
(2009) 11 AHC CK 0146

In the Allahabad High Court

Case No : Civil Miscellaneous writ Bench No. 10330 of 2009

M.D.College, Agra

APPELLANT

Vs

Chancellor, DR. B.R. Ambedkar University, Agra and Others

RESPONDENT

Date of Decision : 11-11-2009

Acts Referred:

Citation : (2009) 11 AHC CK 0146

Hon'ble Judges : Pradeep Kant, J and Ritu Raj Awasthi, J

Judgement

1. These are two writ petitions, which raise the same issues on facts and law and, therefore, with the consent of the parties' counsel, are being decided by a common order.

2. Heard Sri Prashant Chandra, learned Senior Advocate for the petitioners and Sri D.K. Upadhyaya for the respondents.

3. The petitioner's grievance is that despite they being entitled to take admissions on 200 seats in B.Ed. course for the academic session 200809, students much less in number could be provided and whatever students are provided in the counselling, many of them have not taken admission in the institution and, therefore, 95 seats are still lying vacant. His submission is that there are thousands of students on the merit list, who could not get admission in the counselling held earlier and, therefore, there would not be any difficulty in case students are further allotted to petitioner institutions.

4. Sri D.K. Upadhyaya, learned Chief Standing Counsel, was given time to seek instructions in the matter, who informs that in the presence of the directives issued by the High Court in Writ Petition No. 2675 (MB) of 2009 in which, in view of the undertaking given on behalf of the Secretary, Higher Education and Vice Chancellor, Dr. B.R. Ambedkar University, Agra, it was directed that the respondents shall complete the counselling for the academic session 200809, including the seats of N.R.I., before 10.6.09 so that the session may commence on 1.7.09, last counselling has been done and the session has started on 1.7.09

and, therefore, unless permission is granted by the Court, no further counselling can be done, though about 15,000 seats are still lying vacant in various educational institutions and the students, much more in number, who find their place in the select list, are still available, who still seek admission in the aforesaid course.

5. Sri Upadhyaya further submitted that for the students who are invited for counselling are made known about the institutions and their names, which are open for admission. The students are to give their choice in order of preference and looking to their merit, which they have achieved in the selection and on considering the merit as well as preference/choice given by such students, colleges, as are available for admission, are allotted to them. May be that in some cases, the students who opt for certain institution in order of merit/priority get admission in one or the other institution, therefore, the seat of such institution, for which they have also opted remain unfilled, on which they voluntarily do not join.

6. His argument is that in the counselling, it is the choice of the candidates with respect to the college and, of course, the college is allotted after seeing his/her merit following the criteria of preference of the candidates, with respect to the choice of the college.

7. We do not intend to enter into this issue any further, as the manner in which the counselling is being done, as informed by the counsel for the State, cannot be doubted in the absence of any pleadings to the contrary in the writ petition. We, however, in view of large number of students, who are still awaiting admission in B.Ed. course for the academic session 200809, and the fact that 15,000 seats or so, are lying vacant and in view of the assurance given by the State that the counselling, if permitted, would be concluded within a month from today, and that there would be sufficient time for the students to complete their course within the required number of days, we provide that one last and final counselling may be conducted under the orders of the State Government by the Agra University, for the vacant and left over seats. No further time would be given for any extended counselling or for making admissions.

8. This order has been passed only for the academic session in question for the reason that the State Government itself has brought to the notice of the Court that a large number of students are waiting for admission and the session would not be disturbed for the reason that the students who will be allowed to appear in the examinations, when they complete 180 or 200 days, as the case may be. And also because the State Government itself has moved an application seeking such permission.

9. Before parting we would like to emphasize that the process of counselling cannot be allowed to continue for the entire year, as such process would amount to disturbance in the academic calendar and disruption in the academic session. This also spoils the academic atmosphere of the institutions and in any case,

delays the studies. Efforts should be made and all steps should be taken by the State Government with the assistance of the concerned University, who are to hold the counselling, to ensure that the counselling is completed at least 15 days before the start of the academic session, so that the admission can be taken by the candidates by the date the session starts i.e. 1st July of the relevant year.

10. If despite the college being included in the counselling and the students being made aware of all such institutions for admission, either they do not prefer one or the other college and do not seek admission, after giving their option or of course, if do not give any such option for a particular college, merely because some seats remain vacant, it cannot be a ground for allowing counselling to be held again and again.

11. Permission for counselling only means that the students who are entitled for getting admission and who fall in the select list in order of merit, are to be called by the counselling body and they are told about all the institutions, which are available for admission and then according to their choice in the order of preference and as per the availability thereof, the colleges are provided to them for admission. It is the choice of such a candidate of one such college, to get admission, as per availability and, therefore, under the circumstances, if some institutions are not fortunate enough to have all the seats filled in, despite the college being allowed to participate in the counselling, normally that cannot be a ground for ordering fresh counselling all the time.

12. The State Government and the concerned Universities are required to consider the aforesaid aspect of the matter also, in the sessions to follow.

13. We are also informed that because of the late session, the academic session 200910 has been declared as "zero" session by the State Government. This situation can also not be appreciated but this is an additional consideration for allowing the present counselling.

14. To avoid such a situation, time schedule should be made and followed in the matter of counselling and giving admissions.

15. In the circumstances of the present case and in view of the information given by the learned Chief Standing Counsel, we direct and permit that the counselling for the academic session 200809 for admissions to B.Ed. course shall be completed within a period of one month and admissions shall be given by the institutions within next one week. This counselling would be done with respect to only those vacant or left over seats, which were included in first and the second counselling.

16. Sri Prashant Chandra, learned counsel for the petitioners says that to avoid any confusion, it would be better if this Court directs and permits the institutions to intimate the vacancies in their respective colleges to the University to which Sri D.K. Upadhyaya, learned counsel for the State, says that the Universities are having such an information but in case any college intends to give any such

information, it may do so at the earliest, so that the counselling is not delayed.

17. We, under the circumstances, provide that if any college/institution intend to send intimation about the vacant seats, it can do so within one week from today, failing which the seats which have been found vacant by the State Government/ University in the institution, shall be taken as final number of available seats.

18. The order dated 5.5.09 passed in Writ Petition No. 2675 (MB) of 2009 is thus, modified.

19. This order will govern all the institutions who were allowed to participate in the previous counselling.

20. Both the writ petitions thus, stand disposed of finally.