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

W.P.(C) 10368/2018

APOORV SHUKLA

..... Petitioner

Through: Mr. Shivendra Singh, Adv.

Versus

UNIVERSITY OF DELHI

..... Respondent

Through: Mr. Mohinder J.S. Rupal, Mr. Prang

Newmai and Ms. Slomita Rai, Adv.

AND

W.P.(C) 10367/2018

NITIKA MALHOTRA

..... Petitioner

Through: Mr. Shivendra Singh, Adv.

Versus

UNIVERSITY OF DELHI

..... Respondent

Through: Mr. Mohinder J.S. Rupal, Mr. Prang

Newmai and Ms. Slomita Rai, Adv.

AND

W.P.(C) 10499/2018

SARA SULTAN ANSARI

..... Petitioner

Through: Mr. Shivendra Singh, Adv.

Versus

UNIVERSITY OF DELHI

..... Respondent

Through: Mr. Mohinder J.S. Rupal, Mr. Prang

Newmai and Ms. Slomita Rai, Adv.

AND

W.P.(C) 10510/2018 & CM No.41051/2018

VARSHA RANI

..... Petitioner

Through: Mr. Shivendra Singh, Adv.

Versus

UNIVERSITY OF DELHI

..... Respondent

Through: Mr. Mohinder J.S. Rupal, Mr. Prang

Newmai and Ms. Slomita Rai, Adv.

AND

+ W.P.(C) 10500/2018
KARAN GEHLOT Petitioner
Through: Mr. Shivendra Singh, Adv.
Versus
UNIVERSITY OF DELHI Respondent
Through: Mr. Mohinder J.S. Rupal, Mr. Prang
Newmai and Ms. Slomita Rai, Adv.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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15.10.2018

CM No.40399/2018 in W.P.(C) No.10368/2018, CM No.40397/2018 in W.P.(C) No.10367/2018, CM No.40972/2018 in W.P.(C) No.10499/2018, CM No.41052/2018 in W.P.(C) No.10510/2018 & CM No.40974/2018 in W.P.(C) No.10500/2018 (all for exemption)

1. Allowed, subject to just exceptions.
2. The applications are disposed of.

W.P.(C) 10368/2018 & CM No.40398/2018 (for directions), W.P.(C) 10367/2018 & CM No.40396/2018 (for directions), W.P.(C) 10499/2018 & CM No.40971/2018 (for directions), W.P.(C) 10510/2018 & CM No.41051/2018 (for directions), W.P.(C) 10500/2018 & CM No.40973/2018 (for directions).

3. These petitions, though not on the Roster of this Bench, have been received at about 1245 hours in terms of General Direction dated 15th October, 2018 of Hon'ble the Chief Justice, owing to the Roster Bench Judge being on leave.
4. The counsels for the petitioner in each of the petitions and the counsel for the respondent University of Delhi have been heard.
5. The counsel for the petitioner in W.P.(C) No.10368/2018 has argued, (i) that the petitioner was an applicant for admission into M.A. (Political Science) course in the respondent University; (ii) that as per the Brochure of

Admission published by the respondent University, the last date of admission in the University of Delhi was 31st August, 2018; (iii) that the respondent University published the Sixth Admission List only at 1622 hours on 30th August, 2018; (iv) that reasonable time was not available to the petitioner to comply with the formalities of admission; (v) that the respondent University, after publication of each of the earlier lists, granted time of 2 to 3 days for admission and which has been denied to the petitioner.

6. On enquiry whether not 30th August, 2018 being a Thursday and 31st August, 2018 being a working day, one entire day was available to the petitioner for complying with the requirements of the admission, the counsel for the petitioner states that the petitioner was not in Delhi on 30th August, 2018 or on 31st August, 2018 and thus could not seek admission by 31st August, 2018.

7. On enquiry, as to what all formalities were required to be complied with for admission, the counsel for the petitioner has drawn attention to page 60 of the paper book containing the Flow Chart of P.G. Admission in the respondent University and which reveals that the admittees, on announcement of Admission List, were required to download the admission form, have their documents verified and report at the place of admission and submit the original documents and pay the fee.

8. The counsel for the petitioner in W.P.(C) No.10367/2018 states that this petition concerns admission to M.A. (Economics) course of the respondent University for the academic year 2018-2019; the Sixth List of Admission was published at 1452 hours on 30th August, 2018 and otherwise the facts are identical to W.P.(C) No.10368/2018.

9. The counsel for the petitioner in W.P.(C) No.10499/2018 states that this petition concerns admission to M.A. (English) course of the respondent University for the academic year 2018-2019; the Sixth List of Admission was published at 1431 hours on 30th August, 2018 and otherwise the facts are identical to W.P.(C) No.10368/2018. It is however clarified that the petitioner herein was an undergraduate of the respondent University only and her admission was not through the entrance test but as per the marks secured in the undergraduate programme.

10. The counsel for the petitioner in W.P.(C) No.10510/2018 states that this petition concerns admission to M.Sc. (Development Communication & Extension) course of the respondent University for the academic year 2018-2019; the Sixth List of Admission was published at 1336 hours on 31st August, 2018 and otherwise the facts are identical to W.P.(C) No.10368/2018.

11. The counsel for the petitioner in W.P.(C) No.10500/2018 states that this petition concerns admission to M.Sc. (Chemistry) course of the respondent University for the academic year 2018-2019; the Sixth List of Admission was published at 1230 hours on 31st August, 2018 and otherwise the facts are identical to W.P.(C) No.10368/2018.

12. The formalities, which were required to be complied with, are not such which, if the petitioners had acted with promptitude, could not have been complied with on 31st August, 2018. The petitioners, if were were waiting for admission in the respondent University, knowing the last date therefor to be 31st August, 2018, if went away from Delhi or for any reason made themselves unavailable on 31st August, 2018, are themselves to blame.

13. Moreover, these petition were not filed immediately thereafter.

14. W.P.(C) No.10368/2018 and W.P.(C) No.10367/2018 were filed only on 27th September, 2018 and came up before this Court first on 28th September, 2018, when the counsel for the respondent University appeared on advance notice and the petition was adjourned to today to enable the counsel for the respondent University to obtain instructions.

15. The other three petitions were filed on 1st October, 2018 and came up before this Court first on 3rd October, 2018, when the counsel for the respondent University appeared on advance notice and the petitions were adjourned to enable the counsel for the respondent University to obtain instructions.

16. The counsel for the respondent University states that today it is not possible to admit the petitioners, inasmuch as the First Semester is about to get over and the First Semester Examinations are scheduled in the end of November, 2018.

17. The counsels for the petitioners have referred to my judgment in *Sachin Katyal Vs. University of Delhi* 2015 SCC OnLine Del 10886, particularly to paras 28 & 29 thereof and have contended that once the respondent University had brought out the list just one day prior to the last date of admission, corresponding period should have been made available. It is also argued, that in earlier years, certain discretion was vested in the Vice-Chancellor to extend the time in appropriate cases and which discretion has also been taken away this year.

18. I have enquired from the counsels for the petitioners, whether the Brochure of Admission envisaged any Sixth List of Admission.

19. The counsels for the petitioners fairly reply in the negative and have drawn attention to page 81 of the paper book in W.P.(C) No.10368/2018, being a Schedule for Announcement of Admission Lists for Postgraduate Programmes (2018-2019) and which envisages announcement till the Third Admission List.

20. Merely because the respondent University, finding some seats to be still vacant after the envisaged number of Admission Lists had been announced and further finding that the last date of admission was still some days away, endeavoured to fill the said seats, would not vest a right in the petitioners to contend that the last date for admission should be ignored and the petitioners should now, after the session has already begun and the First Semester is nearly over, be admitted. The petitioners cannot now, by getting admitted at this late stage meet the criteria of attendance and/or of educational proficiency. The Calendar / Schedule of admission of the respondent University has to have sanctity and cannot be ignored, particularly at the instance of the petitioners, who have not shown any urgency in approaching this Court as well. It has been repeatedly held by the Courts, as noticed by the Division Bench of this Court in ***Rajiv Kumar Vs. Union of India*** 2014 SCC OnLine Del 3912 that public interest element of ensuring that seats should not be wasted or allowed to lapse is to be balanced with another important public interest in maintaining certain academic standards.

21. The counsels for the petitioners have also drawn attention to the note underneath the Schedule for Announcement of Admission Lists aforesaid, which provides that the logging on to the Portal of the respondent University

for payment of fee could be done till 12:00 noon of the last date prescribed of admission and the document verification could be done between 10 A.M. to 3 P.M. and have argued that the time stipulated for document verification is beyond the time for fee payment and there could be no fee payment prior to document verification.

22. While for document verification the time of 10 A.M. to 3 P.M. is provided, for fee payment, only the last hour i.e. of 12:00 noon of the last date of admission is mentioned and which indicates that the fee payment through the Portal could have been made anytime before 1200 noon. It is expected of an admittee to, if desirous of getting admission, show diligence and promptitude to comply with the formalities at the earliest and not wait for the eleventh hour.

23. Moreover as aforesaid, the Sixth List of Admission taken out by the respondent University was just a facility granted by the respondent University to the students and otherwise the respondent University is not obliged to fill up all its seats, by taking out Fourth, Fifth and Sixth Lists of Admission.

24. There is no merit in the petitions.

25. Dismissed.

RAJIV SAHAI ENDLAW, J.

OCTOBER 15, 2018

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