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IN THE HIGH COURT OF DELHI AT NEW DELHI

Judgment delivered on: 09.07.2018

W.P.(C) 425/2018

MADHU BALA

.... Petitioner

versus

UNION OF INDIA AND ANR.

... Respondents

Advocates who appeared in this case:

For the Petitioner : Mr. Suman Thakur and Mr. Tapan Garg, Advocates.
For the Respondents : Mr. Anil Soni, CGSC with Mr. Abhinav Tyagi, Advocate

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

J U D G M E N T

SIDDHARTH MRIDUL, J (ORAL)

1. The present petition under Article 226 of the Constitution of India, prays as follows:

“a. issue a direction, order or writ, including a writ in the nature of mandamus against the Respondent, and /or direct the respondents to allow the petitioner to appear in counselling session and subsequently give admission to the petitioner in the current academic session without any further delay.

b. quash the admission process and issue direction to the respondents to reschedule the counselling process and consider the candidature of the

petitioner for the counselling session in accordance with law.”

2. The facts as are necessary for the adjudication of the present writ petition are briefly encapsulated as under:

a. On 27.07.2017, the petitioner applied for writing the entrance exam in two different trades, i.e. Sewing Technology and Surface Ornamentation Technique, respectively, conducted by the Director General of Training, Ministry of Skill Development and Entrepreneurship (official respondent herein).

b. The petitioner received an admit card bearing registration number-2017CISO14787 to write the exam for the Surface Ornamentation Technique trade and accordingly, appeared in the exam conducted by the official respondent on 13.08.2017.

c. The petitioner is stated to have obtained 60% marks in the general category and secured the 31st rank.

d. The petitioner is aggrieved by the circumstance that the official respondent did not invite her for any of the counselling sessions held for admission to the Surface Ornamentation Technique trade, although, students who had secured lower marks had been so invited.

e. It is an admitted position that the official respondent vide its e-mail dated 24.09.2017, informed the petitioner that she had been allotted Sewing Technology trade, instead of the Surface Ornamentation Technique trade, as per her own request.

f. The official respondent further elaborated that the registration number issued to her was a unique number and remains constant and did not change, for either of the two options she had applied for. It was, however, pointed out that if she had written the examination for Surface Ornamentation Technique trade, the same was illegal, in view of her own request.

3. A perusal of the record and in particular, Annexure R-4 annexed to the official respondent's affidavit clearly and unequivocally reflects that the petitioner was included in the list of candidates invited for counselling in the second round for admission to Sewing Technology trade.

4. However, the petitioner, admittedly, did not attend counselling in relation to Sewing Technology trade at the relevant time and was consequently denied admission.

5. Aggrieved by the act of denial of admission on behalf of the official respondent, the petitioner seeks a writ of mandamus to direct the latter to permit her to appear for the counselling session and grant admission to her in the academic session 2017-18.

6. Unfortunately, the situation that obtains today is that, not only has the subject counselling long since concluded, but so has the academic session 2017-18, to which the petitioner sought admission.

7. In this view of the matter, the present petition has been rendered infructuous. Learned counsel appearing on behalf of the petitioner,

however, states that the petitioner is entitled to damages on account of the negligence of the official respondent.

8. The submission made on behalf of the petitioner cannot be countenanced in the present proceeding, since the necessary facts in relation to the grant of damages have neither been pleaded in the writ petition nor has any such prayer been sought by the petitioner, therein.

9. In view of the foregoing, the present writ petition is disposed of as having been infructuous, whilst reserving liberty to the petitioner to initiate appropriate proceedings, in accordance with law, against the official respondent in relation to her claim for damages.

10. The present petition is disposed of accordingly.

SIDDHARTH MRIDUL
(JUDGE)

JULY 09, 2018

as