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

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Reserved on: 02.08.2024
Pronounced on: 03.08.2024

+ **W.P.(C) 9749/2024 & CM APPL. 39971/2024**

FAIRFIELD INSTITUTE OF MANAGEMENT AND
TECHNOLOGYPetitioner

Through: Mr. Dayan Krishnan, Senior
Advocate with Mr. Udesb Puri,
Mr. Shubham Choudhary,
Advocates.

versus

GOVT. OF NCT OF DELHI & ANR.Respondents

Through: Ms. Anita Sahani & Ms. Sarita
Kapur, Advocates for R-2.

CORAM:
HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

JUDGMENT

SWARANA KANTA SHARMA, J.

1. The instant petition under Article 226 of the Constitution of India
has been filed on behalf of petitioner seeking following prayers:

“...a) Issue a writ of mandamus or any other appropriate writ,
order, or direction to the Respondents to restore the sanctioned
intake of 240 seats for the BBA-LL.B (H) course at the
Petitioner's institute for the academic year 2024-25 21 b) Direct
the Respondents to halt the ongoing counselling process for
student admissions to the BBA-LL.B (H) course for the
academic year 2024-25 until the subject matter is disposed
of...”



2. Brief facts of the present case are that the petitioner, Fairfield Institute of Management & Technology (*FIMT*), is an educational institute affiliated with respondent no. 2/ Guru Gobind Singh Indraprastha University, New Delhi (*GGSIU*). It is stated that the institute has been offering BBA-LL.B (H) course with an intake of 240 seats since 2016, duly recognized by various authorities including the Directorate of Higher Education (DHE), Govt. of NCT Delhi, GGSIPU and the Bar Council of India. It is stated that the petitioner had submitted an application for continuation of affiliation for the academic year 2024-25 for the existing courses on 13.12.2023. After scrutiny of the documents and the applied intake, respondent no.2 after scrutinizing the documents had directed the petitioner to remit a fee of Rs. 33,87,000/- towards the Processing Fee & Affiliation fee. It is stated that in pursuance of the application of petitioner for continuation of affiliation GGSIPU/Respondent no.2 had sent to the petitioner a Letter of Intent (*LOI*) that specifically granted a provisional affiliation for a seat intake of 240 students for integrated B.B.A.LL.B. (Hons.) and integrated B.A.LL.B. The LOI was specific regarding the seat intake of 240 students for the relevant academic programme, subject to the fulfillment of all regulatory requirements and approval from the Bar Council of India. Thereafter, on 08.03.2024, the Joint Assessment Committee (*JAC*) of DHE/respondent no.1 and GGSIPU/ respondent no. 2 had inspected the petitioner Institute. The said committee had examined the facilities available at the time of inspection, following the norms set for such evaluations. It is further submitted that the entire



inspection process was documented in the JAC Report as the petitioner Institute had fulfilled and complied with the stipulated standards and guidelines of the respondents. The committee, therefore, had recommended the continuation of the B.B.A.LL.B. (Hons.) course with an intake of 240 seats for the academic session 2024-25. It is stated that after considering the recommendation from the Joint Assessment Committee 12 (JAC) & GGSIPU, the Directorate of Higher Education ('DHE'), had issued its Affiliation Order ('NOC') dated 08.05.2024, under letter no.: DHE.4(51)/NOC/FIMT/2014-15/397-99, approving the petitioner Institute (FIMT) for an intake of 240 seats in the B.B.A.LL.B (H) program for the academic year 2024-25. It is submitted that the issuance of this NOC affirmed the institute's compliance with all necessary regulatory requirements and had confirmed its eligibility to continue offering the program with the sanctioned intake, as recommended by the JAC and following the established norms of the Directorate of Higher Education. After the issuance of the Affiliation Order with a sanctioned intake of 240 seats in the B.B.A.LL.B. (Hons.) program for the academic year 2024-25 from the Directorate of Higher Education, the Bar Council of India (BCI) had also granted its approval of affiliation. It is stated that in the GGSIPU Admission Brochure for the academic year 2024-25, which is prominently available on the official website of GGSIPU, the sanctioned intake for the B.B.A.LL.B. (Hons.) program at Fairfield Institute of Management & Technology (FIMT) was explicitly stated as 240 seats. This public disclosure in the university's official brochure reaffirmed and advertised FIMT's approved intake i.e., 240 Seats, as recognized by both the university and



the regulatory bodies involved. It is also submitted that at the time of renewal of NOC for any program for grant of intake for any program, the status of admission as against the sanctioned seats has to be reviewed and if for any program in an institute the admission has been less than 50% of the sanctioned seats constitutively for the last two academic years the university will issue a warning letter that a further third consecutive year also the admission is less than 50% then no fresh admission will be considered for the fourth year. Further, the Circular/Order dated 02.07.2024 by GGSIPU/Respondent No.2 regarding intake for admission in Integrated B.B.A.LL.B. (Hons.) programme for academic session 2024-25 has reduced the seats of the petitioner institute for B.B.A.LL.B. (Hons.) course to 120 seats. However, the petitioner Institute has not received any warning as the petitioner's intake was always more than 50%. It is stated that if the institute's intake was indeed below 50% in the last three years, question arises as to why the LOI was issued to the petitioner in the first place. Moreover, given this circumstance, it raises concerns about why the JAC had proceeded with an inspection if the process for affiliation could potentially have been halted at an earlier stage. It is stated that the Circular/Order dated 02.07.2024 issued by GGSIPU whereby petitioner institutes seats has been reduced in intake is therefore arbitrary, unjustified, and contrary to the approvals and affiliations granted by the DHE and the Bar Council of India, as well as the prior communications and publications by GGSIPU itself. The reduction was made without proper review of the actual admission records and without considering the continuous compliance of the Petitioner with the stipulated norms. It



is stated that the arbitrary and illegal Circular/Order issued by GGSIPU represents a clear violation of the principles of natural justice. That the arbitrary reduction in sanctioned intake will adversely affect the Petitioner's institute, its current and prospective students, and the educational standards it seeks to uphold. It is stated that the institute has made significant investments in infrastructure, faculty, and resources to accommodate students as per sanctioned seats. It is further stated that the counseling session for the academic year 2024-25 has already commenced, and the third round of counseling is scheduled to begin on 16th July 2024. It is also stated that the petitioner Institute has made significant expenses based on the sanctioned seat intake to develop infrastructure and provide excellent amenities for its students. This includes expanding academic resources, campus facilities, and other amenities to accommodate students comfortably. Furthermore, with an intake of 240 students, the petitioner has increased its professors and personnel to provide strong educational and support service standards.

3. Learned Senior counsel for the petitioner-institute argues that the Circular dated 02.07.2024, issued by GGSIPU/Respondent No.2 regarding reduction of seats from 240 to 120 seats, for admission in Integrated B.B.A.LL.B. (Hons.) program for academic session 2024-25 is illegal, arbitrary, biased, whimsical, erroneous and unconstitutional. It is also stated that respondent no. 2 had failed to appreciate the fact that the petitioner has consistently maintained an intake above 50% for the integrated B.B.A.LL.B. (Hons.) course, fulfilling the requirements and thus making Rule 4.1 of policy guidelines inapplicable. It is stated that the sudden reduction in intake by the Respondent No.2 is arbitrary



and lacks any justifiable basis, causing undue hardship to the petitioner. It is further stated that the reduction contradicts the previous approvals and affiliations granted by the Respondents, thereby violating principles of natural justice. It is stated that the reduction in sanctioned intake adversely affects the investments made by the petitioner in infrastructure, faculty, and resources for accommodating 240 students.

4. Learned counsel for the respondent GGSIPU, on the other hand, draws this Court's attention to the Amended Clause 4.1 of the Policy Guidelines, issued *vide* Circular No. DHE.4(37)/GGSIPU /2020/1398-1411 dated 10.06.2021, amending the earlier policy which was issued *vide* Circular No. DHE-4(60)/Policy/GGSIPU/ 2014-15/5890-5904 dated 12.01.2016, which reads as under:

“At the time of renewal of NOC for any programme or grant of intake for any programme, the status of admission as against the sanctioned seats will be reviewed. If for any programme in an institute, the admission has been less than 50% of the sanctioned seats consecutively for the last three academic years (i.e. in each of the three years the admission is less than 50% of the sanctioned strength), then from the 4th year onwards the institutes will be allowed to run the specific study programme with half of the intake of the lastly sanctioned seat strength. The concerned institute however will not be permitted/granted for increase of seats in such programme before successfully completing 3 Academic Year with the reduced half seat strength. This shall not be applicable to institutes with minority status.”

5. It is argued on behalf of respondent no. 2 University that the representation of the present institute/petitioner against the circular/order dated 02.07.2024 reducing seat intake for Integrated B.B.A.LL.B. (Hons.) programme from 240 to 120 for Academic Session 2024-25 was received and it was duly communicated to the



present petitioner *vide* a letter dated 23.07.2024 that as per the admission data provided by the Academic/Admission Branch for preparation/finalization of seat intake for the Academic Session 2024-25, the following admissions were made in the petitioner institute against sanctioned seat intake in Integrated B.B.A.LL.B. (Hons.) programme of their institute:

S. No.	Name of Institutes	Prog.	2023-24		2022-23		2021-22	
			Intake	Admitted Students	Intake	Admitted Students	Intake	Admitted Students
1	Fairfield Institute of Management & Technology	Integrated BBA LLB (Hons.)	240	24	240	80	240	93

6. It is, thus, argued that according to the data provided by the Academic/Admission Branch, the institute could not secure at-least 120 seats i.e. 50% of 240 sanctioned intake in the year 2023-24, 2022-23 and 2021-22.

7. Learned counsel for the respondent also states that the status of admission in Integrated BBA-LLB (Hons.) programme for the last three years of the petitioner-institute has been correctly considered for application of amended Clause 4.1 of Policy Guidelines and the intake has been accordingly reduced. It is therefore stated that there is no infirmity or illegality in the circular/order dated 02.07.2024.



8. This Court has **heard** arguments addressed on behalf of both the parties, and has gone through the case file and material placed on record.

9. The relevant clause 4.1, which is the amended clause of the Policy Guidelines, upon which reliance has been placed by learned counsel for the respondent no. 2 to buttress her arguments that the petitioner institute has not been able to retain 50% of the sanctioned seats, resulting into reduction in the sanctioned strength for the academic session 2024-25 *vide* the impugned order/circular, reads as under:

“At the time of renewal of NOC for any programme or grant of intake for any programme, the status of admission as against the sanctioned seats will be reviewed. If for any programme in an institute, the admission has been less than 50% of the sanctioned seats consecutively for the last three academic years (i.e. in each of the three years the admission is less than 50% of the sanctioned strength), then from the 4th year onwards the institutes will be allowed to run the specific study programme with half of the intake of the lastly sanctioned seat strength. The concerned institute however will not be permitted/granted for increase of seats in such programme before successfully completing 3 Academic Year with the reduced half seat strength. This shall not be applicable to institutes with minority status.”

10. This Court has also gone through Annexure P-9, which the petitioner-institute has allegedly obtained from the portal of the respondent university. As per the said Annexure, titled as '*GGSIPU Final Allotted Candidates of BBA LLB Course*', the respondent university had finally allotted BBA-LLB course to 127 candidates in the petitioner-institute for the academic session 2021-2022.



11. This Court thereafter notes that *vide* another later specific e-mail dated 03.02.2022 sent to the petitioner-institute by the respondent no. 2, the petitioner was informed that the University was attaching a list of 95 students admitted in their institute for LL.B programme for the academic session 2021-2022 up to special round of counselling. It is not disputed that the special round of counselling is the last round of counseling that took place in the petitioner institute. It is also mentioned at the end of the e-mail dated 03.02.2022, that '*this is for your kind information and further necessary action at your end please. Discrepancy, if any, observed may be communicated to the undersigned within a week*'. This email was received by the petitioner Institute from the Admission Branch of GGSIPU/respondent No.2. This is not disputed by the petitioner Institute.

12. Learned Senior counsel for the petitioner was put a query by the Court as to whether the institute had written any letter to the respondent-university that there was discrepancy in number of admissions indicated by them and the number of admissions which were indicated by their own records. However, he stated that no such communication was made to the respondent.

13. Learned Senior counsel for the petitioner had also produced before this Court, the list of 127 candidates (Annexure P-12) who had deposited fee with the Institute to emphasize that all 127 candidates were in fact admitted in the petitioner-institute. This list reads as under:



FAIRFIELD

Institute of Management & Technology

ANNEXURE P-12

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Approved by All India Council for Technical Education (AICTE), New Delhi, in 1997
Approved by UGC, Delhi, in 1997
Approved by AICTE, BCI & NCTE, New Delhi in 1998

Account Statement Session (2021-2022)									
Sl. NO	QTR / PG / FD	Student Name	Rank	Course	Gen	ADM Date	Paid To IFU	RECEIPT NO	Amount
1				BBA LLB(H)	F	04/12/2021	40000	N-22194/2021-2022	15000
2				BBA LLB(H)	F	04/12/2021	40000	N-22195/2021-2022	32000
3				BBA LLB(H)	F	06/12/2021	40000	N-22201/2021-2022	32000
4				BBA LLB(H)	F	06/12/2021	40000	N-22202/2021-2022	32000
5				BBA LLB(H)	F	06/12/2021	40000	N-22203/2021-2022	32000
6				BBA LLB(H)	F	06/12/2021	40000	N-22204/2021-2022	32000
7				BBA LLB(H)	M	18/12/2021	40000	N-22205/2021-2022	32000
8				BBA LLB(H)	F	05/01/2022	40000	N-22215/2021-2022	32000
9				BBA LLB(H)	M	06/01/2022	40000	N-22206/2021-2022	32000
10				BBA LLB(H)	M	06/01/2022	40000	N-22207/2021-2022	32000
11				BBA LLB(H)	M	06/01/2022	40000	N-22208/2021-2022	32000
12				BBA LLB(H)	F	06/01/2022	40000	N-22209/2021-2022	32000
13				BBA LLB(H)	F	06/01/2022	40000	N-22210/2021-2022	32000
14				BBA LLB(H)	M	06/01/2022	40000	N-22211/2021-2022	32000
15				BBA LLB(H)	M	06/01/2022	40000	N-22212/2021-2022	32000
16				BBA LLB(H)	F	10/01/2022	40000	N-22213/2021-2022	32000
17				BBA LLB(H)	F	06/01/2022	40000	N-22214/2021-2022	32000
18				BBA LLB(H)	F	06/01/2022	40000	N-22215/2021-2022	32000
19				BBA LLB(H)	M	18/01/2022	40000	N-22216/2021-2022	32000
20				BBA LLB(H)	F	20/01/2022	40000	N-22217/2021-2022	32000
21				BBA LLB(H)	F	21/01/2022	40000	N-22218/2021-2022	32000
22				BBA LLB(H)	F	24/01/2022	40000	N-22219/2021-2022	32000
23				BBA LLB(H)	F	24/01/2022	40000	N-22220/2021-2022	32000
24				BBA LLB(H)	M	26/01/2022	40000	N-22221/2021-2022	32000
25				BBA LLB(H)	F	27/01/2022	40000	N-22222/2021-2022	32000
26				BBA LLB(H)	F	03/02/2022	40000	N-22223/2021-2022	32000
27				BBA LLB(H)	F	04/02/2022	40000	N-22224/2021-2022	32000
28				BBA LLB(H)	F	04/02/2022	40000	N-22225/2021-2022	32000
29				BBA LLB(H)	M	04/02/2022	40000	N-22226/2021-2022	32000
30				BBA LLB(H)	F	18/02/2022	40000	N-22227/2021-2022	32000
31				BBA LLB(H)	M	06/02/2022	40000	N-22228/2021-2022	32000
32				BBA LLB(H)	M	25/02/2022	40000	N-22229/2021-2022	32000
33				BBA LLB(H)	F	25/02/2022	40000	N-22230/2021-2022	32000
34				BBA LLB(H)	M	06/02/2022	40000	N-22231/2021-2022	32000
35				BBA LLB(H)	M	25/02/2022	40000	N-22232/2021-2022	32000
36				BBA LLB(H)	F	18/02/2022	40000	N-22233/2021-2022	32000
37				BBA LLB(H)	F	18/02/2022	40000	N-22234/2021-2022	32000
38				BBA LLB(H)	F	18/02/2022	40000	N-22235/2021-2022	32000
39				BBA LLB(H)	M	25/02/2022	40000	N-22236/2021-2022	32000
40				BBA LLB(H)	M	25/02/2022	40000	N-22237/2021-2022	32000
41				BBA LLB(H)	F	18/02/2022	40000	N-22238/2021-2022	32000
42				BBA LLB(H)	F	18/02/2022	40000	N-22239/2021-2022	32000
43				BBA LLB(H)	F	18/02/2022	40000	N-22240/2021-2022	32000
44				BBA LLB(H)	F	18/02/2022	40000	N-22241/2021-2022	32000
45				BBA LLB(H)	F	18/02/2022	40000	N-22242/2021-2022	32000
46				BBA LLB(H)	F	18/02/2022	40000	N-22243/2021-2022	32000
47				BBA LLB(H)	F	18/02/2022	40000	N-22244/2021-2022	32000
48				BBA LLB(H)	F	18/02/2022	40000	N-22245/2021-2022	32000
49				BBA LLB(H)	F	18/02/2022	40000	N-22246/2021-2022	32000
50				BBA LLB(H)	F	18/02/2022	40000	N-22247/2021-2022	32000
51				BBA LLB(H)	F	18/02/2022	40000	N-22248/2021-2022	32000
52				BBA LLB(H)	F	18/02/2022	40000	N-22249/2021-2022	32000
53				BBA LLB(H)	F	18/02/2022	40000	N-22250/2021-2022	32000
54				BBA LLB(H)	F	18/02/2022	40000	N-22251/2021-2022	32000
55				BBA LLB(H)	F	18/02/2022	40000	N-22252/2021-2022	32000
56				BBA LLB(H)	F	18/02/2022	40000	N-22253/2021-2022	32000
57				BBA LLB(H)	F	18/02/2022	40000	N-22254/2021-2022	32000
58				BBA LLB(H)	F	18/02/2022	40000	N-22255/2021-2022	32000
59				BBA LLB(H)	F	18/02/2022	40000	N-22256/2021-2022	32000
60				BBA LLB(H)	F	18/02/2022	40000	N-22257/2021-2022	32000
61				BBA LLB(H)	F	18/02/2022	40000	N-22258/2021-2022	32000
62				BBA LLB(H)	F	18/02/2022	40000	N-22259/2021-2022	32000
63				BBA LLB(H)	F	18/02/2022	40000	N-22260/2021-2022	32000
64				BBA LLB(H)	F	18/02/2022	40000	N-22261/2021-2022	32000
65				BBA LLB(H)	F	18/02/2022	40000	N-22262/2021-2022	32000
66				BBA LLB(H)	F	18/02/2022	40000	N-22263/2021-2022	32000
67				BBA LLB(H)	F	18/02/2022	40000	N-22264/2021-2022	32000
68				BBA LLB(H)	F	18/02/2022	40000	N-22265/2021-2022	32000
69				BBA LLB(H)	F	18/02/2022	40000	N-22266/2021-2022	32000
70				BBA LLB(H)	F	18/02/2022	40000	N-22267/2021-2022	32000
71				BBA LLB(H)	F	18/02/2022	40000	N-22268/2021-2022	32000
72				BBA LLB(H)	F	18/02/2022	40000	N-22269/2021-2022	32000
73				BBA LLB(H)	F	18/02/2022	40000	N-22270/2021-2022	32000
74				BBA LLB(H)	F	18/02/2022	40000	N-22271/2021-2022	32000
75				BBA LLB(H)	F	18/02/2022	40000	N-22272/2021-2022	32000
76				BBA LLB(H)	F	18/02/2022	40000	N-22273/2021-2022	32000
77				BBA LLB(H)	F	18/02/2022	40000	N-22274/2021-2022	32000
78				BBA LLB(H)	F	18/02/2022	40000	N-22275/2021-2022	32000
79				BBA LLB(H)	F	18/02/2022	40000	N-22276/2021-2022	32000
80				BBA LLB(H)	F	18/02/2022	40000	N-22277/2021-2022	32000
81				BBA LLB(H)	F	18/02/2022	40000	N-22278/2021-2022	32000
82				BBA LLB(H)	F	18/02/2022	40000	N-22279/2021-2022	32000
83				BBA LLB(H)	F	18/02/2022	40000	N-22280/2021-2022	32000
84				BBA LLB(H)	F	18/02/2022	40000	N-22281/2021-2022	32000
85				BBA LLB(H)	F	18/02/2022	40000	N-22282/2021-2022	32000
86				BBA LLB(H)	F	18/02/2022	40000	N-22283/2021-2022	32000
87				BBA LLB(H)	F	18/02/2022	40000	N-22284/2021-2022	32000
88				BBA LLB(H)	F	18/02/2022	40000	N-22285/2021-2022	32000
89				BBA LLB(H)	F	18/02/2022	40000	N-22286/2021-2022	32000
90				BBA LLB(H)	F	18/02/2022	40000	N-22287/2021-2022	32000
91				BBA LLB(H)	F	18/02/2022	40000	N-22288/2021-2022	32000
92				BBA LLB(H)	F	18/02/2022	40000	N-22289/2021-2022	32000
93				BBA LLB(H)	F	18/02/2022	40000	N-22290/2021-2022	32000
94				BBA LLB(H)	F	18/02/2022	40000	N-22291/2021-2022	32000
95				BBA LLB(H)	F	18/02/2022	40000	N-22292/2021-2022	32000
96				BBA LLB(H)	F	18/02/2022	40000	N-22293/2021-2022	32000
97				BBA LLB(H)	F	18/02/2022	40000	N-22294/2021-2022	32000
98				BBA LLB(H)	F	18/02/2022	40000	N-22295/2021-2022	32000
99				BBA LLB(H)	F	18/02/2022	40000	N-22296/2021-2022	32000
100				BBA LLB(H)	F	18/02/2022	40000	N-22297/2021-2022	32000

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HANS ACCREDITED



FAIRFIELD

Institute of Management & Technology

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52	BA B.A. (H)	M	25/06/2021	40000	N-01887/2021-2022	51800
53	BA B.A. (H)	F	25/06/2021	40000	N-01887/2021-2022	51800
54	BA B.A. (H)	M	25/06/2021	40000	N-01887/2021-2022	51800
55	BA B.A. (H)	M	25/06/2021	40000	N-01887/2021-2022	51800
56	BA B.A. (H)	F	25/06/2021	40000	N-01887/2021-2022	51800
57	BA B.A. (H)	M	25/06/2021	40000	N-01887/2021-2022	51800
58	BA B.A. (H)	M	25/06/2021	40000	N-01887/2021-2022	51800
59	BA B.A. (H)	M	25/06/2021	40000	N-01887/2021-2022	51800
60	BA B.A. (H)	F	25/06/2021	40000	N-01887/2021-2022	51800
61	BA B.A. (H)	M	25/06/2021	40000	N-01887/2021-2022	51800
62	BA B.A. (H)	M	25/06/2021	40000	N-01887/2021-2022	51800
63	BA B.A. (H)	M	25/06/2021	40000	N-01887/2021-2022	51800
64	BA B.A. (H)	M	25/06/2021	40000	N-01887/2021-2022	51800
65	BA B.A. (H)	M	25/06/2021	40000	N-01887/2021-2022	51800
66	BA B.A. (H)	M	25/06/2021	40000	N-01887/2021-2022	51800
67	BA B.A. (H)	M	25/06/2021	40000	N-01887/2021-2022	51800
68	BA B.A. (H)	M	25/06/2021	40000	N-01887/2021-2022	51800
69	BA B.A. (H)	M	25/06/2021	40000	N-01887/2021-2022	51800
70	BA B.A. (H)	M	25/06/2021	40000	N-01887/2021-2022	51800
71	BA B.A. (H)	M	25/06/2021	40000	N-01887/2021-2022	51800
72	BA B.A. (H)	M	25/06/2021	40000	N-01887/2021-2022	51800
73	BA B.A. (H)	M	25/06/2021	40000	N-01887/2021-2022	51800
74	BA B.A. (H)	M	25/06/2021	40000	N-01887/2021-2022	51800
75	BA B.A. (H)	M	25/06/2021	40000	N-01887/2021-2022	51800
76	BA B.A. (H)	M	25/06/2021	40000	N-01887/2021-2022	51800
77	BA B.A. (H)	M	25/06/2021	40000	N-01887/2021-2022	51800
78	BA B.A. (H)	M	25/06/2021	40000	N-01887/2021-2022	51800
79	BA B.A. (H)	M	25/06/2021	40000	N-01887/2021-2022	51800
80	BA B.A. (H)	M	25/06/2021	40000	N-01887/2021-2022	51800
81	BA B.A. (H)	M	25/06/2021	40000	N-01887/2021-2022	51800
82	BA B.A. (H)	M	25/06/2021	40000	N-01887/2021-2022	51800
83	BA B.A. (H)	M	25/06/2021	40000	N-01887/2021-2022	51800
84	BA B.A. (H)	M	25/06/2021	40000	N-01887/2021-2022	51800
85	BA B.A. (H)	M	25/06/2021	40000	N-01887/2021-2022	51800
86	BA B.A. (H)	M	25/06/2021	40000	N-01887/2021-2022	51800
87	BA B.A. (H)	M	25/06/2021	40000	N-01887/2021-2022	51800
88	BA B.A. (H)	M	25/06/2021	40000	N-01887/2021-2022	51800
89	BA B.A. (H)	M	25/06/2021	40000	N-01887/2021-2022	51800

FMT Institutional Camera

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Institute of Management & Technology

Approved by O.P.S.S.U. University, & an 'A' Grade college by DHE, Govt. of NCT of Delhi
Approved by AICTE, New Delhi & ISO 9001:2015 Certified under ISO 9001:2015

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90	BA B.A.	F	06/10/2021	40000	N-0041/2021-2022	53600
91	BA B.A.	M	18/11/2021	40000	N-0041/2021-2022	53600
92	BA B.A.	F	05/05/2021	40000	N-01877/2021-2022	53600
93	BA B.A.	F	18/11/2021	40000	N-02842/2021-2022	53600
94	BA B.A.	F	06/06/2021	40000	N-01855/2021-2022	53600
95	BA B.A.	M	07/10/2021	40000	N-02342/2021-2022	53600
96	BA B.A.	M	18/11/2021	40000	N-02843/2021-2022	53600
97	BA B.A.	F	06/06/2021	40000	N-01858/2021-2022	53600
98	BA B.A.	F	06/06/2021	40000	N-01859/2021-2022	53600
99	BA B.A.	M	06/10/2021	40000	N-02415/2021-2022	53600
100	BA B.A.	M	02/10/2021	40000	N-02244/2021-2022	53600
101	BA B.A.	M	18/11/2021	40000	N-01844/2021-2022	53600
102	BA B.A.	F	05/05/2021	40000	N-01403/2021-2022	53600
103	BA B.A.	M	05/10/2021	40000	N-03315/2021-2022	53600
104	BA B.A.	F	10/05/2021	40000	N-01446/2021-2022	53600
105	BA B.A.	M	06/05/2021	40000	N-01414/2021-2022	53600
106	BA B.A.	M	05/10/2021	40000	N-02351/2021-2022	53600
107	BA B.A.	M	05/05/2021	40000	N-01858/2021-2022	53600
108	BA B.A.	M	06/10/2021	40000	N-02341/2021-2022	53600
109	BA B.A.	M	18/11/2021	40000	N-02845/2021-2022	53600
110	BA B.A.	M	06/06/2021	40000	N-01859/2021-2022	53600
111	BA B.A.	F	04/06/2021	40000	N-01859/2021-2022	53600
112	BA B.A.	F	06/10/2021	40000	N-02341/2021-2022	53600
113	BA B.A.	M	07/10/2021	40000	N-01888/2021-2022	53600
114	BA B.A.	M	05/05/2021	40000	N-01403/2021-2022	53600
115	BA B.A.	M	07/10/2021	40000	N-02341/2021-2022	53600
116	BA B.A.	F	07/05/2021	40000	N-01446/2021-2022	53600
117	BA B.A.	F	06/10/2021	40000	N-02341/2021-2022	53600
118	BA B.A.	M	18/11/2021	40000	N-02846/2021-2022	53600
119	BA B.A.	M	05/10/2021	40000	N-02264/2021-2022	53600
120	BA B.A.	M	18/11/2021	40000	N-02847/2021-2022	53600
121	BA B.A.	M	06/10/2021	40000	N-02415/2021-2022	53600
122	BA B.A.	M	05/05/2021	40000	N-01403/2021-2022	53600
123	BA B.A.	M	05/10/2021	40000	N-02244/2021-2022	53600
124	BA B.A.	M	17/05/2021	40000	N-02076/2021-2022	53600
125	BA B.A.	F	18/11/2021	40000	N-02846/2021-2022	53600
126	BA B.A.	M	18/11/2021	40000	N-02849/2021-2022	53600
127	BA B.A.	M	02/10/2021	40000	N-02244/2021-2022	53600

Note: As per the institution's letter 40000/- has been deposited by the students to the IFU



Director
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FIMT Institutional Campus,

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14. Thus, on hand, Annexure P-9 indicates the number of students allotted to the Institute i.e. 127 candidates. It is pertinent to note that this list of 127 candidates (Annexure P-9) pertains to the month of October, 2021.



15. However, as per Annexure P-12, out of the 127 candidates, 122 candidates had deposited fees with the petitioner-institute and had thus taken provisional admission in this Institute in October 2021. In this regard, this Court notes that in the list Annexure P-12 of candidates, who had deposited fee, the name of the candidates mentioned at serial no. 14 and 15 indicate the name of same candidate. Further, candidates at serial numbers 5, 9, 10, 15 and 17 did not even report for counselling at the petitioner-institute. Therefore, they have not deposited the fee in the Institute. The number thus comes to 122 i.e. those candidates who had actually deposited the fee.

16. Further, a perusal of the list which was sent to the Institute, on 03.02.2022 by respondent no. 2, as the final list of candidates, who had taken admission in the petitioner-institute, reveals that only 95 candidates have been mentioned to have taken admission in the institute, who were assigned enrolment number accordingly. The said list is extracted, hereinbelow:





2021-22

13 20

S. No	Institute	Program	ApplicationNo	EnrollmentNo	Name	Fname	Mname	DOB
1	FIMT	BBA LLB						2002
2	FIMT	BBA LLB						2002
3	FIMT	BBA LLB						2002
4	FIMT	BBA LLB						2003
5	FIMT	BBA LLB						2003
6	FIMT	BBA LLB						2002
7	FIMT	BBA LLB						2003
8	FIMT	BBA LLB						2001
9	FIMT	BBA LLB						2003
10	FIMT	BBA LLB						2003
11	FIMT	BBA LLB						2003
12	FIMT	BBA LLB						2003
13	FIMT	BBA LLB						2002
14	FIMT	BBA LLB						2003
15	FIMT	BBA LLB						2002
16	FIMT	BBA LLB						2003
17	FIMT	BBA LLB						2004
18	FIMT	BBA LLB						2002



2021-22

21

19	FMT	BBA LLB	-2003
20	FMT	BBA LLB	2003
21	FMT	BBA LLB	2002
22	FMT	BBA LLB	2003
23	FMT	BBA LLB	2003
24	FMT	BBA LLB	2003
25	FMT	BBA LLB	2003
26	FMT	BBA LLB	2003
27	FMT	BBA LLB	2002
28	FMT	BBA LLB	2003
29	FMT	BBA LLB	2004
30	FMT	BBA LLB	2003
31	FMT	BBA LLB	2002
32	FMT	BBA LLB	2002
33	FMT	BBA LLB	2002
34	FMT	BBA LLB	2002
35	FMT	BBA LLB	2003
35	FMT	BBA LLB	2002



2021-22

22

37	FMT	BBA LLB	2002
38	FMT	BBA LLB	2004
39	FMT	BBA LLB	2003
40	FMT	BBA LLB	2003
41	FMT	BBA LLB	2002
42	FMT	BBA LLB	2004
43	FMT	BBA LLB	2003
44	FMT	BBA LLB	2002
45	FMT	BBA LLB	2003
46	FMT	BBA LLB	2004
47	FMT	BBA LLB	2003
48	FMT	BBA LLB	2003
49	FMT	BBA LLB	1997
50	FMT	BBA LLB	2000
51	FMT	BBA LLB	2003
52	FMT	BBA LLB	2003



2021-22

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53	FIMT	BBA LLB	2002
54	FIMT	BBA LLB	2003
55	FIMT	BBA LLB	2002
56	FIMT	BBA LLB	2002
57	FIMT	BBA LLB	2003
58	FIMT	BBA LLB	2003
59	FIMT	BBA LLB	2003
60	FIMT	BBA LLB	2002
61	FIMT	BBA LLB	2003
62	FIMT	BBA LLB	2003
63	FIMT	BBA LLB	2004
64	FIMT	BBA LLB	2002
65	FIMT	BBA LLB	2002
66	FIMT	BBA LLB	2002
67	FIMT	BBA LLB	2002
68	FIMT	BBA LLB	2003
69	FIMT	BBA LLB	2003
70	FIMT	BBA LLB	2003
71	FIMT	BBA LLB	2003
72	FIMT	BBA LLB	2002



2021-22

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73	FINT	BBA LLB	-2003
74	FINT	BBA LLB	-2002
75	FINT	BBA LLB	-2003
76	FINT	BBA LLB	-2003
77	FINT	BBA LLB	-2001
78	FINT	BBA LLB	-2003
79	FINT	BBA LLB	-2002
80	FINT	BBA LLB	-2004
81	FINT	BBA LLB	-2002
82	FINT	BBA LLB	-2003
83	FINT	BBA LLB	-2001
84	FINT	BBA LLB	-2003
85	FINT	BBA LLB	-2002
86	FINT	BBA LLB	-2004
87	FINT	BBA LLB	-2002
88	FINT	BBA LLB	-2002
89	FINT	BBA LLB	-2002
90	FINT	BBA LLB	-2000

2021-22

25

91	FINT	-2003
92	FINT	-2003
93	FINT	-2000
94	FINT	-2003
95	FINT	12



17. This Court is now faced with a situation where there is one list i.e. Annexure P-9, and another list Annexure P-12, and one more list of 95 candidates, as discussed above. The controversy in question now, is as to whether the number of admissions in the Institute is 127 as in Annexure P-9, or 122 as in Annexure P-12 or 95 as mentioned in the email sent by respondent no. 2 to the petitioner-institute on 03.02.2022.

18. This Court also has before it, a list of 29 candidates produced by the petitioner-institute, who were not assigned enrolment number by the respondent no. 2, which is reproduced below:

Sr No	cat. reg. no.	Student Name	Rank	Course	Gender	Remarks
1				BBA LLB(H)	F	
2				BBA LLB(H)	F	Taken Admission in Nirma Univ.
3				BBA LLB(H)	F	Taken Admission in Bharati Vidyapeeth, Pune
5				BBA LLB(H)	F	Could not take admission because of Covid
7				BBA LLB(H)	F	Studying in Patna
9				BBA LLB(H)	M	Could not take admission because of Covid
10				BBA LLB(H)	M	Could not take admission because of Covid
21				BBA LLB(H)	F	Taken Admission in Chandigarh Univ.
12				BBA LLB(H)	F	
13				BBA LLB(H)	F	
14				BBA LLB(H)	M	
15				BBA LLB(H)	M	Name Repeated by GGS/PU
16				BBA LLB(H)	F	Taken Science Stream After 10+2
17				BBA LLB(H)	N	Could not take admission because of Covid
18				BBA LLB(H)	F	
19				BBA LLB(H)	M	Taken Admission in Christ Univ.
20				BBA LLB(H)	F	
21				BBA LLB(H)	F	
22				BBA LLB(H)	F	
23				BBA LLB(H)	F	
24				BBA LLB(H)	M	Take Admission in other Univ.
25				BBA LLB(H)	F	
26				BBA LLB(H)	F	
27				BBA LLB(H)	F	
28				BBA LLB(H)	F	
29				BBA LLB(H)	M	

19. The above list indicates 29 serial numbers. This Court notes that even this list is inaccurate as serial numbers are incorrect and though they indicate the serial numbers from 1 to 29, they are in fact only 25,



as serial nos. 4, 6 and 8 are missing and serial nos. 14 and 15 are same candidates who have been reflected twice. Be that as it may, at this stage, the number of candidates indicated in this list did not take admission in this Institute and had probably merely opted for this Institute and had taken provisional admission in the Institute.

20. The anomaly in the number of candidates argued to have been admitted by the Institute and the respondent no. 2 is 127 and 95, which comes to 32.

21. A perusal of the list of 25 candidates not assigned enrolment number by the respondent no. 2, reproduced above in para 18 reveals that status *qua* candidate at serial no. 1, 12 to 14, 18, 20 to 23 and 25 to 29 is blank. The Institute itself does not know any status about these candidates. The Institute strangely answered that they have no information about them, and for others at serial no. 2, 3, 7, 11, 16, 19 and 24, they have conceded that they have taken admission in other Institutes. The figure thus reaches 122 candidates who had deposited fees, subtracted by 7 candidates for which the Institute conceded they had sought admission in other Institutes, further subtracted by 4 candidates who could not take admission due to pandemic, and the rest 14 regarding whom the Institute has no information. The fact, thus, remains that these 25 students had taken only provisional admission in the Institute by depositing fees, but had not completed the admission process and some had sought admission in other Institutes and some had not even come forward to seek admission in the petitioner Institute. The final figure would thus be 122 subtracted by 25 which will be 97.



22. As per respondent no. 2, 2 candidates as per their record, had left the Institute, which brings the figure to 95, which is below the 50% required admission of 120 seats to escape the applicability of amended clause 4.1 of the policy.

23. This Court, therefore, is of the opinion to conclude that there is a difference between provisional admission which is reflected through Annexure P-9 and final admission, which is reflected through email dated 03.02.2022. The decision is based on the fact that, candidates who take final admission and retain seats in a Institute are assigned enrolment number by the respondent university, by virtue of which they are reflected as students of that particular Institute. The students who leave the Institute and join another Institute, affiliated to same University, are assigned a different enrolment number by the respondent-university *qua* the Institute in which they have taken regular final admission. Therefore, in case this Court will hold that a candidate will be considered to have taken admission in an Institute only by virtue of depositing a part of the fee or the fee at the time of taking provisional admission, it will lead to confusion and chaos since in case after doing so, he chooses to take admission in another Institute, or is upgraded or leaves the Institute originally assigned to him giving up his provisional admission without seeking refund of the fee deposited by him and joins another Institute, and is accordingly assigned enrolment number *qua* the new Institute, a situation will arise that will reflect that the candidate had taken admission in both the Institutes, *qua* one where he has been assigned enrolment number and *qua* the other, wherein he has not been assigned enrolment number. This cannot be allowed.



24. In this background, therefore, an admission in an Institute can be termed as an admission only when an enrolment number is assigned to the candidate and not by virtue of his provisional admission and depositing of fee in a particular Institute. Applying this principle, in the facts and circumstances of the present case, the petitioner Institute though was allotted 127 candidates in October 2021, only 95 were allotted enrolment number, which is clear by the e-mail dated 03.02.2022 sent by the respondent university to the petitioner-Institute, reflecting that less than 50% of the assigned number of seats were occupied or retained for the academic year 2021-2022. The petitioner-institute has also failed to place on record any document to show that enrolment number was assigned to 127 candidates or that they had informed the university that there was a discrepancy in the number of admissions in their institute which was 127 whereas enrolment number was assigned only to 95 candidates. It was a duty of the petitioner-institute to have brought this to the notice of respondent no. 2 and they should have requested respondent no. 2 that they should assign enrolment numbers to the remaining students who had taken admission in their institute. They have, however, themselves admitted, as mentioned in the preceding paragraphs, that a total number of 29 students, out of 127 allotted seats, did not take admission in their college or the petitioner did not have any information about them. Even in such a case, since 240 seats were sanctioned strength and only 95 candidates had taken admission in the Institute, as discussed in the preceding paragraphs, in the academic session 2021-2022, 80 candidates in academic session 2022-23, 24 candidates in academic



session 2023-24, the amended clause 4.1 of the policy guidelines will apply to the petitioner-institute.

25. To sum up, this Court was only required to reach a conclusion as to whether amended clause 4.1 will be applicable to the present case or not. In view of the fact that after 127 allotted students, only 122 students had deposited the fee as per Annexure P-12, and further the admission on part of the petitioner institute itself that 11 candidates had either taken admission in other institutes or could not take admission due to the pandemic as per the list filed by themselves, the total number of candidates admitted in their institute will fall below the required figure of 120 candidates. This Court is not further dwelling into the number of rest of the 16 candidates qua whom, the petitioner-institute itself had no answer as to what their fate was. The end result is that the stand of respondent no. 2 that these 29 students were not assigned enrolment numbers and they did not take admission in the institute could be proved on record. Consequently, since these 29 candidates did not take admission in the petitioner institute, they were not assigned enrolment numbers and were only provisionally allotted and admitted to the petitioner college which is not equivalent to admission in the petitioner college so as to grant them benefit as they are seeking.

26. The circular impugned and challenged before this Court which reflects that in the Academic Session 2021-22, only 95 students were admitted to the Institute cannot be found fault with.

27. Having observed so, this Court also holds that the respondent-university should have informed the Institute about reduction of seats in time and not when the admission process was to begin. This Court notes



that the prospectus/admission brochure for the academic year 2024-2025 reflected the number of seats allotted to the Institute as 240, and not 120. At the time of inspection and other formalities for this academic year by the regulatory bodies, no objection was raised *qua* the number of seats allotted i.e. 240 and it was only on 02.07.2024 that the petitioner Institute was informed about the reduction in the number of seats as per amended clause 4.1, regarding the eligibility criteria and that they will be eligible only for 50% of seats as they have not been able to retain 50% of sanctioned strength in the last preceding three years. The argument that the petitioner-institute should have known about their eligibility as per the rules, would apply to respondent no. 2 as well, as they should have also known as per their own record, that the petitioner-institute was not eligible for 240 seats for this academic session before printing it in their own prospectus for the current academic session. It is hoped that the academic institutes will in future remain cautious i.e. the Academic Institutes as well as the GGSIP University about their own facts and figures and eligibility criteria, including their admission departments, so that no inconvenience is caused to the students who rely on the prospectus of the university and the Institutes who invest in infrastructure and other facilities and faculty strength etc., on the basis of their sanctioned strength reflected in the prospectus. The fact that when inspections were carried out by the regulatory bodies, no objection *qua* the institute's eligibility was raised at any point of time, shows that even respondent no. 2 did not realise the eligibility criteria of the institute and applicability of amended clause 4.1 of the policy. The academic pursuits of the students should



be aided by the academic institutes and the blame game as in the present case between the university and the institute should best have been avoided only if both were vigilant in the interest of the students. In view of the foregoing discussion, the present petition along with pending application, if any stands dismissed.

28. The judgment be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

AUGUST 3, 2024/at/ns