

(2015) 04 DEL CK 0079

In the Delhi High Court

Case No : Writ Petition (C) 9454/2014 & CM No. 21340 of 2014

Kshitiz Diwakar

APPELLANT

Vs

Delhi University and Others

RESPONDENT

Date of Decision : 15-04-2015

Acts Referred:

Citation : (2015) 4 AD 420

Hon'ble Judges : Vibhu Bakhru, J

Bench : Single Bench

Advocate : Krishan Kumar, for the Appellant; Mohinder J.S. Rupal and Yamni Phazang, Advocates for the Respondent

Final Decision : Disposed off

Judgement

Vibhu Bakhru, J.

1. The grievance of the petitioner in the present petition is that the result of Common Admission Test (CAT), 2014 - on the basis of which admissions to the MBA programme are to be granted by Faculty of Management Studies - were declared after the last date of the online registration process. The petitioner points out that this would result in a large number of candidates applying for admission even though they have no chance of being granted admission as the CAT - 2014 results were declared subsequently. The petitioner submits that the process of admission ought to be altered to the extent that admission forms be accepted only after the CAT - 2014 results have been declared. The learned counsel for the petitioner submits that the cost of an admission brochure is Rs. 1000/- for the general candidates and the candidates are compelled to pay the aforesaid charges in the hope that their CAT results would enable them to be admitted in the MBA Programme.

2. The brief facts relating to the controversy in the present petition are as under:-

2.1. The petitioner completed a course of Bachelor of Technology in Civil Engineering from Uttar Pradesh Technical University, Lucknow in the academic

year 2012-13.

2.2. The petitioner aspired to join a two year full time MBA course. Therefore, the petitioner appeared for CAT-2014 on 22.11.2014. The result of CAT-2014 was declared on 28.12.2014 and the petitioner secured 99.44 overall percentile.

2.3. The Faculty of Management Studies - respondent No. 2 published an Information Bulletin 2015 for admission to MBA programme (2015-2017). The aspirants were required to register themselves by filling an online registration form and by paying the requisite registration fee of Rs. 1000/- for general category. The online registration was opened on 08.10.2014 and the last date for registering online was 10.11.2014. Admittedly, the petitioner did not apply for the admission.

2.4. The admission criteria for MBA programme was based on Extempore Speech, Personal Interview and CAT-2014 to be conducted by Indian Institute of Management (IIM) on 16.11.2014 and 22.11.2014. Thus, the applicants, who aspired to join respondent no.2, would have to sit for CAT-2014, failing which they could not be considered for admission.

2.5. Admittedly, the petitioner did not apply for admission to respondent no.2, that is, the petitioner did not register with respondent no.2 online. Since the petitioner secured a significantly high score in CAT - 2014, the petitioner discovered that if he had applied for admission with respondent no. 2, he would have been placed high in the order of merit and would have had a good a chance for being accepted in the MBA Programme conducted by respondent no.2. Therefore, the petitioner visited the office of respondent No. 2 on 29.12.2014 and requested that he be considered for admission to the said programme and his lapse in not registering online be condoned. This request of the petitioner was not entertained and this led the petitioner to file the present petition.

3. The petitioner contends that the admission scheme of respondent no.2 is arbitrary and unfair as the last date for applying for admission was fixed prior to the declaration of CAT-2014 results. Thus, aspirants would have to apply in the hope that their CAT scores will be high. The petitioner submits that if the last date for applying for admission is fixed post declaration of CAT results, only those aspirants who have achieved high scores would apply. Since there are a number of institutions which fix the order of merit of candidates based on CAT results, an aspirant is compelled to apply to several institutions at a significant cost.

4. The petitioner prays that the action of respondent no. 2 in fixing the last date for registration prior to the declaration of CAT results be held as arbitrary and respondent no.2 be directed to consider the petitioner for admission to the MBA Programme.

5. The learned counsel appearing for the respondents submits that the petitioner's request for admission cannot be accepted as the petitioner had not applied for admission in terms of the schedule fixed by respondent no.2. It is

submitted that permitting the petitioner to apply at this stage would be arbitrary and unfair to other candidates who had applied in time and also those candidates who are similarly placed as the petitioner and are not being considered since they had not applied within the time prescribed. It is further submitted that the petitioner did not raise any grievance at the time when the alleged registration was open and, therefore, cannot be permitted to do so at this stage.

6. It is not disputed that the petitioner had not applied for admission and, therefore, the petitioner's request for being admitted to the programme cannot be acceded to. Granting the petitioner's request for admission would amount to relaxing the schedule for registration, which has already closed. In my view, no such direction is warranted. The time schedule provided in the admission brochure needs to be strictly adhered to and an admission on the belated application i.e. after the expiry of last date must not be granted. The Himachal Pradesh High Court in *Gunjan Kapoor v. State of Himachal Pradesh and Ors.*: Civil Writ Petition No. 515 of 1998, decided on 10.11.1998, quashed the admission of a candidate whose application was entertained and accepted by the college after the expiry of last date and even without the Gradation Certificate for sportsmen as prescribed under paragraph 3.1(g) of Admission Brochure of the said College. The Court held as under:-

"24.... We are, therefore, of the opinion that when the date, time and stipulation of enclosing the documents with the application form have been specified in the Advertisement and also in the Information Brochure, it must be strictly adhered to as otherwise it leads to uncertainty, unending process, anomaly and deprivation of equality clause and further it widens the competition amongst the candidates seeking admission into professional courses who had not complied with the stipulated essential conditions. It is also difficult to determine upto what period the time-limit can be extended and if such power is to be exercised, by the Committee or the College Authority, it will lead to arbitrariness. We hope and expect that in future the concerned authorities shall withdraw their hands from encouraging the practice of entertaining the applications whether complete or incomplete after the expiry of the date stipulated in the Admission Notice and Admission Brochure or extending the dates to the candidates for submitting their documents after the receipt of incomplete application within time."

7. I am also inclined to accept the respondent's contention that interfering with the admission process at this stage would unfairly prejudice the candidates who had applied in time as well as those who had missed applying within time and are not before this court.

8. In view of the above, no directions can be issued to the respondent no.2 to allow the petitioner to complete all requirements and formalities for joining the programme. However, the issue pointed out by the petitioner is relevant. If the scores obtained by candidates in the CAT examination are to be considered and form a substantial basis for fixing the order of merit for granting admission to the students, it would stand to reason that the last date for applying be fixed after

date for declaration of CAT results. This would enable the candidates to take an informed decision whether to apply for admission to respondent no. 2. The grievance that the candidates are compelled to apply to a large number of institutions in vain appears justified. The learned counsel for the respondents has been unable to provide any justifiable reason why the last date for registration should be fixed prior to declaration of CAT results. Surely, the exercise of distributing Admission brochures and receiving registrations cannot be made a revenue generating exercise. The parties further inform that last year, the last date for receiving applications/online applications was fixed after the declaration of CAT results.

9. In the given circumstances, the petition and the application are disposed of by directing the respondents to consider the aforesaid aspect and take the appropriate decision with respect to the time schedule for future admissions.