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

+ W.P.(C) 6974/2017

TARUN NARANG

..... Petitioner

Through: Mr. Pankaj Sinha with Ms.
Jubli Momalia, Advs.

versus

GURU GOBIND SINGH INDRAPRASTHA

UNIVERSITY AND ORS

..... Respondent

Through: Mr. Mukul Talwar, Sr. Adv.
with Mrs. Anita Sahani,
Adv. for GGSIPU/R-1.
Ms. Anuja Saxena with Mr.
Yogesh Bhardwaj, Advs. for
RCI/R-2.

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MR. JUSTICE C.HARI SHANKAR

ORDER

% **25.09.2017**

1. By this writ petition, filed as a public interest litigation, the petitioner makes a general prayer for issuance of directions to the respondents to grant complete exemption from the Common Entrance Test to those aspirants who wish to pursue the B.Ed. (Special Education) course run by the Guru Gobind Singh Indraprastha University (for brevity "GGSIP University").
2. In response to the notice to show cause issued by us, the respondents have explained the basis of the Common Entrance Test conducted by it for the purpose of grant of admissions to the B.Ed. (Special Education) in the following terms:

“2. That the Common Entrance Test is held in accordance with the statutory provision as provided in the Delhi Professional Colleges or Institutions (Prohibition of Capitation Fee, Regulation of Admission, Fixation of Non-Exploitative Fee and Other Measures to Ensure Equity and Excellence) Act, 2007.

3. That as per Section 13 of the Delhi Professional Colleges or Institutions (Prohibition of Capitation Fee, Regulation of Admission, Fixation of Non-Exploitative Fee and Other Measures to Ensure Equity and Excellence) Act, 2007 it has been provided:

“An institution shall, subject to the provisions of this Act, make admission through a common entrance test to be conducted by the designated agency, in such manner, as may be prescribed:

Provided that the management seats may be advertised and filled up, from the candidates who have qualified the common entrance test, by the institution in a transparent manner based in the merit at the qualifying examination.”

4. That the constitutional validity of the said section 13 of the Delhi Professional Colleges or Institutions (Prohibition of Capitation Fee, Regulation of Admission, Fixation of Non-Exploitative Fee and Other Measures to Ensure Equity and Excellence) Act, 2007, had been challenged in the writ petition being “Association of Self Financing Institutions & Anr. Vs. GGSIPU & Anr. WP (C) No.3262/2016” and the same was decided by the Hon’ble Division Bench of this Hon’ble Court vide order dated 9.5.2014 wherein the said provision of section 13

has been upheld to be valid and legal. Therefore, the pertinent question is squarely covered by the above mentioned judgment. ”

3. So far as admissions to the Academic Session 2017-18 of the B.Ed. (Special Education) course is concerned, it has been pointed out by the respondents that the admission brochure was issued on 16th February, 2017 whereby admission process for this session was set in motion. The Common Entrance Test for admissions to the B.Ed. (Special Education) took place in May, 2017 and admission process after due counselling has been completed in all respects by the University.

4. With regard to the B.Ed. Programme, the respondents have given the following details in Para 17 of its the counter affidavit:

“17. That as per the record available in the office, I state that for B.Ed. Program 7147 candidates qualified. The admission for B.Ed. was completed on 14th August 2017, whereas for B.Ed. (Spl. Edu.) program 329 candidates applied 269 candidates appeared and 266 candidates qualified, and first round of counselling for B.Ed. (Spl. Edu.) was held on 31st of July 2017 and second round of counselling was held on 11th August 2017 followed by open house counselling from 3 pm onward. It is for records that B.Ed. (Spl. Education) programme in the interest of students the University has also allowed for Direct Admissions to be done by the Institute through Counselling at the Institute level on 28th August 2017, for facilitating the Institute and the students, the University has also provided the list of non-admitted students so that more students could take admission in the B.Ed. (Spl. Education) programme.”

5. The above extract would show that the candidates had applied for admission to the B.Ed. (Special Education) Course and have participated in the prescribed selection process through Common Entrance Test.

6. In view of the mandate of Section 13 of the Delhi Professional Colleges or Institutions (Prohibition of Capitation Fee, Regulation of Admission, Fixation of Non-Exploitative Fee and Other Measures to Ensure Equity and Excellence) Act, 2007, it is mandatory for the University to effect admissions only through Common Entrance Test and no exemption thereof is envisaged or permitted.

7. Therefore, the Prayer (A) made by the petitioner to grant the complete exemption from the Common Entrance Test to those aspirants who have not appeared in the said test and consequently grant admission to B.Ed. (Special Education) course cannot be granted.

8. For the aforementioned reasons, Prayer (B) and (C) as prayed for also cannot be granted.

The writ petition is accordingly dismissed, but no order as to costs.

ACTING CHIEF JUSTICE

C.HARI SHANKAR, J

SEPTEMBER 25, 2017/pmc