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

+ **Date of Decision: 05.04.2023**

% LPA 224/2023

MUDIT SUNDA

..... Appellant

Through: Mr. Vivek Kr. Gaurav and Mr.
Shubham Prajapati, Advs.

versus

UNIVERSITY OF DELHI

..... Respondent

Through: Mr. Mohinder J.S. Rupal, Mr. Hardik
Rupal and Mr. Madhav Mehrotra,
Advs.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

SATISH CHANDRA SHARMA, CJ. (ORAL)

1. The present LPA is arising out of the judgment dated 22.02.2023 passed by the Learned Single Judge in W.P.(C.) No. 680/2023 titled ***Mudit Sunda Vs. University of Delhi.***

2. The facts of the case reveal that the Writ Petition was preferred by the Appellant against the Respondent Delhi University claiming admission in LL.B. Course. The Appellant was desirous to take admission in the LL.B. Course, Faculty of Law, University of Delhi. Pursuant to an advertisement issued by University of Delhi, the Petitioner submitted his application to

take the entrance examination for securing his admission in the LL.B. Course. Admit Card was issued by the University.

3. The Delhi University conducted the entrance examination on 19.10.2022. The Appellant who belongs to OBC Category scored 215 marks out of total 400 marks in the LL.B. Entrance Examination, 2022.

4. The Respondent Delhi University after declaration of Result on 21.11.2022 brought out the schedule for admission on 10.12.2022. As per the schedule, the 1st admission list was released on 10.12.2022. Two days' time, i.e. from 10.12.2022 to 12.12.2022 was granted by the University to the successful candidates to complete their formalities.

5. The contention of the Appellant is that the first time schedule allotted for completion of the admission process of the selected candidates was from 10.12.2022 to 8:00 PM on 12.12.2022.

6. It has been further stated that the Respondents, after conclusion of the 1st admission list, released a 2nd list on 24.12.2022. The candidates were granted time from 24.12.2022 to 7:00 PM on 26.12.2022. Thereafter, the 3rd list was released on 06.01.2023 and the candidates were granted time for completion of the admission process from 06.01.2023 to 10:00 AM on 08.01.2023. Thereafter, a 4th admission list was released on 09.01.2023 for stray vacancies and the University granted time to the successful candidates from 09.01.2023 to 2:00 PM on 10.01.2023.

7. The Appellant stated that only one day's time had been granted for the 4th Admission List, and it was only on 10.01.2023 that Appellant came to

know about the fact that his name was in the 4th List. However, while making an attempt on on-line portal to complete the admission process, he discovered that the portal had been closed. Consequently, on 11.01.2023, he approached the Faculty of Law, Delhi University stating that he had been unable to upload his documents for the purpose of securing admission. A representation with regard to the same was submitted by him, however, the University did not grant him admission.

8. The facts further reveal that a 5th list was released in the morning of 14.01.2023. Subsequently, the Appellant approached the Faculty of Law, Delhi University yet again requesting the authorities to grant him admission. However, the admission was not granted, and aggrieved by the same, a Writ Petition was preferred before this Court seeking the following reliefs before the Learned Single Judge:

“I. Issue a writ in the nature of mandamus or any other appropriate writ/s, order/s, direction/s, directing the Respondent to take admission in the Faculty of law, University of Delhi for session 2022-25 as per the 4th admission list released by the Respondent AND/OR;

II. Direct the Respondent to give preference to the Petitioner in the admission into the Faculty of Law, University of Delhi for the session 2022-25, if the seats remains vacant after closure of the admission process, if any subsequent admission list is released by the Respondent AND/OR;

III. Pass any other order/s, direction/s as this Hon'ble Court deem fit and proper be also awarded to the Petitioner and against the Respondent in the interest of justice.”

9. A detailed and exhaustive reply was filed by the Respondent Delhi University, wherein it was stated that the Delhi University had issued an

information bulletin for admission to the Post-Graduate Programme (2022-23), and as per the brochure issued by the University, a candidate desirous of seeking admission was required to keep checking the PG Admission Portal for updates related to admission.

10. It has further been stated that the instructions/ guidelines for admission for LL.B. and other Courses makes it mandatory that candidature of candidate whose name is declared in the merit will be rejected if they fail to complete the formalities of admission within the specified time period. Such a candidate's right to a seat shall stand forfeited.

11. The Respondents have further stated that the Appellant's name had been included in the 4th merit list issued in respect of Law Centre-I. For Law Centre-I, 963, 262 and 57 candidates had been included in the 1st, 2nd and 3rd list, respectively.

12. It has further been stated that after completion of admissions in respect of 3rd merit list, a 4th merit list spot admission along with a schedule for LL.B. and LL.M. had been notified which was duly displayed on the website. Further, the total number of candidates included in the 4th merit list was only 42.

13. As per the time schedule framework fixed by the University, the last date of admission was 31.12.2022. However, the Delhi University extended the deadline up to 10.01.2023, and as some vacancies were available, 4th merit list for admission was issued by the Respondent Delhi University, with the last date of Admission being extended to 15.01.2023.

14. The admission scheduled for the 4th list had been published on the website on 09.01.2023, and it was made clear that the time framework had to be followed strictly. After inviting the 4th merit list, the first E-mail was sent to the Appellant at 10:27 PM on 09.01.2023, and then again at 10:33 PM on 09.01.2023. The University came to know that some of the candidates have not applied on the portal and another E-mail was sent at 9:49 AM on 10.01.2023 requesting all candidates to apply and upload the documents as per the notified admission schedule. Out of 42 shortlisted candidates in the 4th merit list, 33 candidates applied and secured admission. However, as the Appellant did not apply/ did not complete his formalities up to 2:00 PM on 10.01.2023, and as some of the seats remained unfilled, the 5th merit list was released on 14.01.2023. The admission process was concluded on 15.01.2023 and the extended date for grant of admission by the Delhi University also came to an end on 15.01.2023.

15. The Respondent Delhi University has filed a detailed schedule in respect of the process of admission which took place and the time framework provided for uploading the documents. The same is detailed as under:

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<i>LIST</i>	<i>Time to candidates to apply by uploading documents</i>	<i>Time for Faculty of Law to verify and approve the admissions</i>	<i>Time given to the candidates to pay fees</i>
<i>First Admission List</i>	<i>10th Dec, 2022- 8:00PM 12th Dec, 2022</i>	<i>10th Dec, 2022- 8:00PM 14th Dec, 2022</i>	<i>Till 1:00PM on 15th Dec, 2022</i>

<i>Second Admission List</i>	<i>24th Dec, 2022-7:00 PM 26th Dec, 2022</i>	<i>24th Dec, 2022-2:00 PM 27th Dec, 2022</i>	<i>Till 11:59 PM on 27th Dec, 2022</i>
<i>Third Admission List</i>	<i>6th Jan, 2023-10:AM 8th Jan, 2023</i>	<i>6th Jan, 2023-11:59 PM 8th Jan, 2023</i>	<i>Till 11:00 AM on 9th Jan, 2023</i>
<i>Fourth Admission List</i>	<i>9th Jan, 2023-2:00 PM 10th Jan 2023</i>	<i>9th Jan, 2023-5:30PM 10th Jan, 2023</i>	<i>Till 11:59PM, 10th Jan, 2023</i>
<i>Fifth admission List</i>	<i>14th Jan, 2023-2:00 PM 14th Jan, 2023</i>	<i>14th Jan, 2023-2:00PM 14th Jan 2023</i>	<i>Till 4:00PM, 14th Jan, 2023</i>
<i>Sixth Admission List</i>	<i>15th Jan, 2023-1:00PM, 15th Jan, 2023</i>	<i>15th Jan, 2023-1:30 PM, 15th Jan, 2023</i>	<i>Till 2:00PM, 15th Jan, 2023</i>
<i>Seventh Admission List</i>	<i>2:15 PM 15th Jan, 2023 – 3:00PM, 15th Jan, 2023</i>	<i>2:30PM, 15th Jan- 3:15PM, 15th Jan, 2023</i>	<i>Till 3:30 PM, 15th Jan 2023</i>
<i>Eight Admission List</i>	<i>3:45 PM 15th Jan, 2023-4:45 PM 15th Jan, 2023</i>	<i>4:00PM 15th Jan, 2023-5:00 PM 15th Jan, 2023</i>	<i>Till 5:15 PM, 15th Jan, 2023</i>

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16. The Delhi University prayed for the dismissal of the Writ Petition on the ground that the Petitioner did not complete the formalities within the time framework framed by the University, and therefore, could not be allowed to secure admission.

17. The Learned Single Judge, after hearing the parties at length, has dismissed the Writ Petition. The operative Paragraphs, i.e Paragraphs 10 to 13, read as under:

“10. It is seen from Annexure-P1 that the petitioner was to complete the admission formalities by 2:00 pm on 10.01.2023. Admittedly, the petitioner has not completed the formalities up to 2:00 pm on 10.01.2023. The petitioner’s case is that he could not check the e-mail which was sent by the respondent-University and, therefore, he should be allowed to complete the formalities even after 2:00 pm on 10.01.2023. The information bulletin specifically contains the stipulation that the candidates who apply for the admission with respect to the concerned courses are to regularly check their mail and to remain updated. It further specifically states that no grievance with respect to non-checking of mail would be entertained. The counselling process has a certain sanctity that needs to be maintained. The same has to take place strictly in accordance with the conditions mentioned in institutions Booklet. Any intervention or any tinkering into the counselling process may lead to a cascading effect and hamper the whole counselling process.

11. The respondent-University which is expert in the field of academic matters has evolved a policy which admittedly is not under challenge in the instant petition. It is incumbent upon all concerned to scrupulously follow the terms and conditions mentioned therein. In the instant case, since the petitioner himself has failed to apply by 2:00 pm on 10.01.2023, therefore, this court cannot find any fault in the approach of the respondent-University to entertain his grievance after 2:00 pm on 10.01.2023. It is a case where the petitioner has to blame himself for the situation arrived at. He should have been vigilant in keeping track of his mail, when instructions so require. No exception can be created without any justifiable reason.

12. So far as the decision relied upon by the learned counsel appearing on behalf of the petitioner in the case Prince Jaiveer (supra) is concerned, the same relates to the directions issued by the Hon’ble Supreme Court in exercise of power under Article 142 of the Constitution of India. The same would not have any application on the facts of the present case. Another

decision in the case of Sarthak Karla (supra) relates to certain glitch in the website, which resulted in non-completion of the formalities. The decision in the case of Adi Sajiv Ansari (supra) relates to sending e-mail on incorrect e-mail address and therefore, in all these cases, the facts and situations are different and, therefore, no parity can be claimed by the petitioner therefrom. In the case of S Krishan Shadha (supra), the Hon'ble Supreme court found that the same was one of the rarest of the rare case and, therefore, exceptional relief for granting admission even after the cut off date was considered. In the present case the petitioner is not able to make out a case for admission as the respondent-University has been found to have denied the admission on the ground that he did not apply before 2:00 pm on 10.01.2023. The reason for denying the admission by the respondent-University cannot be said to be arbitrary or illegal.

13. In view thereto, this court does not find any substance in the instant petition; the same is, therefore, dismissed."

18. This Court has carefully gone through the order passed by the Learned Single Judge.

19. The undisputed facts make it very clear that the Delhi University has carried out the process of admission online, and an information bulletin for admission for the Post-Graduate Programmes (2022-23) was published by the Delhi University.

20. The information bulletin categorically provided that the candidates shall be responsible for regularly checking websites and admission portals of NTA as well as the University for updates and admission related policies. It was, thus, the duty of the Appellant to check PG Admission Portal for updates related to admission procedure.

21. The Guidelines also provided that in case a shortlisted candidate for provisional admission to any department did not adhere to the time schedule provided on the website their right for admission to the Course applied for would stand forfeited.

22. In the present case, various lists of shortlisted candidates were released by the University from time to time, and the Appellant was able to find a place in the 4th List issued by the University. It is also undisputed that in respect of the 4th list, time was granted to the candidates from 09.01.2023 to 2:00 PM on 10.01.2023, and that the Appellant failed to apply before the stipulated deadline. Thereafter, 5th and 6th merit lists were declared by the Respondent University. The last date for admission was 15.01.2023. The Appellant, who did not apply in time for grant of admission by completing the necessary formalities, is now raising various grievances with regard to his non-admission.

23. It is also an undisputed fact that after the Appellant's name was included in the 4th list, and the University sent an E-mail to the Appellant on 10:27 PM on 09.01.2023. Another E-mail was sent on 10:33 PM on 09.01.2023 itself and a third E-mail was sent on 10.01.2023 at 9:45 AM. Despite the constant communication, the Appellant did not apply online before 2:00 PM on 10.01.2023.

24. It has been argued before this Court that the Petitioner was not able to check the E-mail in time and, therefore, he should have been allowed to complete the process after 2:00 PM on 10.01.2023. In the considered opinion of this Court, a candidate who is not vigilant does not deserve any

leniency. It was the duty of the Appellant as per the procedure of admission to check the E-mails as well as the web-portal for updates related to the admission process. The Appellant has not cared to check the E-mails nor has he checked the web-portal knowing fully well that the admission process is going on. Therefore, the question of granting admission to the Appellant does not arise.

25. The Respondents after conclusion of the process of admission have granted admission by issuing a 5th merit list and 6th merit list. The Appellant cannot be granted admission as prayed for as he failed to respond in time and is now suffering as a result of his own mistakes.

26. It is true that the Appellant had requested the authorities on 12.01.2023 to take a sympathetic view in the matter, however, the fact remains that the process of admission was already over when the E-mail was sent by the Appellant, with the 5th merit list and the 6th merit list being declared by the University subsequently. The University has granted admissions as per the 5th and 6th merit list, and, at this juncture, the question of granting admission to the Appellant does not arise.

27. The entire process of admission is over, and, the Learned Single Judge was certainly justified in dismissing the Writ Petition.

28. Reliance has been placed by the Appellant upon the judgment dated 22.11.2021 delivered by the Hon'ble Supreme Court in Civil Appeal No. 6983/2021 titled *Prine Jaiveer Vs. Union of India*. This Court has carefully gone through the aforesaid order passed by the Hon'ble Supreme Court, and is also of the firm opinion that the direction issued by the Hon'ble Supreme

Court was in exercise of power conferred under Article 142 of the Constitution of India. The facts remain that the Appellant did not complete the process in time, and, therefore, the question of directing the University to grant him admission *de-hors* the regulations does not arise.

29. The Appellant has also placed reliance upon a judgment delivered in the case of *Sarthak Karla vs. University of Delhi*, (2022) SCC OnLine Delhi 828. In the said case, the process of admission could not be completed on account of certain technical glitch on the website. Therefore, the judgment relied upon is distinguished from facts.

30. Reliance has also been placed upon a judgment delivered in the case of *Adi Sajiv Ansari Vs. University of Delhi and Anr.*, (2021) SCC OnLine Delhi 2562. It was a case of sending an E-mail to an incorrect E-mail address by the authorities, and, therefore, the judgment is distinguishable in facts.

31. Reliance has also been placed upon a judgment delivered in the case of *S Krishan Shadha Vs. State of Andhra Pradesh*, (2020) 17 SCC 465. This Court has carefully gone through the aforesaid judgment, and in the considered opinion of this Court, the present case is not one of the rarest of the rare case where admission can be granted to the student. In the present case, the student is at fault. He has not completed the admission formality in time and he was a candidate in the 4th merit list. The Delhi University has thereafter issued 5th list and the 6th merit list and the process of admission was already over by 15.01.2023. Therefore, in the considered opinion of this Court the Learned Single Judge was justified in dismissing the Writ

Petition.

32. This Court also does not find any reason to interfere with the order passed by the Learned Single Judge.

33. With the aforesaid observations, the present LPA stands dismissed.

SATISH CHANDRA SHARMA, CJ

SUBRAMONIUM PRASAD, J.

APRIL 05, 2023

