
(2017) 03 DEL CK 0004
In the Delhi High Court
Case No : LPA 570 of 2016

Bhim Shankar Thakur

APPELLANT

Vs

Delhi University

RESPONDENT

Date of Decision : 27-03-2017

Acts Referred:

Citation : (2017) 4 ADDelhi 522

Hon'ble Judges : G. Rohini, CJ. and Ms. Sangita Dhingra Sehgal, J.

Bench : Division Bench

Advocate : Mr. Barun Kumar Sinha with Mrs. Pratibha Sinha, Advocates, for the Appellant; Mr. Mohinder J.S. Rupal, Advocate, for the Respondent

Final Decision : Dismissed

Judgement

Ms. G. Rohini, C.J.—Since common questions of fact and law are involved, these two appeals are heard and decided together.

2. LPA No.570/2016 is preferred against the order of the learned Single Judge in W.P.(C) No.9135/2016 by the sole petitioner therein whereas LPA No.571/2016 has been preferred against the order of the learned Single Judge by the Petitioner No.2 in W.P.(C) No.8601/2016. Both the said writ petitions were dismissed by separate orders passed on 05.10.2016.

3. The Appellants in both the LPAs were denied admission into LL.B. Course for the Academic Session 2016-17 by Delhi University on the ground that they failed to submit the original degree of the qualifying examination as was required by the University. The Appellant in LPA No.570/2016 pleads that though he had passed the qualifying examination in the year 2012, he had not collected the degree from the University and therefore the same could not be produced at the time of counselling on 22.08.2016. It is claimed that he had applied and received the degree from the University, i.e. Chowdhary Charan Singh University, Meerut on 08.09.2016. Coming to the Appellant in LPA No.571/2016, it is pleaded that the result of the qualifying graduation examination was declared on 26.07.2016

and that he could receive the provisional certificate only on 26.09.2016 and, therefore, the same could not be produced on 26.08.2016, i.e. the date of counselling.

4. The learned Single Judge dismissed both the writ petitions relying upon the judgment dated 04.10.2016 in W.P.(C) No.8905/2016 titled Rahul Kumar Singh v. University of Delhi & Others, wherein it was inter alia held that it was mandatory for the candidates to report with documents in original at the specified date and time for counselling failing which they will forfeit their claim for admission.

5. It is contended by the learned counsel for the Appellants that there is no clause in the Information Bulletin stipulating that a successful candidate would forfeit his claim for admission if he does not produce the original certificates. It is sought to be pointed out that in a case where the candidate fails to appear in person on the specified date on time for counselling, his claim for admission is liable to be forfeited, however, non-production of original certificate cannot be a ground for cancelling the admission.

6. On the other hand, it is submitted by the learned counsel appearing for the University that on a combined reading of all the clauses in the Information Bulletin, it is clear that it is mandatory to produce the degree of the qualifying examination in original, the only exception being where the degree has not been issued by the concerned University. The learned counsel submits that in such circumstances, the candidate has to produce a provisional certificate together with the material to show that the degree has not been issued.

7. It is also contended the learned standing counsel for the University that 30.09.2016 being the last date as per schedule for admission to LL.B. course for the year 2016-17 and the session has already begun, no fresh admissions are permissible at this stage and therefore, the interference by this Court is not warranted.

8. Sh. B.K. Sinha, the learned counsel appearing for the appellant in LPA No.570/2016 sought to rebut the submission of Sh. Mohinder J.S. Rupal by placing reliance upon the decision of the Division Bench of this Court in LPA No.837/2011 dated 31.10.2011 titled Salam Khan v. University of Delhi and Anr. wherein this Court allowed admission to the appellant therein even after the last date fixed for admissions to LL.B. course. The learned counsel has also referred to the Ordinance-II of Delhi University where under the Vice Chancellor of the University is empowered in appropriate cases to allow admission after the prescribed date for exceptional reasons such as late declaration of results or such other reasons consider satisfactory by the Vice Chancellor.

9. Having given our thoughtful consideration to the controversy involved, we are unable to hold that the conclusion of the learned Single Judge that the petitioners cannot be granted admission in the LL.B. course for the Academic Session 2016-17 suffered from any infirmity warranting interference by us.

10. In *Rahul Kumar Singh (supra)*, the learned Single Judge had analysed the relevant clauses of the notification of the Delhi University and opined as under:

"6. Reading of the clauses show that all candidates who have been invited for counselling and do not report for the same would forfeit their right. The candidates have to also produce the relevant documents. The Degree of the qualifying examination has also to be produced in Original. In case the Degree has not been issued by the concerned University, then a Provisional Certificate has to be produced with proof that the Degree has not been issued."

11. We entirely agree with the interpretation given by the learned Single Judge. Mere absence of a specific clause in the information bulletin that a successful candidate would forfeit his claim for admission if he fails to produce the original certificates, in our considered opinion, does not make any difference.

12. We are also of the view that the plea of the appellants that even after the last date fixed for admissions, the appellants could have been allowed admission since the original documents are now ready cannot be accepted since it is mandatory for all the students to satisfy the minimum attendance prescribed by the University to qualify to appear for the examinations. At any rate, having regard to the fact that even by the date of filing of the writ petitions, the admissions for the Academic Year 2016-17 were closed as per the University's notice dated 22.09.2016, the learned Single Judge had rightly declined to entertain the writ petitions.

13. The appeals are devoid of merit and accordingly the same are dismissed.