
(1998) 09 DEL CK 0051

In the Delhi High Court

Case No : Civil Writ Petition No. 3625 of 1998

Motika Sinha and Others

APPELLANT

Vs

Delhi University and Others

RESPONDENT

Date of Decision : 15-09-1998

Acts Referred:

Citation : (1998) 6 AD 276 : (1998) 75 DLT 665

Hon'ble Judges : Cyriac Joseph, J

Bench : Single Bench

Advocate : Dr. Surat Singh and Mr. Javed Ahmed, for the Appellant; Mr. V.P. Chaudhary Ms. Savita Kasma and Mr. Suraj Saxena, for the Respondent

Judgement

Cyriac Joseph, J.—The petitioners have invoked the jurisdiction of this Court under Article 226 of the Constitution of India for a direction to the respondents to admit the petitioners to the LL.B. Course. The respondents are (i) the University of Delhi (ii) the Dean, Faculty of Law, Delhi University (iii) the Convener, Admission Committee, Faculty of Law, Delhi University (iv) the Professor-In-Charge, Campus Law Centre, Faculty of Law, Delhi University (v) the Professor-In-charge, Law Centre-I, Faculty of Law, Delhi University and (vi) the Professor-In-Charge, Law Centre-II, Faculty of Law, Delhi University.

2. According to the petitioners, they applied for admission to LL.B. Course of the Delhi University for the session commencing from August, 1998 and they appeared in the Entrance Test held on 5th July, 1998. The respondents released the first merit-cum-cut off list on 20th July, 1998. As per the said list, they were eligible for admission in the Law Centres of their choice. However, the respondents in an illegal and arbitrary manner allowed the petitioners only a half working day to complete all the formalities and to submit their admission forms. The respondents had put up a notice dated 20th July, 1998 (Annexure-P2) on the notice board stating that the candidates whose names appeared in the provisional admission list were required to collect and fill up the forms by 21st July, 1998 up to 1.00 p.m. positively failing which they would lose their chance of

admission. The petitioners were not allowed to submit their forms along with the requisite documents after 1.00 p.m. on 21st July, 1998. At the same time candidates whose names appeared in the second admission list issued on 27th July, 1998 were allowed to submit the forms and the requisite documents by 29th July, 1998. They were also given further time to submit fees till 31st July, 1998. It is also alleged that the respondents accepted forms from certain other candidates much later than the prescribed date and allowed them extension of time up to 7th August, 1998 to submit the requisite documents. It is contended that the action of the respondents in granting only a half working day to submit the forms and in not allowing the petitioners to submit their forms after 1.00 p.m. on 21st July 1998 while granting longer time to the candidates in the second admission list, was arbitrary and unreasonable. It is also contended that the petitioners were denied admission only because of technical reasons. It is further contended that the respondents have already admitted candidates from the second admission list who got less marks than the petitioners and that the respondents propose to admit candidates with still lesser marks. The petitioners have also raised an allegation that the respondents allowed migrations from one Law Centre to another in violation of the provisions in the prospectus.

3. While issuing notice to the respondents on 31st July, 1998, this Court had passed an interim order directing the respondents not to publish any further admission list. The said interim order is still in force.

4. Respondent No.3, Convener of the Admission Committee, has filed a reply denying the allegations made by the petitioners and opposing the prayers in the writ petition. Respondent No.3 has categorically denied the allegation of the petitioners that only a half working day was given to the candidates whose names appeared in the first admission list to submit the admission forms. It is admitted that Annexure P-2/notice dated 20th July, 1998 was issued by the Convener, Admission Committee, requiring the candidates to collect and fill-up the forms by 21st July, 1998 up to 1.00 p.m. However, it is contended that some students approached respondent No.3 seeking clarification about the last date for submitting the admission forms for verification especially in view of the last line in Annexure P-2/notice which gave an impression that in the event of failure to submit the admission forms by 1.00 p.m on 21st July, 1998, the candidate would lose his/her chance of admission. It is further stated that respondent No.3 immediately issued another notice dated 20th July, 1998 and displayed the same on the notice board of the Admission Committee at about 11.00 a.m. on 20th July, 1998 in modification of Annexure P-2 notice. A copy of the second notice has been produced as Annexure R-1. Annexure R-1 notice contained the time schedule for effecting admission of candidates whose names were included in the first admission list. As per the said time schedule, duly filled in admission form with requisite documents could be submitted on 20th July, 1998 and 21st July, 1998 and the fees could be deposited at the Fees Counters of the respective Law Centres from 21st July, 1998 to 24th July, 1998. The said notice also advised the candidates not to wait till the last date for submission of forms or deposit of fees

and to complete the process as early as possible. It was further stated in the said notice that the Admission Committee might extend the dates specified for submission of admission form and deposit of fees but in no case admission form would be accepted by the Admission Committee beyond Saturday, the 25th of July, 1998 on any ground whatsoever. It was specifically stated in Annexure R-1 notice that the said notice was in modification of the earlier notice issued by the Admission Committee on the same day (Annexure P-2). It is further stated in the reply filed by respondent No.3 that after the display of Annexure R-1 notice the Admission Committee continued to accept the admission forms up to 25th July, 1998. Respondent No.3 has categorically denied the averment of the petitioners that the respondents refused to accept their admission forms after 1.00 p.m. on 21st July, 1998. Respondent No.3 has pointed out that the petitioners have not stated as to when and who refused to accept their forms. According to respondent No.3, the petitioners never turned up at the counter of the Admission Committee at any time on any day during the period from 20th July, 1998 to 25th July, 1998. It is also stated that none of the petitioners ever approached any member of the Admission Committee or the Dean, Faculty of Law of any of the three Professors-in-charge of the three Law Centres. If the petitioners were not allowed to submit their admission forms after 1.00 p.m. on 21st July, 1998 as alleged, they should have made representation to the Dean, Faculty of Law or the Vice-Chancellor of the Delhi University. The very fact that the petitioners did not approach the Dean or the Vice-Chancellor would indicate that there was no truth in the allegations of the petitioners. It is further stated that all candidates from the first admission list were allowed to submit their admission forms along with the requisite documents during the period from 20th July, 1998 to 25th July, 1998. Respondent No.3 has also given the details of the number of candidates admitted at the three Law Centres from the first admission list. As per those details, at Law Centre-I, 69 candidates were admitted on 22nd July, 1998, 106 candidates were admitted on 23rd July, 1998, 94 candidates were admitted on 24th July, 1998 and 45 candidates were admitted on 25th July, 1998. At Law Centre-II, 8 candidates were admitted on 22nd July, 1998, 131 candidates were admitted on 23rd July, 1998, 80 candidates were admitted on 24th July, 1998 and 29 candidates were admitted on 25th July, 1998. At Campus Law Centre, 26 candidates were admitted on 22nd July, 1998, 84 candidates were admitted on 23rd July, 1998, 70 candidates were admitted on 24th July, 1998 and 96 candidates were admitted on 25th July, 1998. Respondent No.3 has also denied the allegation of the petitioners that other candidates were given extension of time. It is specifically stated that no candidate who did not submit the duly filled-in form at the admission counter till 25th July, 1998 has been given extension of time on any account. However, it is explained that those candidates from the first admission list who had submitted their admission forms along with the available documents and whose final result of the qualifying examination had not been declared, were given further time to produce the result of the qualifying examination. Similarly, some students who had not received their provisional certificates from the respective Universities/Colleges due to some special

circumstances had been given time to produce the provisional certificate till 7th August, 1998. But they had produced their original mark sheets along with the admission forms which were submitted in time. To substantiate the above averments, respondent No.3 has produced as Annexure R-3, a copy of the notice dated 25th July, 1998 issued by the Convener of the Admission Committee. It is also stated by respondent No.3 that the petitioners did not submit their admission forms to the Admission Committee on or before 25th July, 1998 and consequently forfeited their right of admission. In reply to the allegation that migrations from one Law Centre to another were allowed by the respondents in violation of the provisions in the prospectus, respondent No.3 has contended that the petitioners have no locus standi to raise any grievance about such migrations. Nevertheless respondent No.3 has explained the circumstances for allowing such migrations. According to respondent No.3 such migrations were necessitated to comply with the requirement that admissions shall be made on the basis of merit-cum-preference of law centre. It was not a case of migration from one Law Centre to another as per the discretion of the candidate. It was a case of restoring the "first preference centre" to the candidate as indicated in the original application form as and when the opportunity arose. It is further stated that a candidate had the right to be admitted in the Centre of his preference as and when a vacancy arose at that Centre in the process of admission on the basis of merit-cum-preference.

5. In his reply respondent No.3 has also stated that 6200 candidates appeared in the entrance examination against 1500 seats at the three Law Centres. There are many candidates in the pipeline waiting for their turn for admission. Up till 1997-98 the Faculty of Law used to give only two clear days for deposit of fees after verification of admission form but this time four clear days were given to deposit fees. In all six days were given to the candidates of the first admission list to complete the admission formalities. It is further stated that some final date had to be given so that the other candidates waiting for their turn could know their fate and that it cannot be an unending process. It is also stated that the 1st year LL.B. classes were to commence on 3rd August, 1998.

6. Respondent No.2, Dean, Faculty of Law also has filed an affidavit affirming and supporting the averments in the reply filed by respondent No.3. In addition, it is stated that none of the petitioners gave any representation to respondent No.2 regarding denial of admission to her/him. It is also stated that as per the records, the petitioners made no representation at all to any authority of the University or to the Convener of the Admission Committee or to any of the members of the Admission Committee. Respondent No.2 has disputed the claim of the petitioners that the first admission list along with the notice was displayed only in the evening of 20th July, 1998. It is asserted that respondent No.2 was personally present in the Faculty of Law in the morning at 9.00 a.m. on 20th July, 1998 when the first admission list along with the notice was displayed on the notice board of the Admission Committee. It is also asserted that the entire result of the entrance examination also was displayed at the same time. It is

further stated by respondent No.2 that enquiries made by her revealed that no candidate who had come to the counter was denied the facility of filling up of the form from 20th July, 1998 to 25th July, 1998 and the facility of depositing the fees from 22nd July, 1998 to 25th July, 1998. Respondent No.2 has also produced as Annexure R-5, a chart indicating the details of the number of candidates who had filled up and submitted the admission forms on various dates from 20th July, 1998 to 25th July, 1998 in the three Law Centres and the number of candidates who deposited their fees in those Centres from 22nd July, 1998 to 25th July, 1998. As per the said chart, at Campus Law Centre, 49 candidates submitted the admission forms on 20th July, 1998, 167 candidates on 21st July, 1998, 39 candidates on 22nd July, 1998, 26 candidates on 23rd July, 1998, 22 candidates on 24th July, 1998 and 14 candidates on 25th July, 1998. Similarly, at Law Centre-I, 50 candidates submitted admission forms on 20th July, 1998, 185 candidates on 21st July, 1998, 57 candidates on 22nd July, 1998, 30 candidates on 23rd July, 1998, 21 candidates on 24th July, 1998 and 12 candidates on 25th July, 1998. At Law Centre-II, 37 candidates submitted admission forms on 20th July, 1998, 128 candidates on 21st July, 1998, 37 candidates on 22nd July, 1998, 33 candidates on 23rd July, 1998, 10 candidates on 24th July, 1998 and 5 candidates on 25th July, 1998. Respondent No.2 has also produced as Annexure R-6, a copy of the minutes of the meeting of the Admission Committee held on 21st July, 1998 at 10.00 a.m. to consider the extension of time for submission of admission forms and for deposit of fees. As per the said Annexure R-6 minutes, the Admission Committee unanimously decided that in the interest of the candidates whose names had been notified in the first admission list, the admission form could be accepted till 25th July, 1998 and that all the counters including the enquiry counter of the Admission Committee would remain open up to 6.00 p.m. every day till 25th July, 1998 and that the fees would be accepted at the respective Law Centres from 22nd July, 1998 till 25th July, 1998. According to respondent No.2 the allegation of the petitioners that they were not allowed to submit the admission form after 1.00 p.m. on 21st July, 1998 should be rejected in view of the conduct of the petitioners in keeping quiet till 30th July, 1998 (the date of filing this writ petition) even without making any representation to any of the authorities of the University.

7. Though the petitioners have filed a rejoinder to the reply of respondent No.3, nothing new has been stated therein. In the rejoinder to the affidavit of respondent No.2, the petitioners have emphatically denied that none of the petitioners gave any representation to the authorities against the denial of admission. However, the petitioners have not stated as to whom the representations were made or when they were made. Copy of any such representation has not been placed on record. Though it is stated in the rejoinder that petitioner No.8, Dharmendra Kishore, approached the respondents in order to complete his admission along with a pay order dated 25th July, 1998 for Rs.1,500/- in favor of the Registrar, University of Delhi, it is not stated which of the respondents was approached by him. It is also significant to note that as per

clause 5 of the Admission Procedure given in the Prospectus the fees should have been paid in cash and not by pay order. According to the learned counsel for the respondents, the production of a copy of the above mentioned pay order along with the rejoinder is only a desperate but unsuccessful attempt to show that petitioner No.8 had tried to submit the admission form on 25th July, 1998.

8. From the pleadings of the parties mentioned above and from the materials placed on record, it is clear that there is no truth in the allegation of the petitioners that candidates in the first admission list were given only a half working day to submit the admission forms. The respondents have placed on record the minutes of the meeting of the Admission Committee held on 21st July, 1998 at 10.00 a.m. which contains the unanimous decision of the Admission Committee to extend the time for submitting admission forms till 25th July, 1998. The details furnished in the replies of respondents 2 and 3 show that in fact a large number of candidates submitted their admission forms on 22nd July, 1998, 23rd July, 1998, 24th July, 1997 and 25th July, 1978. Annexure R-2 notice shows that the respondents had notified to the candidates the extension of time to submit admission forms till 25th July, 1998. Hence the contention of the petitioners that the candidates were given time to submit admission forms only up to 1.00 p.m. on 21st July, 1998, is liable to be rejected.

9. There is no merit in the contention of the petitioners that they were not allowed to submit admission forms after 1.00 p.m. on 21st July, 1998. When the Admission Committee had decided to extend the time for submission of admission forms till 25th July, 1998 and when the said decision was notified to the candidates through Annexure R-2 notice and when in fact a large number of candidates were allowed to submit the admission forms on 21st July, 1998, 22nd July, 1998, 23rd July, 1998, 24th July, 1998 and 25th July, 1998, there is no reason to assume that the petitioners alone were denied the opportunity to submit the admission forms. The very fact that the petitioners did not ever make any complaint to any of the authorities of the University on or after 21st July, 1998, indicates that the statement of the petitioners that they were not allowed to submit admission forms after 1.00 p.m. on 21st July, 1998, is false. The petitioners have not placed on record any material to substantiate the allegation. At the same time all the circumstances indicate that the allegation cannot be true. Moreover I have no reason to disbelieve the Convener of the Admission Committee and the Dean of the Faculty of Law, two senior and respected Professors, who have filed separate affidavits denying the allegation of the petitioners.

10. There is no substance in the allegation of the petitioners that other candidates were given extension of time. Respondents 2 and 3 have categorically stated that no candidate whose name was included in the first admission list was allowed to submit admission form or deposit fees after 25th July, 1998. In some cases time was granted to produce certificate of the qualifying examination because either the result of the qualifying examination had not been declared or

the provisional certificate had not been issued by the Universities/Colleges. In all such cases the candidates had submitted their admission forms and other documents within the stipulated time. Hence there was no discrimination shown against the petitioners.

11. The contention raised by the petitioners based on the migrations allowed to same candidates from one Law Centre to the other, is devoid of merit. First of all the alleged migrations have no bearing on this case. Secondly, the petitioners have no locus standi to raise a grievance about the alleged migrations since they are not affected by it. Thirdly, as explained by the respondents, the said migrations did not involve any violation of the provisions of the prospectus. The migrations were allowed to adhere to the policy of granting admissions on the basis of merit-cum-preference of Law Centre.

12. From what has been stated above, the following factual position emerges in this case. The petitioners were among the candidates included in the first admission list issued on 20th July, 1998. The candidates included in the first admission list were required to submit the admission forms and to deposit the requisite fees on or before 25th July, 1998. The petitioners did not submit the admission form and did not deposit the fees on or before 25th July, 1998. There is no material to show that at any time during the period from 20th July, 1998 to 25th July, 1998, the petitioners made any attempt to submit the admission form or to deposit their fees and that such attempt was foiled by the respondents. The petitioners did not meet any of the respondents or make any complaint or representation to any of the authorities of the University in this matter. As per Annexure R-1 notice, the candidates who did not submit the duly filled in admission form within the stipulated time, will lose their chance for admission. As per clause (5), of the Admission Procedure given in the Prospectus 1998-99, in case a candidate fails to deposit the fees within the stipulated time he/she shall lose his/her right to admission. As per the Schedule of relevant dates given in the Prospectus, the second admission list was published on 27th July, 1998 and the candidates included in the said list also have been admitted. A third admission list was due to be issued on 3rd August, 1998 for filling up the remaining seats. However, the third admission list has not been issued in view of the interim order passed by this Court on 31st July, 1998 directing the respondents not to publish any further admission list. The candidates whose names were included in the second admission list and who have been given admission had obtained only less marks than the petitioners in the Entrance Test. The candidates whose names are likely to be included in the third admission list for filling up the remaining seats also have obtained still lesser marks than the petitioners in the Entrance Test. Hence if the respondents are allowed to proceed with the admission process and complete the admissions as per the provisions in the Prospectus, even the remaining seats will be filled up with candidates who got less marks than the petitioners in the Entrance Test. The petitioners have not specifically challenged the admissions already made. None of the admitted candidates has been made a party to this writ petition. Apparently the petitioners

are claiming admission in the seats remaining unfilled.

13. Hence the question to be decided is whether in view of the factual position stated above, the petitioners have any enforceable legal or fundamental right to be admitted to the seats remaining unfilled, in preference to the candidates who are entitled to be included in the third admission list and who have got only less marks than the petitioners in the Entrance Test. This Court has also to decide whether the action of the respondents in refusing to consider the petitioners for admission after 25th July, 1998 is arbitrary or unreasonable.

14. When the number of seats in a course is limited and the applicants for admission are more, admission can be given only on the basis of some form of selection. In the case of LL.B course of the University of Delhi the prescribed form of selection is the Entrance Test. Admission is given on the basis of the marks/rank obtained by the candidates in the Entrance Test. Since there is possibility of some candidates deciding not to take admission and join the course even after securing high marks/rank in the Entrance Test and since admissions have to be completed as far as possible before the date fixed for commencement of the course and since the situation of the seats remaining unfilled has to be avoided, provision has been made in the Prospectus for issuing a first admission list, then a second admission list, then a third admission list and thereafter a waiting list also. To make this provision workable it is essential to fix and follow a time schedule for issuing each list and for admitting the candidates included in each list. The candidates included in the first admission list are given a limited time to submit the admission form and deposit the requisite fees which indicate their decision to take admission and join the course. If they don't submit the admission form or deposit the requisite fees within the stipulated time it is presumed that they have given up their claim for admission and, depending on the number of seats remaining unfilled a second admission list is issued. If the candidates included in the second admission list don't submit the admission form and deposit the requisite fees within the stipulated time, a third admission list is issued depending on the number of seats remaining unfilled. Again if the candidates included in the third admission list don't submit the admission form and deposit the fees within the stipulated time admission will be given to candidates included in the Waiting List. The candidates who fail to submit the admission form and deposit the requisite fees within the stipulated time, forfeit their right for a admission and they are not entitled to be considered for admission at a later stage. This procedure gives due importance to merit of the candidates and at the same time ensures that the seats are not wasted and the course can commence as scheduled. It also takes care of the aspirations and expectations of candidates who having been ranked relatively lower in merit are waiting for their chance for admission. This procedure is quite fair and just. There is nothing arbitrary or unreasonable about it. Merit cannot be emphasised beyond a limit. To begin with, a candidate should prove his merit by appearing in the Entrance Test. Then, if his name is included in any of the admission lists he should submit the admission form and deposit the requisite fees within the

stipulated time. The University or the Admission Committee cannot indefinitely wait for a candidate whatever be his rank and merit. The authorities of the University or the members of the Admission Committee cannot go in search of the candidate to ascertain whether he intends to take admission and escort him to the admission counter if he is "kind enough" to take admission. It is the duty of the candidates to diligently wait for the release of the admission list and to take admission within the stipulated time. If the candidate fails to discharge this duty he loses his right for admission. The University and the Admission Committee cannot entertain him when he chooses to turn up for taking admission at his convenience. Hence, notwithstanding the merit and rank of a candidate, he has no unfettered right for admission. His right for admission on the basis of his merit and rank is subject to his complying with the requirements or conditions for admission of candidates. One such condition or requirement is that if he intends to take admission he should submit the admission form and deposit the requisite fees within a stipulated time. If he fails to comply with the said requirement or condition he loses his right for admission. Thereafter all talks about merit and rank are in vain. Hence having failed to submit the admission form and to deposit the requisite fees within the stipulated time the petitioners have no enforceable legal or fundamental right to be admitted to the LLB. Course on the basis of the inclusion of their names in the first admission list. Nor do they have any right to be considered for admission in the seats remaining unfilled in preference to the candidates who are entitled to be included in the proposed third admission list or the waiting list, because, by failing to submit the admission form and deposit the requisite fees within the stipulated time the petitioners have forfeited their claim for admission. The candidates who are entitled to be included in the proposed third admission list or the waiting list are entitled to be considered for admission to the available seats in preference to the petitioners. In the Admission Procedure envisaged by the Prospectus 1998-99 issued by the Faculty of Law, University of Delhi they are entitled to expect that they will be considered for admission to seats remaining unfilled due to the failure of the candidates included in the earlier admission list to take admission within the stipulated time. They will be adversely affected if indulgence is shown to the petitioners by directing to admit the petitioners in the available seats in violation of the admission procedure laid down in the prospectus. The Court cannot ignore or forget the interests of such candidates who are not parties to this writ petition.

15. However, I may observe that the position would have been different if the failure of the petitioners to submit the admission form was not due to any fault on their part and was due to circumstances beyond their control or was due to some fault of the respondents. In this case there was no fault on the part of the respondents. The unfortunate situation was created by the negligence and default of the petitioners. Admittedly the Prospectus itself had given the schedule of relevant dates. According to the said schedule, the first admission list of LL.B Course was to be issued on Monday 20th July, 1998. Hence the petitioners had

known in advance that the first admission list would be issued on 20th July, 1998. The petitioners have not disputed that the first admission list was issued on 20th July, 1998. Clause 2 of the Admission Procedure given in the Prospectus stated that the candidate covered under respective admission lists shall present himself/herself at the Admission Committee Counter(s) immediately after display of admission list. So at the time of submitting the application for Entrance Test the petitioners were aware that the candidates included in the admission list were required to present at the Admission Committee Counter immediately after display of the admission list. From the materials placed on record it is clear that the candidates included in the first admission list had time to submit admission form from 20th July, 1998 to 25th July, 1998 and to deposit the requisite fees from 22nd July, 1998 to 25th July, 1998. Hence it cannot be said that sufficient time was not given to the candidates for submitting the admission form and depositing the requisite fees. As per the schedule in the Prospectus the second admission list was to be issued on Monday, 27th July, 1998. If the second admission list had to be issued on Monday, 27th July, 1998 the availability of seats after the admission of candidates included in the first admission list had to be known before 27th July, 1998. Naturally admission of candidates in the first admission list had to be completed before 27th July, 1998. Sunday, 26th July 1998 being a holiday, admission of candidates in the first admission list could not go beyond Saturday, 25th July, 1998. Hence the petitioners could not have expected that candidates included in the first admission list would be admitted after 25th July, 1998 since the second admission list was due to be issued on 27th July, 1998. However the petitioners did not submit the admission form on or before 25th July, 1998. Hence the respondents have not acted in an arbitrary, unfair, unreasonable or illegal manner by insisting that candidates included in the first admission list should have submitted the admission form and deposited the requisite fees on or before 25th July, 1998 and by refusing to consider the petitioners for admission in the seats remaining unfilled.

16. The petitioners are in effect requesting this Court to compels the respondents to deviate from the Admission Procedure laid down in the Prospectus and to make admissions in violation of the provisions contained in the Prospectus. The instructions and guidelines contained in the Prospectus are not statutory in nature but the respondents are bound to follow them and to enforce them while making admissions to the course. Any refusal to do so would be arbitrary, unfair and unjust. It is not only desirable but also necessary that in the matter of selection and admission to educational courses the prescribed rules and the notified instructions and guidelines are strictly and uniformly followed and enforced by the authorities. Such strict and uniform adherence to the rules, instructions and guidelines is essential to ensure fairness of the admission procedure and to prevent arbitrariness, favouritism and other irregularities or illegalities. Hence notwithstanding the higher rank obtained by the petitioners in the Entrance Test, I am not inclined to exercise the discretionary jurisdiction under Article 226 of the Constitution of India to compel the respondents to give

admissions in violation of the Admission Procedure laid down in the Prospectus. Learned counsel for the petitioners submitted that if this court did not exercise its jurisdiction to direct the respondents to admit the petitioners, candidates who secured lower ranks in the Entrance Test would be admitted in the remaining seats while the petitioners who secured higher ranks would be left out. However, such a situation cannot be avoided now in view of the notified Admission Procedure. For the petitioners it may be the penalty for negligence and default. For the candidates who are going to be admitted it may be the prize for vigil. Being a human being with heart and soul a Judge may be swayed to some extent by sympathy and compassion. But he should also be prudent to ensure that compassion and sympathy do not result in anarchy and indiscipline. He shall not show indulgence at the cost of exigencies of administration and discipline in the institution. If candidates selected for admission to an educational course do not report within the stipulated time and walk in when it pleases them, the authorities should be entitled to say "NO" to such indifferent or negligent candidates. If the court, swayed by misplaced sympathy and compassion, imposes such candidates on the authorities, it will adversely affect the exigencies of administration and the discipline in the institution.

17. In support of the case of the petitioners learned counsel for the petitioners placed reliance on the judgment of the Hon'ble Supreme Court in Rajendra Prasad Mathur Ors. Vs. Karnataka University and Another, and a judgment of a Division Bench of this court in Samgeeta Sharma Vs. University of Delhi & Ors. reported in 57 (1994) DLT 80. In my view those judgments do not in any way support the case of the petitioners.

18. In the light of what has been stated above, I hold that the writ petition is devoid of merit and that the petitioners are not entitled to any relief in this writ petition. The writ petition is dismissed. However, the parties are left to bear their own costs.