

**HON'BLE THE CHIEF JUSTICE
SRI THOTTATHIL B. RADHAKRISHNAN**

AND

HON'BLE SRI JUSTICE S.V. BHATT

I.A. No.1 OF 2018 IN/AND WRIT APPEAL No.1621 OF 2018

COMMON JUDGMENT:(ORAL)(Per Hon'ble The Chief Justice Sri Thottathil B. Radhakrishnan)

The appellant - writ petitioner was an applicant for being considered for selection to the I.I.T., for which the Common Offer Acceptance Portal 2018 (for short 'COAP') is Ex.P-1. He, in one round, retained the option given to him to be admitted to I.I.T. Dhanbad and choose to wait with that as a provisional admission. The fact of the matter remains that at the end of the final round of COAP, he did not get a better option and therefore, got stuck in I.I.T. Dhanbad. His plea was that notwithstanding such allotment, which essentially got frozen in I.I.T. Dhanbad, though provisionally, he should be permitted to go for the spot rounds in I.I.T. Hyderabad. Though, an interlocutory order was issued at the initial stage by the learned single Judge in the course of the writ petition, ultimately, the appellant lost through the final decision of the writ petition which went against him, and, is therefore before us through this *intra* Court appeal.

2. Hearing Sri T. Bala Mohan Reddy, learned counsel for the appellant, and Ms. Sundari R. Pisupati, learned standing counsel for I.I.T. Hyderabad - respondent No.4, we see that the substance of the litigation gets confined to the issue as to whether a person, who had with him an admission, which had crystallized under the COAP, could still

have the opportunity to participate in spot rounds, unless the institute concerned provides such a facility in its guidelines.

3. The learned counsel for the appellant ably took us to possible interpretations of the different terms of the guidelines of COAP to argue for the position that there is nothing even in Clauses 2.8 and 2.9 of those guidelines which exclude the appellant - writ petitioner from being considered in the spot rounds by I.I.T. Hyderabad. Though that argument may look quite appealing at the first blush, we are not impressed with it, on a deeper consideration. No guidelines of the I.I.T. Hyderabad has been shown in the writ petition or in the writ appeal which would provide for spot rounds and acceptance in spot rounds of candidates, who have already been allotted seats in any of the rounds including the last and final round of COAP. The COAP guidelines which is at Ex.P-1, essentially ends its activity as far as COAP is concerned by Clause 2.8 and leaves the admission thereafter, to be in terms of the guidelines of the respective institutions. This is how a composite reading with Clause 2.8 and Clause 2.9 of the guidelines would persuade us to hold.

4. Be that as it may, the learned counsel for the appellant referred to the general information of the Computer Science and Engineering in I.I.T. Hyderabad for M.Tech. admission details and says that the CSE Department of I.I.T. Hyderabad invites outstanding candidates to join for the Masters of Technology (M.Tech.) programme in Computer Science (CS) or Machine Learning (ML). That provision is only part of the general information regarding the different courses in I.I.T. Hyderabad

and cannot be treated as decisive to enable any candidate, even if one is outstanding and meritorious; to make a legal right to claim admission on the basis of that clause alone.

5. That notwithstanding the resultant position on the conclusion of the COAP operations at the final stage is that the ranking, option and institution got frozen in view of the admission of the appellant to I.I.T. Dhanbad.

6. The interim relief sought for by the petitioner to transfer the seat from I.I.T. Dhanbad to I.I.T. Hyderabad cannot be granted, more particularly, because, it will be adverse to the institutional interest of I.I.T. Dhanbad to transfer seat from that institution to another institution through a judicial order. Such transfer, if ordered, will also impinge on the institutional interest of I.I.T. Hyderabad. Judicial power would not be extended to have that done.

7. For the aforesaid reasons, the Interlocutory Application as well as the Writ Appeal fail and are accordingly dismissed. No order as to costs.

As a sequel thereto, Miscellaneous Applications, if any, pending in this writ appeal stand closed.

THOTTATHIL B. RADHAKRISHNAN, CJ

S.V. BHATT, J

December 10, 2018.
PV