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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 7596/2017 & C.M. No.31332/2017**
VAISHALI AGGARWAL

..... Petitioner

Through Mr. Akhil Sibal, Sr. Adv with Mr.
Anshul Narayan, Adv.

versus

UNION OF INDIA

..... Respondent

Through Mr. Sandeep Mahapatra, Adv

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

% **30.08.2017**

1 Respondent has instructions to inform this Court that in view of the directions given by the Apex Court in W.P. (C) No.76/2015 Ashish Ranjan & Others Vs. Union of India & Others, the time schedule for grant of admission to students who had qualified in the first MBBS course has been laid down which has to be strictly adhered to by the respondent. Attention has been drawn to page 4-5 of the aforementioned order. Last date of joining for the second round of counselling/admission is 28th August and seats lying vacant thereto i.e. after the last date of joining will be deemed to be converted into a state quota.

2 At this stage, it would be relevant to extract the aforementioned time schedule which reads herein as under:-

***“TIME SCHEDULE FOR COMPLETION OF THE ADMISSION PROCESS
FOR FIRST MBBS COURSE***

<i>Sr. No</i>	<i>Schedule of Admission</i>	<i>Seats to be filled up by the Central government through the All India Entrance Examination</i>	<i>Seats to be filled up by the State Govt./ Institution.</i>
<i>1</i>	<i>Conduct of Entrance Examination</i>	<i>Between 1st to 7th May</i>	<i>Between 10th to 17th May</i>
<i>2</i>	<i>Declaration of the Result of the Qualifying Exam/ Entrance Exam.</i>	<i>By 1st June</i>	<i>By 1st June</i>
<i>3</i>	<i>1st round of counselling/admission</i>	<i>To be over by 25th June</i>	<i>Between 6th July to 15th July</i>
<i>4</i>	<i>Last date for joining the allotted college and the course</i>	<i>By 5th July</i>	<i>By 22nd July</i>
<i>5</i>	<i>2nd round of counselling/admission for vacancies</i>	<i>Between 23rd July to 30th July</i>	<i>Between 10th to 22nd August</i>
<i>6</i>	<i>Last date of joining for the 2nd round of counselling/admission</i>	<i>By 9th August</i>	<i>By 28th August</i>
<i>7</i>	<i>Commencement of academic session/term</i>	<i>1st of August</i>	<i>1st of August</i>
<i>8</i>	<i>Last date up to which students can be admitted/joined against vacancies arising due to any reason</i>		<i>By 31st August</i>

Note:

- 1. All India Quota Seats remaining vacant after last date for joining, i.e. 9th August will be deemed to be converted into state quota.*
- 2. Institute/college/courses permitted after 31st May will not be considered for admission/allotment of seats for current academic year.*
- 3. In any circumstances, last date for admission/joining will not be extended after 31st August.”*

3 Record shows that the petitioner had successfully qualified in the NEET examination for the current year; he had been successful in the round of counselling and had been granted admission at the M.M. Institute of Medical Science and Research, Mullana. This has been recorded in the earlier order i.e. 29.08.2017. The grievance of the petitioner was that the seat which has been allotted to him in that college was her 9th choice; there were 8 other choices made by her and the seats are lying vacant in those colleges. Attention had been highlighted qua her first choice i.e. the Banaras Hindu University (BHU) where (on 29.08.2017) it had been noted that 7 seats are lying vacant. Learned counsel for the respondent does not dispute that 7 seats are lying vacant at the college of the first choice of the petitioner i.e. the BHU, Varanasi. There is also no explanation given by the respondent as to why the petitioner had not been granted this first choice when admittedly in this college, seats are lying vacant even as on date. Learned counsel for the respondent has no answer on this count.

4 This Court notes that the time schedule for completion of the admission process for first MBBS course (in column 8) states that the

last date for joining/admission (against a vacancy) which is arising is by 31st August which has again been qualified in note 3 (appended) which states that the last date of joining/admission will not be extended after 31st August. Thus the submission of the learned counsel for the respondent that he will be flouting the guidelines of the Supreme Court is not correct. This is in fact an incorrect statement as the last date of joining is 31st August of that year when there is a vacant seat.

5 The admitted position thus being that a seat is lying in the BHU, Varanasi (which was the first choice of the petitioner); the petitioner is accordingly held entitled to admission as per her first choice i.e. Institute of Medical Sciences, Banaras Hindu University, Varanasi. She be allotted a seat in the aforementioned college. The last date of joining is 31st August, 2017 and that is why this matter had been posted for today i.e. 30.08.2017.

6 This Court also notes the submission of the parties that nothing else would survive in this petition in view of the order being passed today. This Court further notes that inspite of opportunity having been granted to the respondent even at the interim stage, no reply has been filed by the respondent. This is for the reason that the respondent really has nothing to say in the matter.

7 Petition disposed of in the above terms.

8 Order dasti under signatures of the Court Master.

INDERMEET KAUR, J

AUGUST 30, 2017/A
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