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

Date of decision: 5th December, 2018

+ W.P.(C) 13134/2018 & CM APPL. 50952/2018 (*for exemption*)

MS. AARUSHI DHINGRA Petitioner

Through: Mr. Irfan Ahmed, Adv.

versus

UNION OF INDIA AND ORS. Respondents

Through: Mr. Abhay Prakash Sahay,
CGSC for R-1

Mr. Amit Bansal and Ms. Titasha Banerjee,
Advs. for R-2

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

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J U D G M E N T (O R A L)

1. Consequent to her having qualified in the All India Post Graduate Ayush Post-Graduate Entrance Test (AIAPGET) 2018, securing 67.1 % marks therein, the petitioner applied for admission to the Post-Graduate course in Homeopathy in various colleges, including the Respondent No. 3 – College (hereinafter referred to as “the College”). As there were only four seats in the said course in the College, however, the petitioner could not secure admission.

2. The petitioner, therefore, took admission in the same course in the National Institute of Homeopathy, Kolkata, on 29th October, 2018.

3. The process of admission, for the four seats of M.D. (Homoeopathy), available in the Respondent No. 3 – College, admittedly, came to an end on 31st October, 2018.

4. After 8th November, 2018, Respondent No. 1 wrote to the College, allowing the college to start a post-graduation course on the subject “Materia Medica” with intake of three seats for the academic Year 2018-19. Following thereupon, Respondent No. 1, *vide* letter dated 26th October, 2018, extended the last date/cut-off date, for effecting admissions to the post-graduate courses in the College, till 15th November, 2018. In other words, it would have been permissible for the College to effect admissions, against the three additional seats permitted by the communication dated 8th November, 2018 (*supra*), till 15th November, 2018.

5. The case of the petitioner is that, if the said three seats were also circulated for admission, she would have had a chance to secure admission thereagainst, given her merit.

6. This Court regrets that it is not in a position to come to the aid of the petitioner.

7. On 15th November, 2018, the college wrote to Respondent No. 1, stating that it was not possible to effect admissions against the aforementioned three additional seats by the cut-off date of 15th November, 2018 and requested, therefore, that the cut-off date be extended to 30th November, 2018. The Principal of the college, who is

present in person, states that no response was received, by the College, to the said request.

8. As on today, the date of 30th November, 2018, too, has expired.

9. The prayer of the petitioner is that the College should be permitted to effect admissions against the three additional seats of “Materia Medica”, following on the communication dated 8th November, 2018, from Respondent No. 1, and that she should be granted admission thereagainst.

10. It is not possible for this Court to issue any such mandamus. While allowing the college to enhance the number of seats, for post-graduate courses available with it by three, the college was directed to complete the admission process, thereagainst, by 15th November, 2018.

11. Learned counsel appearing for petitioner submits that this time was woefully short, as the enhancement of seats was allowed on 8th November, 2018, and, within seven days, it was hardly possible for the college to effect admissions against the said three additional seats. Undoubtedly, there appears to be some merit in the submission. Unfortunately, however, the college had, probably, for this reason, written to Respondent No. 1, seeking extension of the period for effecting admissions till 30th November, 2018. No response, admittedly, was received, from Respondent No. 1 to the said request.

12. As on today, as the date 30th November, 2018, has been also expired, the prayers in this writ petition cannot be granted. The writ has, therefore, necessarily to be dismissed and it is ordered accordingly.

13. It is clarified, nevertheless, that this judgment would not come in the way of the college, if it so chooses to apply for further extension of time to effect admission.

14. The Principal of the College informs me, in this regard, that similarly situated colleges have, in fact, been permitted to effect admissions till 31st December, 2018. If that is so, and if a request was made by the college to Respondent No. 1, this Court is sanguine that Respondent No. 1 would examine the request with the sincerity and sympathy it deserves.

15. In the event of any extension of time being granted by Respondent No. 1 to the college to effect admissions against, *inter alia*, the three extra seats of “Materia Medica”, this Court reserves the right, to the petitioner, to re-agitate her claim.

16. Needless to say, this should not be treated as an expression of opinion of the merits of the petitioner’s case and, in case, her claim is re-agitated as noted hereinabove, it would have to be considered on its own merits.

17. Subject to the above, the writ petition is dismissed.

C. HARI SHANKAR, J

DECEMBER 05, 2018

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