

(1998) 09 DEL CK 0019

In the Delhi High Court

Case No : Civil Writ Petition No. 3785 OF 1998

Bobby Bakshi

APPELLANT

Vs

University of Delhi and Others

RESPONDENT

Date of Decision : 15-09-1998

Acts Referred:

Citation : (1998) 6 AD 260 : (1998) 76 DLT 912

Hon'ble Judges : Cyriac Joseph, J

Bench : Single Bench

Advocate : Mr. P.K. Bakshi, for the Appellant; Mr. V.P. Chaudhary Ms. Savita Kasna and Mr. Suraj Saxena, for the Respondent

Judgement

Cyriac Joseph, J.—The petitioner applied for admission to the LL.B Course of Delhi University for the academic year 1998-99. She appeared in the Entrance Test and her name was included in the first admission list issued on 20th July, 1998. As per the admission procedure the petitioner was required to submit the admission form and to deposit the requisite fees on or before 25th July, 1998. The petitioner failed to satisfy the said requirement. According to the petitioner, she had suddenly gone to Bangalore on 18th July, 1998 to return on 23rd July, 1998. However during her stay in Bangalore she fell ill and she was advised bed rest for three days by the doctors. She came back to Delhi on 26th July, 1998. Later when she visited the Faculty of Law of the Delhi University she found that the last date for submission of admission form and deposit of fees was already over. Hence, she sent Annexure D representation dated 31st July, 1998 to the Registrar/In-charge - Admissions, Faculty of Law requesting to consider her case favourably and grant her admission. When the petitioner went to the office of the third respondent on 3rd August, 1998 to enquire about the fate of her representation she was informed that since she had failed to submit the admission form in time she could not be considered for admission and that she had lost her right to admission. Hence the petitioner filed this writ petition praying for a direction to the respondents to grant to the petitioner admission in

the LL.B course of Delhi University for the academic year 1998-99.

2. An identical question was considered by me in CW 3625/98 (Ms. Motika Sinha & Ors. Vs. University of Delhi & Ors.). In a detailed order passed in the said case I have held that if candidates whose names were included in the first admission list did not submit the admission form and deposit the requisite fees on or before 25.7.1998 they forfeited their claim for admission and that they cannot be considered for admission in the seats remaining unfilled. Admittedly the petitioner did not submit admission form on or before 25.7.1998 and hence she forfeited her claim for admission to the course. For the very same reasons stated in the judgment in CW 3625/98 for dismissing the said writ petition, this writ petition also is liable to be dismissed.

3. Of course, it was observed in the judgment in CW 3625/98 that the position would be different if the failure to submit the admission form and deposit the fees was not due to any fault of the candidate and was due to circumstances beyond his control or was due to the default of the respondents. In this case admittedly there was no fault on the part of the respondents. But it was contended by the learned counsel for the petitioner that the petitioner's failure to submit the admission form and to deposit the fees was not due to any fault of the petitioner and that it was due to circumstances beyond her control. It was stated that the petitioner had to suddenly go to Bangalore for some work on 18th July, 1998 and that she was to come back on 23rd July, 1998. However, during her stay in Bangalore the petitioner fell ill and she was advised bed rest for three days by the doctors there. As such the petitioner could not come back as per her schedule i.e. on 23rd July, 1998. The petitioner however came back to Delhi on 26th July, 1998 as she was keen on taking admission in the LL.B. course. By that time the last date for submission of the admission form and deposit of fees was over. Hence according to the learned counsel for the petitioner the petitioner failed to submit the admission form and to deposit the fees due to circumstances beyond her control. However, I am not inclined to accept the above contention of the learned counsel for the petitioner. It was specifically stated in the Prospectus that the results of the Entrance Test for LL.B course would be declared on Monday, 20th July, 1998 and that the first admission list also would be issued on Monday, 20th July, 1998 and that the second admission list would be issued on Monday, 27th July, 1998. It was also stated in the Prospectus that the candidate covered under the respective admission lists should present himself/herself at the Admission Committee Counter immediately after display of the admission list. Hence the petitioner was aware that the results of the entrance test would be declared on 20th July, 1998; that the first admission list would be issued on 20th July, 1998 and that the candidates included in the first admission list should present himself/herself at the Admission Committee Counter immediately after display of the admission list. In spite of being aware of the above position the petitioner chose to leave for Bangalore on 18th July, 1998 to return only on 23rd July, 1998. By doing so, the petitioner was negligent and indifferent with regard to the admission to the course. The petitioner has not disclosed the urgent

nature of the work which forced her to leave for Bangalore on the eve of the declaration of the results of the Entrance Test and the issuance of the first admission list. She has also not indicated the nature of the illness from which she was suffering. She has not produced any document or medical certificate to substantiate her statement that she fell ill during the stay at Bangalore and was advised bed rest. In fact there is no material to show that she did go to Bangalore on 18th July, 1998 and stayed there till 26th July, 1998. Even assuming that she went to Bangalore and fell sick there, nothing prevented her from instructing any of her relations or friends to go to the Faculty of Law, Delhi University and to ascertain whether she was included in the first admission list. If she had done it she could have made a representation to the authorities before 25th July, 1998 explaining her difficulties in reaching Delhi on or before 25th July, 1998 and seeking extension of time. On the other hand, the case of the petitioner is that she went to the Faculty of Law to enquire about the results of the Entrance Test only after she returned from Bangalore. It is significant that she has not stated anywhere the date on which she went to the Faculty of Law. Annexure D representation stated to have been sent by her is dated 31.7.1998. It indicates that even after returning from Bangalore she did not immediately visit the Faculty of Law to enquire about the results. From the circumstances stated above the petitioner's story about her going to Bangalore and falling ill there forcing her to stay back at Bangalore till 26th July, 1998 cannot be believed. It is a belated and desperate attempt to explain away her failure to submit the admission form and to deposit the fees in time. In my view the failure of the petitioner to submit the admission form and to deposit the fees in time was due to her own fault and due to her negligence and indifference with regard to the admission to the course. Therefore, the petitioner herein is not entitled to any special indulgence.

4. Hence following the reasoning in the judgment in CW 3625/98 this writ petition also is dismissed.

A copy of the judgment in CW 3625/98 is annexed to this order.