

\$~117

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

+ LPA 221/2018 & CM APPL. 15872-73/2018

ANU YADAV

..... Appellant

Through: Mr. Rakesh Kumar, Advocate.

versus

SECRETARY (SCHOOL EDU. & LITERACY) & ANR

..... Respondents

Through:

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE VINOD GOEL

ORDER

%

25.04.2018

The appellant's grievance is that the learned Single Judge rejected her petition wherein the appellant had sought the direction to the respondent i.e. Secretary (School Education & Literacy) with respect to her candidature for the National Eligibility-cum-Entrance Test ('NEET').

By the impugned judgment, the learned Single Judge noted that the appellant/petitioner whose application was uploaded by coaching agency, was incomplete and that the duly completed application form had not been received within the time indicated on the last date i.e. 12.03.2018. The appellant had argued that the login details, a screenshot of which was furnished along with the writ petition,

disclosed that she clearly had uploaded all particulars despite which the payment could not be received by the agency.

The learned Single Judge held otherwise on an overall consideration of the pleadings and the materials furnished by both the parties. This included the counter-affidavit and the annexures to it.

The learned counsel for the appellant argues that the screenshot – which was relied upon by him during the course of hearing clearly reflects that the application, complete in all respects, had been, in fact, uploaded. He submitted that the technical glitch or error, if any, which was reflected in this case ought not to have penalised the candidature of the appellant for NEET in this case. He also relied upon a subsequent representation made on 13.03.2018 and the reply of the CBSE in this regard.

This Court has considered the submissions of the parties and also examined the documents that were part of the record in the writ petition.

The communication which the appellant sent to the CBSE and which she relies upon in the appeal clearly indicates that she attempted to complete the application form (on 13.03.2018 at 8:05 a.m.). It is then that she uploaded the scanned photograph and attempted to upload it on the CBSE website. Obviously, she could not as she was timed out for the reason that the last date for this part of the application process having been completed on 12.03.2018 at 5:30 p.m. In these circumstances, her communication to the agency

i.e. the respondent and her representations could not be addressed positively.

Having regard to the material on record, this Court is of the opinion that the learned Single Judge cannot be faulted in recording the conclusions that he did. The appeal is therefore dismissed.

A copy of the order be given *Dasti* under the signatures of the Court Master.

S. RAVINDRA BHAT, J

VINOD GOEL, J

APRIL 25, 2018

nn