Programme due to non submission of the result of the B.Com (Final Year). The petitioner was granted provisional admission to the MBA Programme because the result of the qualifying

examination i.e. B.Com was not declared by the concerned University by the date of admission.

2. The petitioner had appeared in the qualifying examination with the School of Open Learning. The result of qualifying examination i.e. B.Com was not declared till 15.10.2016. The provisional admission of the petitioner is sought to be cancelled by the respondents.

3. Learned counsel for the respondents submits that in terms of the admission brochure for academic session 2016-2017 and more particularly Clause 3.8, the students who were granted provisional admission since the result was awaited had to submit the result of the qualifying examination by 15.10.2016 failing which their provisional admission was to be treated as null and void (cancelled) and the students could not be allowed to appear in the mid-term examination.

4. Reliance is placed on the decision of Coordinate Bench of this court in **W.P.(C) 3835/2016, titled as 'Pooja Verma Vs. Guru Gobind Singh Indraprastha University & Ors.'**, wherein the petition in similar circumstances was dismissed holding that where the concerned university from which the student had appeared in the qualifying examination had declared its result late, it would not give the students the rights to take admission subsequently. It is contended that the decision of the coordinate bench in **Pooja Verma (Supra)**, was upheld by the Division Bench by order dated 06.05.2016 in LPA No. 284/2016 titled as **'Pooja Verma Vs. Guru Gobind Singh Indraprastha University & Anr.'**.

5. Rule 3.8 of the Admission Brochure reads as under:-

"3.8 Result Awaited / Compartment / Supplementary Cases

- i. *All such candidates who have appeared in the qualifying examination (irrespective of the outcome of their final result) will be eligible to appear in the CET 2016-17 and all such candidates will be provisionally admitted in the respective programmes. Further, such provisionally admitted candidates will have to fulfil his/her eligibility as per the eligibility laid down in the admission brochure, latest by October 15, 2016.*
- ii. *All such candidates whose result is awaited, will have to submit an undertaking / self declaration form at the time of admission/ verification of document (schedule to be notified later) in the prescribed Proforma (to be made available on or before 20th February, 2016). Further, in case the candidate is minor i.e. below 18 years of age; in that case, the affidavit shall be signed by his/her parent/guardian. Candidates/parents/guardians may further note that submission of false affidavit is a punishable offence;*
- iii. *The candidate will have to submit the final result of qualifying degree proving his/her eligibility on or before October 15, 2016 to their Concerned Dean/Principal/Director of their respective School/College/Institute where the admission has been granted. The concerned Dean/Principal/Director must submit the details of the results of these provisionally admitted students by October 18, 2016, to the Incharge (Admissions), Academic Reception Counter, Administrative Block, GGS Indraprastha University, Sec 16 C, Dwarka, New Delhi-110078, duly signed by the concerned Dean/Principal/Director;*

iv. *In case the candidate fails to submit his/her final result of qualifying degree in the manner as prescribed above to prove his/her eligibility on or before October 15, 2016, whatsoever the reason may be, his/her admission will be treated as null and void (cancelled) and the entire fee will be forfeited and under no circumstances he/she will be allowed to appear in the End Term Exam. If such an admitted student appears for the examination and even if the result of such students is declared, the candidature of such provisionally admitted candidates shall be cancelled and the result declared as null and void. No extension beyond October 15, 2016 shall be allowed by the university in any case. The Dean of the Schools/Director/Principal shall be responsible to ensure that the eligibility of all students are checked by them to ensure correctness of admissions specially in case of provisionally admitted students. The provisional admission will automatically stand cancelled if the candidate fails to submit result in time i.e. October 15, 2016."*

6. Perusal of Clause 3.8 of the Admission Brochure shows that all candidates who have appeared in the qualifying examination are required to fulfil their eligibility as per the eligibility laid down in the Admission Brochure latest by 15.10.2016. The students are also required to give an undertaking/self declaration. The students had to submit the final result of the qualifying decree on or before 15.10.2016, failing which the provisional admission is to be treated as null and void(cancelled).

7. In the instant case also the petitioner had submitted the requisite undertaking/self declaration form. Admittedly the petitioner had not

been able to submit the result of the qualifying examination by 15.10.2016 which was the last date stipulated by the Admission Brochure.

8. In *Pooja Verma (Supra)*, the coordinate bench of this court had held that merely because the result of the qualifying examination had not been declared in time would not entitle the students to subsequently seek admission or appear in the semester examination. The said decision has been upheld by the Division Bench.

9. In view of the fact that the result of the petitioner of the qualifying examination was not submitted to the respondent university on or before the cut off date stipulated by the Admission Brochure i.e. 15.10.2016, the action of the respondent in treating the admission of the petitioner as cancelled, cannot be faulted. Thus the petitioner is not entitled to seek that the provisional admission be not cancelled or that the petitioner be permitted to provisionally take the semester examination.

10. In view of the above, I find no merit in the petition. The writ petition is accordingly dismissed.

11. Copy of the order be given *dasti* under signature of the Court Master.

SANJEEV SACHDEVA, J

NOVEMBER 22, 2016

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