

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.27742 of 2018

ORDER:

Aggrieved by the action of the respondents 3 and 4 in refusing to allow the petitioner to participate in the Spot admission process of M.Tech. C.S (T.A) two year course in 4th respondent institute on the ground that the petitioner has accepted seat in COAP (Common Offer Acceptance Portal) in round 4 and admitting the students who are below the petitioner's rank, this Writ Petition is filed.

2. It is the case of the petitioner that he passed his graduation from South Indian Educational Society (SIES), Nerul, Mumbai, Engineering College, affiliated to Mumbai University in the course of bachelor of Engineering in June, 2017. He appeared for GATE-2017, which is an all-India examination conducted for admission into Post Graduate programme in various colleges/institutes in the country, those who qualified in GATE and that he secured 713 out of 1000. The 3rd respondent is providing the Common Platform for a candidate to make the most preferred choice for admission into M.Tech Programme to various institutes for the year 2018, wherein petitioner registered with COAP online portal and that the said process of admission is subject to

certain guidelines which would be applicable to the participants and the participating institutes. In the said COAP, there are four rounds with three options i.e, Accept and Freeze', Reject and Wait and Retain and Wait. In the fourth round, petitioner chose the option 'Accept and Freeze' and petitioner was offered seat at IIT Dhanbad. It is stated that as per the guidelines of COAP i.e., 2.8, 2.9 and 2.10, the availability of seats in particular institute would be shown on the institute website and the seats would be filled in spot/additional rounds conducted by the institutes and the same will be in accordance with the procedure adopted by the respective institutes. It is stated that the aforesaid COAP guidelines did not prescribe that a candidate participating in COAP and retained/accepted a seat would be ineligible for spot/additional rounds of admission. There was no prior procedure or information or clarification on COAP with regard to IIT in combined online spot offers (Round A, Round B, Round C) also from July, 08, 2018 to July, 19, 2018. It is stated that after completion of COAP process, the 4th respondent institute notified vacancies to be filled up for M.Tech-CS (TA) 2 year programme and that the petitioner received an E-mail on 22.07.2018 to attend interview which was scheduled on 26.07.2018, to which the petitioner replied that he would be attending the said interview. Subsequently, the petitioner received e-mail stating that the guidelines of

COAP would not permit him to be considered for this round of admission into M.Tech course. Aggrieved by the action of the 4th respondent, present writ petition is filed.

3. Counter and additional counter affidavit is filed by the 4th respondent denying the allegations made in the affidavit filed in support of the Writ Petition stating that in pursuant to order of this Court in I.A.No.1 of 2018 dated 10.08.2018, the case of the petitioner was considered and his request was rejected and same was informed to the petitioner by email dated 29.08.2018. It is stated that the COAP provides a common platform for a candidate to make the most preferred choice for admission into M.Tech programme in participating academic institutes and that the guidelines of COAP are made with an objectives to provide a common platform for a candidate to make the most preferred choice (job in PSU or Graduate study in any participating institute) and to be able to offer admission to candidates who get deprived of seats (in institutions) due to multiple offers held by some candidates till last minute, resulting in vacancies/unfilled seats and also to mitigate/eliminate the scenarios that arise due to 'multiple offers' (made by institutions) that cause vacant posts in PSUs or vacant seats in Graduate programme of IITs. It is stated that since the petitioner made a final decision and accepted an offer in Round 4 at one of the participating institutes, he

is categorically barred from participating in subsequent rounds of the admission, as per 2.1.1 of the guideline of COAP. Since each participating institutes/PSUs follows the admission process/selection procedure as per the norms and guidelines of the respective Institute/PSU. It is stated that the petitioner had already utilized the COAP portal and was offered a seat in one of the participating institute, which is final and he cannot seek further opportunity and deprive other candidates next in line of their bona fide and lawful right to have their rightful chance to obtain admission in other institutes. It is stated that as per guideline 2.8 of COAP Portal, after the last/final round on COAP, no offer would be available on COAP and that for any admission related matters, the candidates must visit the respective academic institutions portal. Since the petitioner by voluntarily registering on the COAP portal, he had impliedly consented to be bound by the COAP guidelines as such, the contention that the said guidelines does not bar his participation in subsequent rounds of admissions in Institutions, is an afterthought and sought for dismissal of the writ petition.

4. Heard learned counsel for the petitioner and Smt. Sundari R.Pisupati, learned Standing Counsel for the 4th respondent.

5. Admittedly, petitioner has participated in the online admission process for admission into M.Tech P.G programme in COAP. By registering in the said online admission, he is bound by the guidelines of the said COAP. Admittedly, petitioner has chosen 'Accept and Freeze' option and he was allotted seat at IIT Dhanbad. Subsequently, when the 4th respondent issued notification to fill up vacant seats, the petitioner applied for the same through online. The 4th respondent rejected the application of the petitioner stating that since he has exercised the option of 'Accept and Freeze', he is barred from participating in the next rounds of admissions by the academic institutes/PSUs as per the guideline No.2.1.1 of COAP, which reads as follows:

"2.1.1 Option 1-Accept and Freeze: This option should be selected if the candidate is willing to accept one of the present offers and does not like to be considered for upgrading to higher preferences, if any, in the subsequent round(s) of admission. Candidates selecting this option WILL NOT be considered in the subsequent round (s) of admission in any of the participating academic Institutes and PSUs. After checking the 'Accept and Freeze' option, the candidate should press 'submit' button to confirm the submission of decision. Subsequently, the candidate should visit the respective Academic Institute's Academic Portal or PSU's Job

Portal and follow procedure as per the instructions on the respective website."

As per the above guideline, if any candidate chosen the option of 'Accept and Freeze', then he will not be considered in subsequent round(s) of admission in any of the participating academic Institutes and PSUs. Admittedly, the 4th respondent is also one of the participating academic institutes in COAP, as such, it has to invariably follow the guidelines of COAP. In the instant case, petitioner had made a final decision and accepted an offer in 4th round at one of the participating institutes, as such, he is barred from participating in subsequent rounds of the admission. That apart, the purpose for which the said guidelines are framed is to offer admission to candidates who get deprived of seats in institutions due to multiple offers held by some candidates till last minute, resulting in vacancies/unfilled seats.

6. As per the directions of Ministry of Human Resource Development, Government of India, COAP was formed for admission into M.Tech course under IIT, Madras (coordinating Institute), to eliminate the problem of many seats remaining vacant in IITs due to students obtaining 'multiple offers'. In pursuant to the aforesaid direction, the 4th respondent, had entered into an MOU dated 24.04.2018 with IIT, Madras, wherein it was agreed that 4th respondent would

follow the selection procedure as per the norms, guidelines and procedures of COAP.

7. It is also pertinent to note that this Court passed interim order on 10.08.2018 in I.A.No.1 of 2018 in this Writ Petition to consider the case of the petitioner, the 4th respondent considered the case of the petitioner and rejected stating that since the petitioner has accepted an offer in Round 4 at one of the participating institutes, as per guideline 2.1.1 of COAP, the petitioner was not considered in the subsequent round(s) of admission in any of the participating academic Institutes and PSUs.

In view of above facts and circumstances, I do not see any merit in the Writ Petition and same is liable to be dismissed and accordingly dismissed.

A.RAJASHEKER REDDY,J

12-07-2018
kvs

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