

(2019) 11 DEL CK 0392

In the Delhi High Court

Case No : Letters Patent Appeal No. 738 Of 2019, Civil Miscellaneous Application No. 50752, 50753, 50832 Of 2019

Delhi University Through Vice Chancellor

APPELLANT

Vs

Shingying Kristy & Ors

RESPONDENT

Date of Decision : 27-11-2019

Acts Referred:

Citation : (2019) 11 DEL CK 0392

Hon'ble Judges : Hima Kohli, J;Asha Menon, J

Bench : Division Bench

Advocate : Mahinder J.S. Rupal, Koushik Ghosh, Manisha Relia, Sahil Garg, Mansi Khanna, Akhilesh Kumar Mishra

Final Decision : Disposed Of

Judgement

C.M. Appl. Nos. 50752/2019 & 50832/2019 (Exemption)

Exemption allowed subject to all just exceptions.

LPA 738/2019, C.M. Appl. No. 50753/2019 (Stay)

1. The appellant/University is aggrieved by the judgment dated 08.11.2019, passed by the learned Single Judge allowing the writ petition filed by the respondent no.1, inter alia, praying for directions to the University to admit her to the 3 years LLM course in the Academic Session, 2019-2020, in the ST category.

2. It is not in dispute that the respondent no. 1 had sat for the entrance exam for the LLM course and had cleared the same with a rank of 145 in the merit list and her name had featured in the 6th admission list declared in the evening of 31.8.2019.

3. Unfortunately, the respondent no.1's uncle took ill at Nagaland and she had to rush to her native place on 23.08.2019. The respondent no.1's uncle passed away on 02.09.2019 and his last rites were performed on 03.09.2019. The

respondent no.1 came to know that counselling for the subject course would be held on 06.09.2019. Realizing her predicament, the respondent no.1 sent a representation to the appellant/University through a friend that was submitted to the Dean and Head of the Faculty of Law on 06.09.2019. When the respondent no.1 returned to Delhi, she approached the appellant /University on 09.09.2019 to enquire about the status of her seat allocation. The respondent no.1 kept on approaching the appellant/University time and again to verify the status of her admission in the LLM Course but to no avail. Finally, she filed the writ petition on 30.09.2019, which has been allowed by the learned Single Judge by observing that once the appellant/University had decided to defer the admission process from 31.08.2019 to 05/06th September, 2019 and thereafter, to 13.09.2019, then there was no reason to deny admission to the respondent no.1. Further, noting that there is still a vacant seat, the appellant/ University has been directed to grant admission to the respondent no.1 in the subject course in the ST category and hold extra classes for her, if so advised, to enable her to cope up with the curriculum.

4. Aggrieved by the aforesaid judgment, the appellant/University has filed the present appeal stating inter alia, amongst others, that the admission process of the University relating to post graduate admission is governed by Clause 3 of Ordinance II, University of Delhi Act, 1924 and the Bulletin of information which specifically provides that no admission shall be made after 31.08.2019.

5. It is submitted by Mr. Rupal, learned counsel for the appellant that in view of the above, no writ of mandamus could have been issued in contradiction to the Rules governing the University; that no doubt the respondent no.1 had been allocated a seat in the LLM course but she had failed to produce relevant documents before the cut off date i.e. 31.08.2019, which position could not be overlooked by the University and lastly, that the extension granted by the University, firstly, from 31.08.2019 to 05/06.09.19 and thereafter to 13.09.2019 was intended only for payment of the fee and not for production of relevant documents.

6. Upon hearing Mr. Rupal, learned counsel for the appellant / University and Mr. Garg, the learned counsel for respondent no.1/petitioner , we are of the view that the impugned judgment does not warrant any interference, particularly in the light of the peculiar facts and circumstances of the present case, where, no fault can be laid at the door of the respondent no.1 for non-production of the relevant documents sought by the appellant/University on or before the cut off date fixed in that regard i.e. 31.08.2019. The respondent no.1 took all the necessary steps to reach out to the appellant/University well in time to explain her predicament caused due to the sudden demise of her uncle at Nagaland and the fact that she had to travel to her native place to see her uncle who was initially indisposed and had thereafter passed away due to which she had to stay back to participate in his last rites. Moreover, the respondent no.1/petitioner had acted with alacrity and even before she had returned to Delhi, she had forwarded

a representation to the appellant/University through a friend explaining the difficulties faced by her, which were beyond her control.

7. In such circumstances, we are inclined to concur with the view expressed by the learned Single Judge that once the respondent No.1's name was included in the 6th admission list and the time line for payment of the fee was extended by the appellant/University twice right upto 13.09.2019 on account of administrative reasons, there was no good reason to decline a seat to the respondent no.1 who had cleared the entrance examination and was ready with the required documents for purposes of verification well before 13.09.2019.

8. In view of the facts and circumstances of the present case, as narrated above, the impugned judgment is affirmed and the present appeal is dismissed, while directing the appellant/University to take immediate steps to ensure that the respondent no.1 is granted admission in the LLM course and allotted a seat in the ST category and extra classes are conducted for her to enable her to cope with the curriculum of the first semester, more so, when the end term examinations are to be held in the month of December 2019.

9. While parting with the present case, it is made clear that the impugned judgment has been upheld in view of the peculiar facts and circumstances of the instant case and shall not be treated as a precedent in any other case.

10. With the aforesaid directions, the present appeal is disposed of along with the pending applications.