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

+ **W.P.(C) 14617/2024 and CM APPL. 61377/2024**

Date of Decision: 12.12.2024

IN THE MATTER OF:

SAKSHAM KUMAR

S/O : VINOD KUMAR

R/O : RZ/A 167, NIHAL VIHAR,
NANGLOI WEST DELHI, DELHI

....PETITIONER

(Through: Mr. Jai Wadhwa, Adv along with petitioner in person.)

versus

UNIVERSITY OF DELHI

THROUGH ITS REGISTRAR,

EXAMINATION CENTRE, VC OFFICE,

FACULTY OF SCIENCE, UNIVERSITY ENCLAVE

NEW DELHI-110007

....RESPONDENT NO.1

COLLEGE FOR VOCATIONAL STUDIES

DU

TRIVENI, SHEIKH SARAI,

NEW DELHI-110017

....RESPONDENT NO.2

(Through: Mr. Mohinder J. S. Rupal, Mr. Hardik Rupal, Ms. Aishwarya Malhotra Advs for R-1.

Mr. Ankur Rai, Adv. for R-2.)

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

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Signing Date:16.12.2024
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KUMAR KAURAV



J U D G M E N T

PURUSHAINDRA KUMAR KAURAV, J. (Oral)

1. A candidate belonging to the Scheduled Caste [“SC”] category and aspiring for admission in the Bachelor of Arts (Vocational Studies)–Small and Medium Enterprises course is permitted to appear in the Common University Entrance Test [“CUET”] conducted by the respondent-University without any objection and qualifies in the merit list associated with the said category. He is accordingly allowed to participate in the counselling process and allotted a seat based on his merit and preference. However, his candidature gets subsequently rejected on account of non-submission of his SC category certificate within the deadline stipulated in the information bulletin. The legality of cancellation of admission on that score is the solitary issue which stands posed before this Court for adjudication in the present writ petition.
2. The instant petition has been filed by the petitioner seeking quashing of the impugned decision dated 20.08.2024 with further direction to the respondent-University to grant him admission to the aforementioned course for the academic year 2024-2025.
3. The facts of the case, as culled out from the record, indicate that the petitioner, being desirous of admission in the aforesaid undergraduate course at the College of Vocational Studies, University of Delhi [“**respondent-College**”], submitted his application *via* the registration portal under the SC category. On 16.08.2024, the petitioner was allocated a seat at the respondent-College to pursue the aforesaid program, which was duly accepted by him on 17.0w8.2024. However, it transpires that the application



was ultimately rejected by the respondent-University on the ground of *non-fulfillment of the subject-mapping criteria*. Notably, the remarks under the column titled “College Remarks” cites the reason for rejection as *non-fulfillment of eligibility criteria and/or lack of necessary documents*.

4. Learned counsel appearing for the petitioner submits that the reasons for rejection provided by the respondents are mutually contradictory, rendering the basis for the rejection to be arbitrary and wholly untenable. According to him, the rejection of the admission of the petitioner stems from the non-submission of the SC category certificate within the prescribed timeframe outlined in the admission brochure of the respondents. He, however, asserts that the last date for admission was 31.10.2024 and the petitioner has duly submitted his SC category certificate on 05.09.2024. He asserts that nevertheless, the respondents have refused to consider the same on the ground of it being beyond the stipulated cut-off date. It is the aforesaid decision which, according to the learned counsel for the petitioner, is arbitrary, unreasonable and devoid of any justification.

5. Learned counsel further avers that the petitioner had applied for the issuance of the said certificate on 20.06.2024 itself, however, due to administrative delays, the certificate was issued only on 05.09.2024. He submits that the delay in procuring the certificate was beyond his control and is not attributable to him. Consequently, he argues that the petitioner should not be deprived of the opportunity to pursue his studies, particularly in light of the fact that a seat has already been allocated to him at the respondent-College.

6. Learned counsel for the petitioner rests his contentions by placing reliance on the judgment of this Court in *Mohd. Asiph Shahid Ali v.*



*University of Delhi*¹ and *Ashutosh Singh v. University of Delhi*². He submits that the principles laid down in these cases are squarely applicable to the facts of the present matter.

7. The aforesaid submissions are vehemently opposed by learned counsel appearing for the respondents. Learned counsel for the respondent-University submits that the petitioner is guilty of furnishing incorrect information in the application form by stating the date of issuance of the certificate as 20.06.2024. He contends that this date does not reflect the actual date of issuance of the certificate, rather it corresponds to the date of filing the application for the certificate. Moreover, according to him, the certificate number mentioned in the application form aligns with the application number, thereby, further indicating the inconsistency in the position of the petitioner. He, therefore, submits that the application of the petitioner is liable to be rejected for providing erroneous information.

8. Learned counsel further draws the attention of this Court to the declaration made by the petitioner, which expressly states that if any information/particulars/documents provided are found to be incorrect, his admission may be cancelled and appropriate penal action under the law may be initiated against him.

9. Learned counsel appearing for respondent-College, while referring to the counter-affidavit, submits that the admission brochure was issued as early as April 2024, inviting applications for registration and seat allotment under the respective categories. He, therefore, contends that there was no justification for the delay on behalf of the petitioner in applying for the

¹ 2019 SCC OnLine Del 11966

² 2022 SCC OnLine Del 1125



issuance of the SC certificate if he intended to claim the benefit under the reserved category.

10. Learned counsel further invites this Court's attention to Clause 5 of Chapter 5 of the admission brochure, which explicitly states that a candidate belonging to a reserved category who does not possess a valid certificate at the time of applying through the Common Seat Allocation System UG-2024 ["CSAS-2024"] will not be considered for allocation under the relevant category as claimed. Additionally, he submits that insofar as the intake capacity of the respondent-College *qua* the SC category candidates is concerned, the same is already full. In view of the aforesaid, learned counsel reiterates that no admission can be granted to the petitioner at this stage. He however, admits that at present, two seats against the Scheduled Tribe ["ST"] category are lying vacant in the respondent-College.

11. I have considered the submissions made by the learned counsel appearing for the parties and have perused the record.

12. The primary grievance of the petitioner relates to the rejection of his candidature on the ground of non-submission of the requisite SC certificate issued within the timeframe stipulated in the prospectus of the respondent.

13. It emerges from the record that the petitioner qualified in the CUET with flying colours under the SC category and pursuant thereto, he duly applied through the CSAS for the purpose of allocation of seat. As regards the merit of the petitioner, it remains undisputed that the petitioner has been initially found to be eligible for admission to the Bachelor of Arts (Vocational Studies) – Small and Medium Enterprises course at the respondent-College for the academic year 2024-25 in the SC category, and there is no contestation regarding the academic credentials of the petitioner.



It is thus evident that apart from the aforesaid deficiency indicated by the respondents, there existed no other ineligibility on the part of the petitioner for securing admission.

14. The factual matrix of the case further indicates that the petitioner was allocated a seat on 16.08.2024, which was duly accepted by him on 17.08.2024. Subsequently, the respondent-College raised a query on 18.08.2024, requiring the petitioner to submit his category certificate. It is the case of respondent-College that the petitioner failed to upload the certificate between 18.08.2024 and 20.08.2024 and thus, leading to the rejection of his candidature. According to the respondent-College, the certificate was eventually submitted on 05.09.2024. Paragraph 7 of the counter-affidavit filed by the respondent-College reads as follows:-

“That after submitting the documents along with the application form, in Phase II, the college authorities verify all the documents and if there is any deficiency with regard to any particular document then the college raises a query. In the instant case on 18.08.2024, the College raised a query asking the Petitioner to submit his category certificate and the response was submitted on 05.09.2024. It is pertinent to mention here that the verification process ended on 20.08.2024 and the Petitioner failed to upload any document between 18.08.2024-20.08.2024. It is further pertinent to mention here that the College raised another query on 19.08.2024 asking the petitioner to upload/ submit class 10th marksheet but the petitioner rather than uploading his class 10th marksheet uploaded his School Leaving Certificate as an alibi for his date of birth. The copy of the queries raised by the respondent no.2 is annexed herewith as Annexure 2.”

15. A perusal of the stand taken by the respondents would signify that the SC certificate could have been accepted had it been produced by the petitioner up to 20.08.2024. In response, the petitioner contends that he was handicapped by circumstances beyond his control. Undeniably, it is evidently seen that the petitioner had applied for the issuance of SC



certificate on 20.06.2024 itself i.e., much before the stipulated cut-off date but the Government of NCT of Delhi [**“GNCTD”**] issued the certificate only on 05.09.2024. The petitioner argues and rightly so that in the absence of any control over the issuance process, he could not have expedited or procured the certificate earlier.

16. It is further undisputed that the last date for admission was 31.10.2024. Neither the respondent-University nor the respondent-College has contended that admissions to the concerned course were closed before 05.09.2024. Therefore, in all fairness, the seat already allocated to the petitioner should have been validated on production of the certificate dated 05.09.2024 before 31.10.2024 itself.

17. The aforesaid view is fortified by the settled position of law that a certificate issued by a competent authority, such as the one alluding to the status of an individual belonging to SC or ST category, serves merely as an affirmation or acknowledgement of an existing fact. If an individual belongs to the SC or ST category, such status is determined by birth and is an inherent characteristic of an individual. Unlike the status of individuals belonging to the Other Backward Classes-Non Creamy Layer [**“OBC-NCL”**] category, which has a scope of mobility and may change with the passage of time as the validity of OBC-NCL certificate has a direct nexus with the financial income, the identity of the individuals claiming reservation through SC category remains immutable. The purpose of the an SC or ST certificate is to provide formal recognition of their status, enabling the authorities to rely on the documentation of the candidate and to extend the benefits accorded to individuals belonging to the said category. By acting as proof of an individual’s caste status, this acknowledgement



facilitates seamless interactions with government and institutional frameworks. In other words, such certificate only confirms an individual's caste status, it does not create or confer it. Instead, the caste status exists independently of the certificate and is derived from the individual's lineage and social categorization at birth.

18. On the aforesaid aspect, it is beneficial to refer to the decision of this Court in the case of *Tej Pal Singh & Ors. v. State (NCT of Delhi) & Anr.*³, wherein, the issue which arose for consideration pertained to rejection of the candidature of the petitioners therein on account of late submission of SC Category certificates. While taking into consideration the constitutional mandate envisaged in Articles 15(4) and 16(4) which are enabling provisions authorising the Government to make special provisions for the persons belonging to SC and ST categories, this Court noted as under:-

*“15. The matter can be looked into from an other angle also. As per the advertisement dated 11th June, 1999 issued by the Board, vacancies are reserved for various categories including ‘SC’ category, thus in order to be considered for the post reserved for ‘SC’ category, the requirement is that a person should belong to ‘SC’ category. **If a person is ‘SC’ his is so by birth and not by acquisition of this category because of any other event happening at a later stage. A certificate issued by competent authority to this effect is only an affirmation of fact which is already in existence. The purpose of such certificate is to enable the authorities to believe in the assertion of the candidate that the belongs to ‘SC’ category and act, thereon by giving the benefit to such candidate for his belonging to ‘SC’ category.** It is not that petitioners did not belong to ‘SC’ category prior to 30th June, 1998 or that acquired the status of being ‘SC’ only on the date of issuance of the certificate. In view of this position, necessitating upon a certificate dated prior to 30th June, 1998 would be clearly arbitrary and it has no rationale objective sought to be achieved.*

16. While taking a particular view in such matters one has to keep in mind the objectives behind the post SC and ST categories as per

³ 1999 SCC OnLine Del 1092



constitutional mandate prescribed in Articles 15(4) and 16(4) which are enabling provisions authorising the government to make special provisions for the persons of SC and ST categories. Articles 14(4) and 16(4), therefore, intend to remove social and economic inequality to make equal opportunities available in reality. Social and economic justice is a right enshrined for protection of society. The right to Social and Economic justice envisaged in the Preamble and elongated in the Fundamental Rights and Directive Principles of the Constitution, in particular Arts. 14, 15, 16, 21, 38, 39, and 46 are to make the quality of the life of the poor, disadvantaged and disabled citizens of the society meaningful.”

(emphasis supplied)

19. This Court had an occasion to deal with an almost similar controversy in the case of **Pushpa v. State (NCT of Delhi)**⁴, wherein, the rejection of candidature, based on the late submission of OBC category certificate on account of administrative delay caused by the authorities concerned, was considered to be arbitrary and irrational. While relying upon the decision rendered in **Tej Pal Singh (supra)**, this Court has held as under:-

“6. As per the advertisement published in the month of January, 2008 issued by the Delhi Subordinate Services Selection Board, vacancies were reserved for various categories including ‘OBC’ category. Thus in order to be considered for the post reserved for ‘OBC’ category, the requirement is that a person should belong to ‘OBC’ category. If a person is ‘OBC’, she is so by birth and not by acquisition of this category because of any other event happening at a later stage. A certificate issued by competent authority to this effect is only an affirmation of fact which is already in existence. The purpose of such certificate is to enable the authorities to believe in the assertion of the candidate that she belongs to ‘OBC’ category and act thereon by giving the benefit to such candidate for her belonging to ‘OBC’ category. It is not that petitioner did not belong to ‘OBC’ category prior to 21st January, 2008 or that acquired the status of being ‘OBC’ only on the date of issuance of the certificate. In view of this position, insisting upon a certificate dated prior to 21st January, 2008 would be clearly arbitrary and has no rationale objective to be achieved.

⁴ 2009 SCC OnLine Del 281



7. Caste is the only accepted criteria to identify under-represented groups. The underlying theory is that the under-representation of the identifiable groups is a legacy of the Indian caste system. After India gained independence, the Constitution of India listed some erstwhile groups as Scheduled Castes (SC) and Scheduled Tribes (ST). The framers of the Constitution believed that, due to the caste system, SCs and the STs were historically oppressed and denied respect and equal opportunity in Indian society and were thus under-represented in nation-building activities. Later, reservations were introduced for other sections as well.

8. The principle of equality permeates the Constitution of India. All the citizens are entitled to be treated by the state equally, irrespective of their caste, race, religion, sex, descent, place of birth and residence. No citizen may be discriminated against by the state only on any of these grounds. The exceptions to this principle are made in favour of women and children, the backward classes, the Scheduled Castes and the Scheduled Tribes, and the weaker sections.

11. The issue is also no more res integra as in the case of Tej Pal Singh v. Govt. of NCT of Delhi, (2005) 120 DLT 117 this Court has already taken a view that the candidates who belong to 'SC' and 'ST' categories but could not file certificate in proof of the same could not have been rejected simply on account of the late submission of the certificates and submission of such certificates cannot be made a pre-condition for accepting the application forms...."

(emphasis supplied)

20. Therefore, bearing in mind the constitutional scheme which seeks to promote upliftment of those at the fringes of the society as also the fact that the certificate affirming SC category is only evidentiary in nature, the Court deems it appropriate to adopt a balanced understanding to ensure that the procedural inefficiencies may not triumph at the expense of substantive justice. The failure on the part of the petitioner to submit the requisite certificate on the cut-off date cannot be completely attributed upon him, rather it was a result of the delay on the part of the Government department entrusted with the responsibility to issue such certificate, which



unfortunately chose to move with a snail pace. A pedantic approach, if adopted in the present case which involves a dream of a student belonging to the marginalized section to attain quality education, would undermine the spirit of the Constitution which aims to foster social justice and equality. For many, gaining access to quality education is not just a personal achievement but a means of setting themselves free from the shackles of exclusion. Thus, the denial of admission on the ground canvassed by the respondents would not only unjustly hinder the opportunity for upward mobility of the petitioner, rather the same would also be at odds with the constitutional ethos and the rule of law established through the judicial precedents discussed above.

21. In the present case, the explanation of the petitioner that he entered the application number and application date in the relevant column seeking reservation, based on advice, appears to be credible and warrants acceptance. When the respondents were prepared to accept the certificate up to 20.08.2024, there appears to be no justification for denying admission to the petitioner if he submitted the certificate on 05.09.2024, provided that admissions had not concluded by that date. Further, this is also not a case where approval for intake capacity is required from any central regulatory body such as the Medical Council of India [MCI], Dental Council of India [DCI], or Bar Council of India [BCI]. The determination of intake capacity appears to fall within the exclusive domain of the respondents.

22. In any case, at least two seats of the ST category are admittedly vacant and these seats cannot be filled up at the present stage. The admission brochure / prospectus, precisely Clause 6 of Chapter 5 therein, itself provides that if the total number of eligible ST category candidates, who



have applied for a particular program exhaust, then the remaining seats under the said category for that particular program will be allocated to eligible SC category candidates and vice-versa. It is thus seen that there is no legal impediment at this stage to grant admission to the petitioner.

23. Even otherwise, in cases involving such professional courses, where the respondent authorities have cancelled the admission of a candidate due to a lapse on the part of the candidate in submitting certain category certificates within the stipulated timeframe outlined in the examination prospectus, the Courts have held that imposing rigid timelines for submission of such certificates is arbitrary and unconstitutional.

24. Reference can be made to the decision in ***Ravi Kumar v. All India Institute of Medical Sciences***⁵, wherein this Court, while addressing an almost similar controversy, relied on the judgments in ***Hari Singh v. Staff Selection Commission***⁶, ***Valsamma Paul (Mrs) v. Cochin University***⁷ and ***Anil Kumar v. Union of India***⁸, to conclude that if a candidate initially produces a defective certificate but subsequently provides a valid certificate after the cut-off date, the cut-off date must be interpreted in a manner that benefits the candidate rather than excluding them. The following discussion in the case of ***Ravi Kumar (supra)*** merits consideration:-

“51. The judgment of Anil Kumar (supra) is also of significance. The advertisement, which the Division Bench found was commonly worded in the cases of both the petitioners, under Clause 4(C) stipulated that the candidates claiming OBC must submit a certificate duly issued within three years before 04.03.2011. The petitioners therein had originally, along with their applications, submitted OBC certificates

⁵ 2024 SCC OnLine Del 6737

⁶ 2010 SCC OnLine Del 1393

⁷ (1996) 3 SCC 545

⁸ 2013 SCC OnLine Del 1401



that were dated prior to three years and thus, breached the requirement under the advertisement. However, subsequently, they submitted OBC certificates dated 02.12.2011 and 25.01.2011.

52. The Division Bench relied upon *Hari Singh v. Staff Selection Commission*²¹, wherein, the candidate had initially produced a defective certificate but later, after the cut-off date, produced the correct certificate and the court had ruled that cut-off date must be interpreted and understood as benefitting an OBC category candidate as opposed to ousting him. **The interpretation in *Hari Singh (supra)* was based upon the constitutional scheme and purpose of reservation and was in line with the pronouncement of the Hon'ble Supreme Court in *Valsamma Paul (supra)*, which is reiterated in *Anil Kumar (supra)*, wherein, it was held that — the cut-off date is meant to signify that the subsequent falling of an OBC candidate into the creamy layer beyond the cut-off date would not affect their OBC status for the purpose of exam/application. Meaning thereby, that there would be no difficulty in accepting an OBC certificate even beyond the cut-off date as it could not be the case that a candidate fell inside the creamy layer prior to such date.** What is more probable is the candidate becoming a part of the creamy layer after the issuance of the certificate. The material part of *Anil Kumar (supra)* which relies upon *Hari Singh (supra)* reads as under:—

“9. In *Hari Singh (supra)*, the Division Bench had to deal with identical fact situation where the candidature had initially produced a defective certificate but later after the cut-off date indicated in a stipulation worded identically with Clause 4(B), as in the present case, produced the correct certificate. The Court noticed certain previous judgments, including the judgment of the Supreme Court in *Mrs. Valsamma Paul v. Cochin University*, (1996) 3 SCC 545 : AIR 1996 SC 1011, where the Court had emphasized that the concerned citizen, to improve his excellence, equal status and dignity with the advancement of human rights is afforded the opportunity of a reservation, and held that the submission of a certificate within reasonable time even if it is not at the time of making of application for the job, would be in order and cannot be rejected. The Bench in *Hari Singh (supra)* also noted a ruling in *Deepak v. Competent Authority for the Purpose of Admission to Engineering Course in Government Engineering College, Pune* AIR 1997 Bom 1, where it was held that the requirement of caste verification cannot be made a precondition for accepting the application of those candidates belonging to reserved categories. In *Hari Singh (supra)*, the Court finally held as follows:



“47. The prescription in the public notice in question that the closing date for receipt of application would be treated as the date of reckoning of OBC status of the candidate and also for ascertaining that the candidate does not fall in the creamy layer, in our view, is a prescription evolved for the benefit of the candidates belonging to OBC category and not for the purpose of ousting them from the benefit of reservation. What the NOTE under Clause 4(B) (set out in para 5 above) provides is that, if a candidate is certified as being an OBC category candidate not falling within the creamy layer prior to the close of the date of submission of applications (i.e. 14.09.2007 in this case) then the candidate would be treated as an OBC candidate not falling in the creamy layer for the purpose of the examination in question, and the issue that the candidate may have come into the creamy layer subsequently, i.e. after the date of closing, would not be relevant or gone into to deny the benefit of reservation to such a candidate.

48. The prescription in the NOTE appended to Clause 4(B) does not get whittled down merely by acceptance of an OBC certificate issued on a later date. A candidate who is certified as belonging to an OBC and as not belonging to the creamy layer on a later date than the one fixed by the public advertisement cannot be assumed to be as falling under the creamy layer on any date prior to the date of issuance of the certificate. There would be no basis for such an assumption. The possibility of such an eventuality is highly remote. In fact, the greater probability is that a candidate who may have been certified as an OBC candidate falling outside the creamy layer, may actually get covered by the creamy layer on a later date.

49. In any event, we are not suggesting that the respondents are precluded from examining the issue of eligibility of any candidate to claim the benefit of reservation. But, they cannot reject the candidature of such a candidate as a reserved category candidate and are bound to consider the candidature of the candidate concerned “provisionally” and, subject to the final determination, to even appoint the person concerned if found otherwise eligible and meritorious. Similar submissions have already been rejected by this Court in Anu Devi (supra) and in Poonam Chauhan (supra).”

53. Furthermore, in Anil Kumar (supra), the Division Bench of this court, prior to the decision by the Hon'ble Supreme Court in Ram Kumar Gijroya (SC), doubted the correctness of Ram Kumar Gijroya (DB). It did so on the following grounds—firstly, the judgment of Hari Singh (supra) was not noticed and the mandate laid down by the Hon'ble Supreme Court in Valsamma Paul (supra), of adopting a



liberal approach in such matters, was also ignored; secondly, the treatment of the requirement of OBC certificate akin to a qualification was wrong, as the OBC certificate is a mere evidence of something that already exists; and thirdly, the logic of discriminatory treatment to those who did not apply owing to their certificates not being in order, did not apply to the case of certificates. The material part of the judgment relating to the above reads as under:—

“10. So far as the judgments relied upon by the respondents are concerned, it is to be noticed that in Ram Kumar Gijroya (supra), the decision in Hari Singh (supra) was not noticed at all nor was the judgment of the Supreme Court in Mrs. Valsamma Paul (supra), highlighting the necessity for adopting a liberal approach in such matters, even noticed. The Court was persuaded to hold as it did on the reasoning that, “a number of other OBC candidates, though otherwise eligible but not in possession of the OBC Certificate by the cut off date, did not apply under the belief that being required to enclose the OBC Certificate along with the application and being not in possession thereof, their applications would be deficient and not entertainable.” Such reasoning, in this Court's opinion, would apply squarely in the case of candidates who are not qualified but subsequently acquire qualifications. It cannot have blanket application to those who possess the status but are caught in the cleft in the policy changes of the government in regard to the validity of their certificates. As noticed in Hari Singh (supra) and Ms. Anu Devi (supra), the certificate is only evidence of what always existed, i.e. the status of the candidates as belonging to the OBC category who are not from the creamy layer. It is not as if he acquires such status subsequent to the closing date or subsequent to the commencement of the recruitment process, as in the case of a candidate who fulfils the academic qualification later.”

54. The decision in the case of Mukesh Kumar Yadav v. Govt. of NCT of Delhi²², was passed before the Hon'ble Supreme Court's decision in Ram Kumar Gijroya (SC) and in Anil Kumar (supra). In Mukesh Kumar Yadav (supra), the court interpreted the Division Bench order of this court in Ram Kumar Gijroya (DB) as creating a distinction between cases where cut-off dates are prescribed and those where they are not and confined the mandate of Pushpa (supra) to the latter category only. In the said case, the petitioners had submitted a defective OBC certificate alongwith their application, but later submitted a corrected OBC certificate after the cut-off date. In such factual matrix, the Division Bench found the subsequent submission to be invalid. The material part of the judgment reads as under:—



“3. The issue is no longer *res integra*. In the decision reported as (2012) 128 DRJ 124 (DB) DSSB v. Ram Kumar Gijroya noting various authorities on the point a Division Bench of this Court held that a distinction needs to be drawn where no cut-off dates are prescribed and those where cut-off dates are prescribed. Whenever cut-off dates are prescribed and it specifies that not only the applications but annexures thereto have to be filed on or before cut-off date any corrective action after the cut-off date would be irrelevant.”

55. The matter, thereafter, reached the Hon'ble Supreme Court where doubts were expressed over the correctness of Ram Kumar Gijroya (SC) and through an order reported in Karn Singh Yadav (supra), the matter was referred to a larger Bench of three Hon'ble Judges. The Hon'ble three Judges Bench then decided the correctness with which this court is, needless to say, bound, through order and judgment reported in Karn Singh Yadav v. Govt. of NCT of Delhi²³ The Hon'ble three Judges Bench of the Supreme Court found the facts therein to be covered by the judgment of Ram Kumar Gijroya (SC). The material part reads as under:—

“3. We are presently concerned with the process of selection issued vide advertisement dated 30.08.2007 for the posts of “A” Grade Staff Nurse, Municipal Corporation of Delhi. The appellant had offered his candidature as a person belonging to Other Backward Class. His candidature was however rejected by the Authorities *inter alia* on the ground that the documents certifying him to be belonging to that community were not filed before the cut-off date.

4. The challenge raised by the appellant to such rejection did not meet with any success and the High Court by the order presently under challenge rejected the writ petition in limine.

5. It must be stated here that an identical fact situation came up for consideration before this Court in *Ram Kumar Gijroya v. Delhi Subordinate Services Selection Board*, (2016) 4 SCC 754, wherein this Court ruled in favour of the concerned candidate. The instant matter is thus completely covered by said decision.”

(emphasis supplied)

25. It is pertinent to note that the decision in *Ravi Kumar (supra)* has been affirmed by the Division Bench of this Court in *All India Institute of*



*Medical Sciences v. Ravi Kumar*⁹. Furthermore, an appeal against the said decision was also rejected by the Supreme Court *vide* SLP (C) No.16480/2024.

26. It is also relevant to note that the petitioner approached this Court well before the expiry of the admission deadline. The petition appears to have been filed on 14.10.2024, and the matter was taken up for consideration on 18.10.2024. Notice was issued on 21.10.2024, and the matter was further considered on 11.11.2024. However, despite multiple opportunities granted to the respondents to file their reply, the matter remained pending due to various adjournments. In all fairness, the petitioner should not be made to suffer due to the administrative delays by the Government of NCT of Delhi in issuing the certificate or due to the matter remaining pending before this Court.

27. With regard to the logistical constraints in continuing admission, it is seen that the last date for admission was 31.10.2024 and if the petitioner is granted admission in the academic session 2024-25 itself, the potential shortfall in the first semester, if any, can reasonably be accommodated and covered during the span of the entire course. The respondent-College may also be directed to facilitate the petitioner in completing the first semester by permitting him to undertake extra classes. Accordingly, the logistical arrangements can be worked out by the respondent-College to ensure the academic progression of the petitioner.

28. It is, therefore, seen that the denial of admission solely on a technical ground to a candidate belonging to SC category would be tantamount to a violation of his fundamental rights. More so, when the petitioner has

⁹ 2024 SCC OnLine Del 2147



submitted the requisite certificate before the last date of admission. Accordingly, under the peculiar facts and circumstances of the case, which suggest that i) The petitioner admittedly belongs to the SC category; ii) In his form, he has disclosed his category as SC category; iii) On the date of submitting his form, his application for issuance of SC certificate was already pending; iv) The seat was allocated to him under the said category on the basis of his merit; v) He produced his SC certificate before the last date of admission; vi) The seats in the respondent-College were not completely filled on the date the petitioner has submitted his SC certificate; vii) As on date, seats are lying vacant, against which the petitioner can be granted admission to; viii) The academic session has not substantially progressed; ix) Non-submission of certificate, which he has applied for, within the timeframe was beyond his control; x) The explicit inconsistency in the position of the respondent-University and the respondent-College in cancelling the admission of a candidate as the respondent-University has given reason that there is a *non-fulfillment of the subject-mapping criteria* whereas college remarks cites the reason for rejection as *non-fulfillment of eligibility criteria and/or lack of necessary documents* and; xi) The petitioner has approached this Court on 14.10.2024, which is well before the cut-off date for admission, i.e., 31.10.2024, however, the matter was kept pending due to various reasons mentioned in paragraph no. 26; this Court directs the respondents to grant admission to the petitioner without any further delay for the academic session 2024-25.

29. The Court also directs the respondent-University to allow the petitioner to complete the formalities therein and to facilitate the entire process.



30. In light of the above, the instant petition is disposed of, along with pending applications.

PURUSHAINDRA KUMAR KAURAV, J
DECEMBER 12, 2024/aks/ss/sp

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