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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 11310/2016 & CM. NO. 44306/2016**
HARSH DABAS Petitioner
Through: Mr. Arun Nischal, Adv.

versus

**CH. BRAHM PRAKASH GOVERNMENT ENGINEERING
COLLEGE & ANR** Respondents
Through:

CORAM:
HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER
% **02.12.2016**

1. This petition has been filed by the petitioner with the following prayers:-

“Direct the respondent to consider the candidature of the petitioner and allow the petitioner to change his stream/branch from Environmental Engineering to Civil Engineering in respect of seat lying vacant in Civil Engineering stream/course”

2. It is the case of the petitioner that he got admission in the respondent No.1 College in the academic session 2015-2016 in the field of B.Tech (Environmental Engineering). It is his case that on June 22, 2016, the respondent No.1 had informed the respondent No.2 regarding the withdrawal and cancellation of admission with regard to four students in

Civil Branch. On June 24, 2016, respondent No.1 issued revised result by upgrading /change of stream of students. It is the case of the petitioner that only three seats have been filled in the branch of Civil Engineering and the petitioner was not allowed to change his branch/stream for the reason that there is no seat available in the branch of Civil Engineering.

3. It is the submission of the learned counsel for the petitioner that as the admission of four students has been cancelled and there is one seat still available with the respondent No.1 College, the petitioner can be accommodated, against the same. That apart, he concedes to the fact that the examination for the first semester in the Civil Engineering stream shall be conducted in the month of December, 2016.

4. I note, that it was on June 24, 2016 respondent No.1 issued revised list of upgradation/change of streams of students. Pursuant thereto, the respondent No.1 had changed the stream of three students. The petitioner did not seek a remedy in a Court immediately thereafter. He had approached this Court only on November 25, 2016, almost five months thereafter. The only explanation given is that he was pursuing with the College authorities. The same does not appeal to the Court, more so, when the examination has to be held in the month of December, 2016. The

submission of the learned counsel for the petitioner that the subjects of the Civil Engineering and the Environmental Engineering for which examinations are to be held in this month are same, the change of stream shall only be on papers also does not appeal to the Court as the issue is not sitting in the examination but whether at this point of time, can there be any upgradation/change of stream, which in the view of this Court, “NO”. The relief prayed cannot be entertained.

5. I note, one averment in the writ petition that the petitioner was not allowed the change of branch/stream on the ground that there is no seat available in the branch of Civil Engineering. Be that as it may, in view of the aforesaid discussion, I do not think that the present petition can be entertained and the relief as prayed for can be granted at this point of time. Accordingly, the writ petition and the application are dismissed.

V. KAMESWAR RAO, J

DECEMBER 02, 2016/ak