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

+ W.P.(C) 10200/2017 & C.M. No.41632/2017

GAURAV SHARMA

..... Petitioner

Through Mr.Narendra Sharma, Advocate.

versus

GURU GOBIND SINGH INDRAPRASTHA AND ANR.

..... Respondents

Through Ms.Ekta Sikri and Mr.Jasbir Bidhuri,
Advocates for R-1/GGSIPU.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

% **17.11.2017**

1 Petitioner is aggrieved by the fact that he had been granted provisional admission in the MBA course of the College of respondent no.2 yet on 11.11.2017 his admission stood cancelled. This cancellation has been impugned.

2 This letter has been issued by respondent no.1 (Guru Gobind Singh Indraprastha University) to which respondent no.2 college is affiliated). The petitioner had been informed that the provisional admission granted to the petitioner stood cancelled for the reason that his eligibility criteria/certificates had not been filed by him up to 15.10.2017 which was the cut off date for filing documents and failing which his provisional admission stood cancelled. The fee also stood forfeited.

3 Record shows that the petitioner has qualified his BBA course from the University of Mysore. His result was delayed; it was finally declared on 11.11.2017. Thus before 11.11.2017 he could not submit his eligibility criteria/certificates endorsing the fact that he had qualified his BBA. His admission cancelled on the same date i.e. 11.11.2017 on which date he was able to submit his certificates to respondent no.2 is illegal and arbitrary as prior to 11.11.2017 he could not submit his eligibility criteria/certificates as his result has not been declared. The petitioner cannot be disqualified for no fault of his. Learned counsel for the petitioner has relied upon (2002) 2 SCC 270 Shalini Vs. Kurukshetra University and Another as also on 2015 LawSuit (Del) 3431 Sachin Katyal Vs. University of Delhi and Anr.

4 Respondents have been served.

5 With the consent of the parties, this writ petition is being disposed of without any formal counter affidavit. The stand of respondent no.1 is that Clause 3.8 of the admission brochure of Guru Gobind Singh Indraprastha University/respondent no.1 clearly provides that the eligibility criteria laid down has to be fulfilled by the candidate by 15.10.2017 which is the cut-off date; the final result of the qualifying degree has to be submitted on or before that date failing which the provisional admission will be treated as cancelled and the fee is liable to be forfeited.

6 Learned counsel for the respondent has placed reliance upon judgments of Coordinate Benches of this Court reported as 2016 SCC OnLine Del 6067 Aarushi Mahajan Vs. Guru Gobind Singh Indraprastha University , 2016 SCC Online Del 6068 Anandita Puri

Vs. Guru Gobind Singh Indraprastha University and Ors. and in WP(C) 3835/2016 Pooja Verma Vs. Guru Gobind Singh Indraprastha University and Ors. and as also the judgment of the Division Bench of this Court in LPA 284/2016 Pooja Verma Vs. Guru Gobind Singh Indraprastha University and Ors. to substantiate these arguments.

7 In rejoinder learned counsel for petitioner reiterates the submission that it is not his fault as the result has been declared belatedly he should not be made to suffer.

8 Noting these submissions and counter submissions of the parties, this Court notes that this issue now raised before this Court is no longer *res integra*. In the judgment of Aarushi Mahajan (supra) the same circumstance was considered. Rule 3.8 of the admission brochure of respondent no.1/Guru Gobind Singh Indraprastha University was considered. Para 6 of the aforementioned judgment has in fact reproduced the aforementioned rule i.e. Rule 3.8. The Court had noted that although the qualifying examination result had been declared late and there was no fault on the part of the candidate yet this by itself does not entitle the candidate to seek admission and state that his provisional admission should be confirmed. The Single Bench of this Court in Pooja Verma (supra) in addition noted that the Universities are entitled to stipulate a cut-off date for admission and cut-off dates have a sanctity in law. In that judgment the learned Single Judge had relied upon the judgment of the Apex Court reported as (2012) 7SCC 433 Priya Gupta Vs. State of Chhattisgarh and Ors.; it inter alia noted as under:

“45. *The maxim boni judicis est causas litium dirimere places*

an obligation upon the Court to ensure that it resolves the causes of litigation in the country. Thus, the need of the hour is that binding dicta be prescribed and statutory regulations be enforced, so that all concerned are mandatorily required to implement the time schedule in its true spirit and substance. It is difficult and not even advisable to keep some windows open to meet a particular situation of exception, as it may pose impediments to the smooth implementation of laws and defeat the very object of the scheme. These schedules have been prescribed upon serious consideration by all concerned. They are to be applied strict sensu and cannot be moulded to suit the convenience of some economic or other interest of any institution, especially, in a manner that is bound to result in compromise of the abovestated principles.”

9 Noting the ratio of the aforementioned judgments although this Court has a sympathetic consideration for the petitioner and notes his submission that it is not the fault of the petitioner that he was not able to submit his result on or before 11.11.2017 yet the date of 15.10.2017 being sacrosanct for respondent no.1 which was the cut-off date and the last date for submission of eligibility criteria/certificate, this Court is of the view that the prayer made that the provisional admission granted to the petitioner should be confirmed cannot be answered in his favour.

10 The judgments relied upon by the petitioner are distinct on facts. The judgment of Shalini (supra) was based on the premises of revaluation which as per the said judgment was an application submitted beyond the period of limitation; ratio of this judgment

would be inapplicable. The judgment of Sachin Katyal (supra) would also not apply. The Court had noted that the University itself had tinkered with the schedule for the declaration of result and the University itself having enlarged the scheduled date from 30.6.2015 to an extended date, it could not be said that the fault lay entirely with the candidate. Both the judgments are distinguishable on their own facts.

11 Petition is without any merit. Petition dismissed.

INDERMEET KAUR, J

NOVEMBER 17, 2017

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