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IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of Decision:- 09.02.2022

+ W.P.(C) 40/2021 & CM APPL.111/2021(interim order)
ADITYA RATHORE Petitioner

Through Mr. Arvind Chaudhary, Adv

versus

DELHI TECHNOLOGICAL UNIVERSITY & ORS. Respondent
Through Mr. Avnish Ahlawat, SC with Mrs.
Tania Ahlawat, Mr. Nitesh Kumar Singh and Ms.
Palak Rohmetra, Advs.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

REKHA PALLI, J (ORAL)

1. The petitioner, who had appeared in the Joint Entrance Examination (Main), 2020 ('JEE') conducted by the respondents, has approached this Court seeking the following reliefs:-

“a) Issue a writ in the nature of Certiorari or any other appropriate writ, order or direction for quashing and setting aside the merit list of the spot counselling of the candidates in B. Tech. Mechanical Engineering with specialization in Auto Branch; and

b). Issue a writ in the nature of Mandamus or any other appropriate writ, order or direction thereby directing the respondents to grant admission to the petitioner in B. Tech. Mechanical Engineering with specialization in Auto Branch for the academic commencing in the academic year 2020-2021 in accordance with law; and



c) Any other or further order, direction or reliefs as this Hon'ble Court may deem just fit and proper in the facts and circumstances of the present case may also be passed in favor of the Petitioner."

2. Delhi Technological University (DTU), Indira Gandhi Delhi Technical University of Women (IGDTUW), Indraprastha Institute of Information Technology (IIITD), Delhi and Netaji Subhash University of Technology (NSUT) participated in the Joint Admissions Counselling (JAC) for admission to the undergraduate Engineering programmes offered by the respondent institutes, conducted online with the support of the National Informatics Centre (NIC). The admissions are done on the basis of rank of students in the Joint Entrance Examination (JEE) conducted by the National Testing Agency (NTA).

3. The petitioner, a young boy, appeared in the JEE (Main) in April, 2020 for admission to Bachelor of Mechanical Engineering. The petitioner obtained a rank of 36884 but was not able to secure admission in the initial rounds of counselling. Upon the schedule for the spot round admission process being announced for open counselling for the leftover seats for some of the courses, the petitioner, on 04.12.2020 deposited the online spot counselling fees of INR 10,000 at 6.58 pm from the petitioner's HDFC bank account, through the payment gateway of the respondents, vide UPI transaction No. 033918007807, which amount it is claimed was debited from the petitioner's bank account on 04.12.2020 itself.

4. However, since the payment of the spot counselling fee of INR 10,000 by the petitioner was not reflected in the respondents' bank account, before 11.59 pm on 04.12.2020, which was the cut-off for depositing the



said fee to participate in the spot counselling round, the petitioner was not able to participate in the online spot round of counselling.

5. Immediately thereafter, the petitioner, through his father, sent emails on 04.12.2020 and 09.12.2020 to the respondents complaining about the petitioner's inability to access the online counselling portal of the respondents, but received no response.

6. It is in these circumstances, that the petitioner approached this Court by way of the present petition on 30.12.2020, which came to be listed before this Court for the first time on 05.01.2021. Upon notice being issued, a counter affidavit has been filed by the respondents, wherein it has been pointed that, since the entire process was online, the respondents cannot be faulted for the petitioner's inability to join in the Spot round counselling, as it is an admitted position that the amount was not credited in the respondents' bank account before the cut-off.

7. Learned counsel for the petitioner submits that, the petitioner was desirous of taking admission in B.Tech (Mechanical Engineering with specialisation in Auto), and a seat in the said course was available with the respondent no.1/Delhi Technological University ('DTU') in the on-the-spot counselling held on 04.12.2020. He contends that the last candidate who was allotted a seat in the Bachelors in Mechanical Engineering, with specialization in Auto, secured a rank of 36906, while the petitioner, who was desirous of pursuing the said course, had obtained a rank of 36884, and therefore, was deserved to be granted admission in the said course once it was evident that the payment had been duly debited from his account. He contends that the petitioner cannot be penalised for any lapse on the part of the bank in crediting the payment in the respondents' bank account. He



therefore prays that the respondents be directed to grant the petitioner admission to the said course in this academic session.

8. On the other hand, Ms.Ahlawat, appearing for the respondents, opposes the petition by contending that once the amount debited from the petitioner's account was not reflected in the respondents' bank account, the system could not permit him to participate in the online spot counselling, which concluded at 11:59 p.m. on 04.12.2020. She submits that the procedure is fully automated with no manual intervention from the respondents, and the 3298 students who had successfully paid the spot counselling round participation fee online, were permitted to participate in the counselling. In the present case, once the amount was not credited to the respondents' bank account, the respondent no.1 University was justified in not permitting the petitioner to participate in the spot counselling.

9. He further submits that after this round of counselling, a special spot counselling was conducted on 26.12.2020, after it was found that seats were still available for a number of courses, but the petitioner did not participate in the same, clearly showing that he was not interested in seeking admission. She submits that this is also evident from the fact that, instead of approaching the Court promptly, preferred the writ petition almost after one month, by which time all the seats were almost filled. She therefore, prays that the writ petition be dismissed.

10. Having considered the submissions of the learned counsel for the parties, I am of the view that even though, the petitioner may be justified in urging that the requisite amount of INR 10,000/- having been debited from his account before the deadline of 11.59 pm on 04.12.2020, he deserved to



be permitted to participate in the counselling. However, the fact remains that on account of a technical issue for which the petitioner cannot be faulted, the amount was not credited to the respondents' bank account before the prescribed cut-off. It is also an admitted position that the petitioner also did not participate in the next special spot counselling held on 26.12.2020, wherein he could have obtained admission, if he so desired, as seats were still available in a number of other courses. The petitioner has not given any explanation as to why he has approached this Court after the entire admission process was over, including the special spot counselling held on 26.12.2020 and therefore, even though the petitioner may not truly be at fault, regrettably no relief can be granted to him at this belated stage, when admission process not only in the said academic session of 2020-21 but even in the next academic session stands completed. This Court, therefore, has no other option but to reject the petitioner's claim.

11. The writ petition, along with pending applications, is accordingly dismissed.

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(REKHA PALLI)
JUDGE

FEBRUARY 9, 2022

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