

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3368 of 2021

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Shashank Tiwari Son of Ashok Kumar Tiwari Resident of Narharpur, Unnao,
Mustafabad, Unnao, Uttar Pradesh 241504

... .. Petitioner/s

Versus

1. Central University of South Bihar Through its Registrar, SH-7, Gaya Tekari Road, Village Karhara, P.O. Fatehpur, P.S. Tekari, District- Gaya, Bihar (824236)
2. The Vice Chancellor, Central University of South Bihar SH-7, Gaya Tekari Road, Village Karhara, P.O. Fatehpur, P.S. Tekari, District- Gaya, Bihar (824236)
3. The Controller of Examinations, Central University of South Bihar SH 7, Gaya Tekari Road, Village Karhara, P.O. Fatehpur, P.S.- Tekari, District- Gaya, Bihar (824236)
4. Dean of Students' Welfare, Cental University of South Bihar SH 7 Gaya Tekari Road, Village Karhara, P.O. Fatehpur, P.S. Tekari, District- Gaya, Bihar (824236)

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vishal Kumar Singh, Advocate
For the Respondent/s : Mr. S.D. Sanjay, Sr. Advocate
Ms. Priya Gupta (JC to Shri S.D. Sanjay)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
CAV JUDGMENT

Date: 08.10.2021

1. The present writ petition has been filed seeking the following reliefs:-

“I. For the issuance of appropriate writ of Mandamus or any other or appropriate writ(s) or order(s) or direction(s) commanding the respondents to admit the petitioner in the vacant seat of the B.A. L.L.B. (H.) course as he was in the first merit list of the University.

II. For the issuance of appropriate writ of Mandamus or any other or appropriate writ(s) or order(s) or



direction(s) commanding the respondent to quickly initiate and complete all necessary admission procedures with the petitioner so that the petitioner does not have to lose one year due to the delay in his admission.

III. For the issuance of appropriate writ of Mandamus or any other or appropriate writ(s) or order(s) or direction(s) commanding the respondents to support the petitioner in terms of attendance and other required formalities once he is allowed to be admitted.

IV. For the issuance of appropriate writ of Mandamus or any other or appropriate writ(s) or order(s) or direction(s) commanding the respondent no. 2 to immediately suspend and issue a show cause to respondent no. 3 and demand a clarification that why the office of Controller of Examinations has been failing in providing replies to the repeated emails and phone calls by the concerned students including the petitioner.

V. For the issuance of appropriate writ of Mandamus or any other or appropriate writ(s) or order(s) or direction(s) commanding the respondents to pay him Rs. 50,000/- (Fifty thousand only) as compensation for all the mental agony and suffering he has underwent due to inhuman and negligent attitude of the respondent University.”

2. The brief facts of the case, according to the petitioner are that the petitioner, after finishing his intermediate studies and having passed 12th standard from St. Laurence School, Uttar



Pradesh had applied for admission in the 5 year integrated B.A. LL.B (Honors course), in the respondent Central University of South Bihar, through the Central University Common Entrance Test (hereinafter referred to as the 'CUCET'), 2020. The CUCET, 2020 was notified in the month of February, 2020 and applications were invited from candidates for admission in various courses in 14 universities including the respondent University, whereafter the entrance examination was held and the petitioner had also appeared in the examination held on 18.09.2020 by the offline mode, pursuant to him having filed appropriate application. The first merit list of BA LL.B (Honors Course) was released on 06.11.2020 and the petitioner had stood at the 33rd rank, making him eligible for seeking admission in the Central University of South Bihar. The last date of payment of fees was fixed as 09.11.2020, however, since the family of the petitioner was going through a bad financial condition, the petitioner could not make payment on or before 09.11.2020, however, he had made a payment of a sum of Rs. 11,229/- on 12.11.2020. Thereafter, the petitioner was not granted admission leading to him having filed representation by email, before the respondent university. It has been submitted that the university had issued a notice dated 18.11.2020, by which the last date for



depositing the programme fees was extended up to 22.11.2020.

It is also submitted that the final list of the eligible students who were to be admitted in the college was released vide circular dated 30.11.2020. It is further that though nine seats were left vacant, the name of the petitioner was not mentioned in the final list, though he had made payment of fees on 12.11.2020 and the new deadline had been fixed as 22.11.2020. Thus, it is submitted by the learned counsel for the petitioner that a sympathetic view of the matter be taken so that the petitioner is not made to lose one year.

3. Per contra, the learned Sr. Counsel for the respondent University Shri S.D. Sanjay has submitted that the present case pertains to the academic year 2020-21, entrance test whereof was conducted on 18th, 19th and 20th September, 2020. The result of CUCET, 2020 was declared on 17.10.2020, whereafter the Central University of South Bihar had issued a notice dated 05.11.2020, instructing all the candidates, enlisted in the first merit list, to deposit the prescribed programme fees by the mode of online payment by 09.11.2020, failing which their case for admission shall not be considered. As far as the petitioner is concerned, it has been stated that he had secured a score of 60.75 in CUCET, 2020 and was placed in the unreserved



category at serial no. 33 of the first merit list of BA LL.B (Honors course), however, he failed to deposit the fees by 09.11.2020. Thereafter, the second merit list was announced on 11.11.2020 for admission against the vacant seats in various courses with an instruction to the candidates, enlisted in the second merit list to deposit the prescribed programme fees through online mode by 18.11.2020, failing which they shall not be considered for admission. It has been further submitted that vide notice dated 18.11.2020, the last date of deposition of admission fees by the candidates of the second merit list was extended up to 22.11.2020, on account of *diwali & chhath puja* holidays, however, as far as the last date for deposit of fees by the candidates of the first merit list is concerned, the same was never extended. It is further submitted that after cessation of the date prescribed for admission of the candidates of second merit list, the third and the last merit list was announced on 25.11.2020, for admission against the vacant seats in various courses, with an instruction to the candidates enlisted therein to deposit the prescribed programme fees by 30.11.2020, failing which they shall not be considered for admission. It is also submitted that as far as the third and final merit list is concerned, the admission process was open for all the



candidates who had appeared in the CUCET, 2020, in order to fill the remaining seats and so far as the unreserved category is concerned, since there was only one vacant seat left in the 5 years BA LL.B (Honors) programme, the candidate having a score of 52.5 was announced to be the candidate eligible for taking admission and his name was reflected in the third list. It has been categorically stated that after culmination of the admission process, no vacancy is available in the unreserved category, under which the petitioner has applied. It is the submission of the Ld. Sr. Counsel for the respondent University that the last date for admission is over long back and as per the UGC guidelines, no admission can be taken after 30.11.2020, in the UGC/PG programme, even if the seats are vacant, hence the petitioner cannot be accommodated.

4. I have heard the learned counsel for the parties and gone through the materials on record as also considered the judgments referred to by the learned counsel for the petitioner, as mentioned in the rejoinder affidavit filed by the petitioner, which in the opinion of this Court are distinguishable in the facts and circumstances of the present case and in fact the same pertain to either reserved category seats meant for SC and ST categories or relate to the principles of carry forward or refer to



the principle followed for exchange of seats in between Scheduled Caste and Scheduled Tribe categories or pertain to directions issued by the Hon'ble Apex Court under article 142 of the Constitution of India.

Now, coming to the merits of the present case, this Court finds that not only the session in question is coming to an end but the last date for admitting students, as fixed by the UGC i.e. 30.11.2020 is over long back, hence no relaxation can be granted to the petitioner, especially in view of the well settled principle of law to the effect that observance of time schedule is of paramount importance for timely grant of admissions, commencement of the academic session and for timely completion of the course so that students are not prejudiced. This Court further finds that in the present case, it is the petitioner who is to be blamed for not being admitted to the BA LL.B (Honors) programme, inasmuch as though the last date fixed for deposit of the fees was 09.11.2020 but he had failed to deposit the fees in time, hence the second merit list was then published and thereafter, the final i.e the third list was published wherein though the admission was laid open to all the candidates but since more meritorious candidate having a score of 52.5 was available, the petitioner could not make it on



account of him having poorer score than the said candidate. The fact remains that though this Court has its full sympathy with the petitioner but then this Court can neither bend the rules nor pass any order contrary to law, hence this Court has no option but to dismiss this writ petition.

5. Accordingly, the present writ petition stands dismissed.

6. It is needless to state, as has also been submitted by the Ld. senior counsel for the respondent-University, that the fees already deposited by the petitioner shall be refunded forthwith.

(Mohit Kumar Shah, J)

S.Sb/-

AFR/NAFR	AFR
CAV DATE	05.08.2021
Uploading Date	13.10.2021
Transmission Date	

