

(2022) 03 DEL CK 0147

In the Delhi High Court

Case No : Civil Writ Petition No. 3487 Of 2022, Civil Miscellaneous Application
No.10297 Of 2022 -

Abhishesh Chaudhary

APPELLANT

Vs

Delhi University And Anr

RESPONDENT

Date of Decision : 23-03-2022

Acts Referred:

Citation : (2022) 03 DEL CK 0147

Hon'ble Judges : Rekha Palli, J

Bench : Single Bench

Advocate : MD Jangra, Mohinder JS Rupal, V. Bhawani, Seema Dolo

Final Decision : Dismissed

Judgement

Rekha Palli, J

1. The petitioner has approached this Court assailing the respondents' action in not considering his candidature in the Children/Widows of Personnel of the Armed Forces (CW) category for admission to the LLB course at the respondent no.1 University for the academic year 2021-22.

2. The petitioner had applied as a Scheduled Caste (SC) category candidate for admission in the LLB course in July, 2021 and had also appeared in its entrance examination held on 29.09.2021 under the said reserved category. However, it is only after the result was declared in November, 2021 that he realised that he was not likely to make it to the merit list for admission as a SC candidate and therefore, decided to make a representation to the respondent on 11.11.2021 for considering his case under the CW category. In his representation, the petitioner stated that he was possessing all the necessary documents for admission in the CW category. Upon receiving no reply to his representation, the petitioner claims to have visited the office of the respondent and thereafter submitted another representation on 18.01.2022, which also remained unanswered. It is then that the petitioner approached this Court in the last week of February, 2022 seeking a

direction to the respondent to consider his candidature for admission to the LLB course in the CW category.

3. Per contra, Mr. Rupal, learned counsel for the respondent, vehemently opposes the petition on the ground that the petitioner, having chosen to apply in the SC category for admission, could not be subsequently allowed to change his category. He contends that the University deals with admissions of about 3 lakh students in every academic year, and therefore, cannot permit candidates to change their categories after the filling of the application form. Moreover, in the present case, the petitioner has sought to change his category from SC to CW not just after filling the application form but even after the result of the entrance examination had already been declared and therefore, the respondents were justified in not acceding to his request.

4. Mr. Rupal further submits that the fact that no change in the category would be permitted at a later stage, was duly mentioned not only in the prospectus issued by the Faculty of Law for the academic year 2021-22, but also specifically highlighted in paragraph 11.9 of the PG Bulletin issued by the Delhi University. He, therefore, contends that if a change in category were to be permitted after the filling of the admission forms or after declaration of the entrance examination results, the same would affect the entire basis of the allotment of the seats and lead to utter chaos in the admission process. He therefore, prays that the writ petition be dismissed.

5. Having considered the submissions of learned counsel for the parties, I am unable to accept the petitioner's plea for issuance of directions to the respondents for considering his candidature in the CW category at this belated stage. In my view, the petitioner having knowingly chosen to apply under the reserved category of Scheduled Cast (SC), cannot now be permitted to contend that he had mistakenly failed to mention that he was a CW category candidate. In fact, it appears that the petitioner took his chance as a SC candidate while applying for admission, and it is only when he realised that he would not be able to secure admission in the said category, that he now wants to be considered under the CW category.

6. I also find merit in Mr. Rupal's plea that any such change of category after declaration of the results of the entrance examination would have far reaching repercussions on the entire admission process and would cause grave prejudice to the other students who had applied in the right categories. I have also considered the decision in W.P. (C) 8415/2018 titled Anuj Pratap Singh v. Union Public Service Commission and Anr, heavily relied upon by the petitioner, but find that the same does not forward the case of the petitioner. In the said decision, the Court was dealing with a situation where a candidate had, by mistake, entered his date of birth as 31.03.1991 instead of 30.03.1991 and therefore, the Court had permitted him to carry out the said correction. However, the present case is evidently not one of a mistake, but a case where a candidate, after having applied for admission in one reserved category is now seeking to change

his category to another reserved category, which cannot be said to be a case of an inadvertent mistake.

7. I am, therefore, unable to agree with the petitioner that it was a simple case of correction of a mistake. On the other hand, the sequence of events clearly shows that it was a case of a conscious change of category at a belated stage.

8. For the aforesaid reasons, I find no merit in the writ petition, which is, accordingly, dismissed.