

(2007) 10 DEL CK 0038

In the Delhi High Court

Case No : Writ Petition (C) 6594 of 2007

Ashwa Ghosh and Others

APPELLANT

Vs

Dr. Suman Gupta and Others

RESPONDENT

Date of Decision : 31-10-2007

Acts Referred:

Citation : (2007) 10 DEL CK 0038

Hon'ble Judges : S. Ravindra Bhat, J

Bench : Single Bench

Advocate : Naipal Singh, for the Appellant;

Final Decision : Dismissed

Judgement

S. Ravindra Bhat, J.—The petitioners calls into question the action of the respondent in not admitting her to the LL.B 1st year course in any of the three centres of the Faculty of Law, Delhi University.

2. The undisputed facts are that the petitioners appeared in the common entrance test held for the purpose of admission and scored 197, 198 and 199 marks respectively. According to the admission procedure, the declaration of result in the common entrance test is followed by a counseling process. The first counseling for the current admission year took place on 18.7.2007. This was followed by a second counseling session, which took place on 25.7.2007. The petitioners, aver and their counsel alleges that despite their presence, they were not admitted to participate in the counseling process. It is contended that subsequently on 28.7.2007 the Law Centre-I put up a notice on its Notice Board, informing that candidates belonging to Scheduled Caste category, securing less than 200 marks (Rank 364) and Scheduled Tribe candidates securing less than 178 marks (Rank 201) in LL.B Entrance Test 2007 would have no chance of admission in any Law Centre. Learned Counsel contends that in flagrant disregard of the norms prescribed for admission the respondent entertained the request for a number of Scheduled Caste candidates and proceeded to admit

candidates even though they had not reported for counseling in the first instance. It is contended that such candidates were not present even on the second counseling session.

3. Learned Counsel further contended by placing reliance on the averments made in the rejoinder affidavit ? (though not averred in the first instance in the writ petition), that on the basis of the application made under the Right to Information Act, the petitioners had access to fresh information. These pertained to admission given to two women candidates in the Scheduled Caste category but with ranking that was far below 200. It is contended that the said two women candidates Ms. Sujata and Ms. Usha Rani scored 194 and 199 marks i.e. below the cut off marks prescribed.

4. The respondent has filed its counter affidavit. It is contended by counsel on its behalf that the petitioners did not attend the counseling in time. Reliance has been placed upon a representation made by the first petitioner in this regard admitting that he did not attend the counseling. It is contended that none of the petitioners qualified as their marks were below the marks indicated i.e. 200. As far as the irregularity in entertaining the applications of certain other candidates are concerned, learned Counsel contended that such candidates could not be present on 18.7.2007 on account of a bus strike. They had immediately approached the University and made requests. This was acceded to and subsequently after verifying their documents, they were admitted to the course. It was contended that there was no irregularity in this regard as the admission was done in the normal course and all the candidates scored more than 200 marks.

5. As far as the allegation relating to admission of the two women candidates is concerned, learned Counsel contended that the said two candidates were not admitted pursuant to the admission procedure. They were re-admitted, as previous year's detained candidates. Learned Counsel relied upon the decision in this regard of this Court in WP(C) No. 659/2007 in which one of the candidates namely Ms. Usha Rani was the petitioner. The court had directed the respondents to re-admit the said candidate, writ petitioner in those proceedings. The direction was that she should be admitted in the next academic session. Counsel contended that the case of Ms. Sujata is in identical terms and that she too was re-admitted as she was unable to appear in the examination on account of shortage of attendance. He produced the files in the case of Ms. Sujata. Learned Counsel further submitted that the marks indicated in regard to the said two women candidates pertain to their performance in the previous entrance examination.

6. The above narrative shows that the respondents had prescribed a cut off limit i.e. 200 marks for Scheduled Caste candidates. This was indisputably notified on 28.7.2007. It is also not disputed that the petitioners were unable to score those marks, each of them secured lower marks. As far as their grievance regarding admission of other candidates, who scored more than 200 marks is concerned, I

am of the opinion that the same is unfounded. Those candidates also belonged to the reserved categories/Scheduled Caste. They could not attend the first counseling session, though they were entitled to do so, as they had obtained higher marks. Therefore they approached the respondents ? at the first available opportunity. Copies of their representation are part of the record. The respondent reasonably took the view that their absence was on considerations beyond their control. Therefore they were permitted to participate in the admission procedure and admitted to the course in the Scheduled Caste/reserved quota. I find no illegality or arbitrariness on the part of the respondents, in admitting them. As far as the second contention with regard to the admission of two women candidates is concerned, although in the first blush the petitioner's grievance appears to be well founded, a deeper analysis reveals that the petitioner did not even raise ever these issues at the first instance. These pleadings were not made in the writ petition. Nevertheless the respondents were asked to justify their conduct during the course of hearing. Their Explanation in this regard is that such candidates were admitted pursuant to a judgment of this Court has re-admitted the candidates. The file of Ms. Sujata was also produced. I have seen the same. I am satisfied that there is no arbitrariness in the admission, of those two candidates, viz. Ms. Usha Rani and Ms. Sujata.

7. A final comment - The petitioners have approached this Court much after the admission process concluded. This was closed on 27.7.2007. Apart from the fact that one of the petitioners represented perhaps contemporaneously, there is no material that the others approached the Delhi University, with their grievance within reasonable time. No doubt a collective representation was later made. Yet they have chosen to appear to the court two months after the completion of the admission process. This disentitles him to relief even if they had valid and good reasons on merit. So this petition cannot also be entertained due to laches and delay.

8. In view of the above findings I am of the opinion that the petition must fail. It is accordingly dismissed without any order as to costs.