

(2013) 09 DEL CK 0395

In the Delhi High Court

Case No : Writ Petition (C) 5456 of 2013 and CM 12197 of 2013

Ankit Dutt

APPELLANT

Vs

Guru Gobind Singh Indraprastha University and Others

RESPONDENT

Date of Decision : 02-09-2013

Acts Referred:

Citation : (2013) 09 DEL CK 0395

Hon'ble Judges : V.K. Jain, J

Bench : Single Bench

Advocate : L.K. Singh and Mr. Sonal Sinha, for the Appellant; Vaibhav Kalra and Ms. Sumedha Dang for GGSIPU, for the Respondent

Final Decision : Disposed Off

Judgement

V.K. Jain, J.—The petitioner before this Court applied for admission to B.Tech Programme of the respondent no. 1-Guru Gobind Singh Indraprastha University for the academic year 2013-2014. The petitioner had exercised various options as regards the colleges where he wanted admission. The second option exercised by the petitioner was Guru Prem Sukh Memorial College of Engineering whereas the sixth option exercised by him was Delhi Institute of Tool Engineering. In the second round of counselling, the petitioner was allotted a seat for the said course in Delhi Institute of Tool Engineering. Based upon the said allotment, the petitioner took admission in Delhi Institute of Tool Engineering. However, the respondent-university of its own and without any request from the petitioner, changed the allotment made to him and allotted a seat to him at Guru Prem Sukh Memorial College of Engineering, cancelling the earlier allotment made in Delhi Institute of Tool Engineering. Being aggrieved, the petitioner is before this Court by way of this writ petition. The learned counsel for the respondent no. 1-IP University has drawn my attention to clause 3(a) of the Instructions/Procedure for the candidates to participate in the first and second round of counselling and the procedure for third round of counselling. The said instruction reads as under:

2. The contention of the learned counsel for the respondent-university is that

since the petitioner after allotment of seat in Delhi Institute of Tool Engineering did not log in to his account on the website of the university and did not modify his preference/ choice by deleting the remaining preferences/ choices made by him, the university was competent to allot the seat to him in another college of his choice in the third round of counselling and the petitioner who himself is responsible for such a consequence on account of not deleting the remaining options exercised by him and cannot have any grievance to such an allotment. I, however, find no merit in the contention. The petitioner has clearly stated that he did not appear in the third round of counselling. The question of allotting a seat in another college to the petitioner could come up only in case he was to appear in the third round of counselling. By not appearing in the third round of counselling, the petitioner made it quite evident that he was satisfied with the allotment made to him in the second round of counselling and did not seek change of the allotment so made to him. In fact, it is quite evident from Instruction No. 3(a), relied upon by the learned counsel for the respondent-university that this would come into play only if the candidate participates in the third round of counselling. Since the petitioner did not participate in the third round of counselling, the aforesaid clause could not have been applied.

3. The learned counsel for the respondent-University states that this being an online counseling, the system on account of the petitioner not deleting the remaining options exercised by him, itself made allotment to him in an institute, which was higher in the Order of Preference exercised by him. In my view, it would not be appropriate for the University to penalize the petitioner, for not deleting the remaining options, because, the said stipulation came to be incorporated only in the schedule of the 03rd counselling, and a candidate, who does not want to participate in the 03rd counselling, is not expected to take note of this stipulation. For the reasons stated hereinabove, the petition is allowed and the impugned communication issued by respondent no. 1-university cancelling the earlier allotment made to the petitioner in Delhi Institute of Tool Engineering and allotting a seat in Guru Premshukh Memorial College of Engineering is hereby quashed. The petitioner shall continue to study in Delhi Institute of Tool Engineering in terms of allotment earlier made to him.

The petition stands disposed of in terms of this order. There shall be no orders as to costs.