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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 9403/2017 & C.M. No.38305-06/2017**
SANIDHI PARASAD

..... Petitioner

Through Mr. Subhash Chandran, Mr. Subhash
Chaudhary and Mr. Deepak Prakash,
Advs.

versus

UNION OF INDIA AND ORS.

..... Respondents

Through Ms. Shiva Lakshmi, CGSC with Mr.
Ruchir Ranjan Rai, Adv for R-1.
Mr. T. Singhdev, Ms. Amandeep
Kaur, Mr. Michelle Biakthansangi
Das, Mr. Tarun Verma and Mr.
Abhijit Chakravarty, Advs for MCI.
Mr. Apoorv Kurup, Mr. A.C.
Boxipatro and Mr. Girish Pandey,
Advs. for UGC.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

% **27.10.2017**

1 The petitioner before this Court is a student who had appeared in the National Eligibility Entrance Test-Undergraduate (NEET-UG) examination held in the current year. His submission is that he is a meritorious student. He participated in two rounds of counselling. Although from the averments in the petition, it is not very clear as to the outcome of his first round of counselling; on a query put to the petitioner, he admits that he did not get admission in the first round of counselling. In the second round of counselling, he was allotted a seat at Saveetha Medical College, Chennai. This was in his second

round of counselling. It was a management paid seat. A document to the said effect has been placed on record by respondent No. 2 who has entered appearance on advance notice. This document is not in dispute. Learned counsel for respondent No. 2 points out that as per the Guidelines of the Apex Court as laid down in the judgment of *Dar-us-Slam Educational Trust & Others Vs. Medical Council of India and Others* in W.P.(C) No.267/2017, a general category student can participate only in the two rounds of counselling and after that he loses out his right to participate in any future counselling. The facts as narrated by respondent No. 2 on this aspect are not in dispute.

2 Admittedly the second round of counselling qua the petitioner was held on 31.08.2017 pursuant to which he had been granted admission in the aforementioned college at Chennai. The petitioner has not taken admission in that College. The writ petition is silent as to the reasons why the petitioner has not taken admission in that College. Even on a query put to the petitioner on this score, there is no answer.

3 The petitioner, by way of present petition, has prayed that respondents No. 1 to 4 should set up a Statutory Fees Regulating Authority to fix fees of deemed universities. Submission being that these deemed universities are charging a fee much beyond their limits and they are in fact carrying out a 'profiteering venture'. Learned counsel for respondent No.4/UGC points out that the UGC (Institutions Deemed to be Universities) Regulations, 2017 are already in place and clause 6 deals with admissions and the fee

structure. Attention has been drawn to clause 6.2 which provides that an institution deemed to be university shall not engage in commercialization of education in any manner whatsoever and shall provide for equity and access to all deserving students. Submission of respondent No. 4 rightly being that these Regulations already being in place, the prayer made in the present petition is in fact infructuous.

4 This has been put to the petitioner. He appears to have no answer on this count. That apart, a query has also been put to the petitioner that if he was aggrieved by the fee being charged by the Chennai College (which being a deemed university) and if it was in fact profiteering, whether he had made any representation to the said College or to the State Regulatory Committee of Chennai to this effect. His submission is in the negative.

5 The petitioner really has no case. The UGC Regulations, 2017 dealing with the admissions and fees structure clearly laying down that no deemed university shall engage in commercialization of education in any manner whatsoever and shall provide for equity and access to all deserving students already being in place, the present petition seeking the UGC to formulate Regulations once again is not really called for. The petitioner has failed to show why he did not take admission in the College at Chennai where he was allotted a seat pursuant to his second round of counselling. If he was aggrieved, he should have made a representation to the College or to the State Fee Regulatory Committee bringing it to their notice that the aforementioned College was in fact profiteering. This has not been done.

6 The various judgments quoted by the petitioner relating to right to education are ratios cannot be disputed. His submission that he being a poor person could not have paid the high fee paid structure being charged by the Chennai College was a representation/plea which should have been brought to the notice of the said College at the time when he was granted admission which as per the record evidences it sometime in the month of August, 2017. The petitioner did not make any such representation. The UGC Regulations (aspect which is sought to be espoused through this writ petition) are already on record.

7 This writ petition is not maintainable. It is dismissed with cost quantified at Rs.10,000/-.

INDERMEET KAUR, J

OCTOBER 27, 2017

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