
(2012) 09 DEL CK 0522
In the Delhi High Court
Case No : Writ Petition (C) 5508 of 2012

Parul Maheshwari

APPELLANT

Vs

University of Delhi and Others

RESPONDENT

Date of Decision : 07-09-2012

Acts Referred:

Citation : (2012) 09 DEL CK 0522

Hon'ble Judges : G.S. Sistani, J

Bench : Single Bench

Advocate : Sushant Kumar and Mr. Arvind Nayar, for the Appellant; M.J.S. Rupal, for the Respondent

Final Decision : Disposed Off

Judgement

G.S. Sistani, J.

W.P.(C) 5508/2012 & CM.11223/2012

1. Petitioner had completed her graduation with B.Sc. (Honrs.) in June, 2012 from the University of Delhi, she applied for the admission in the M.Sc. post graduation course with respondent no. 1. After completion of the entire formalities, petitioner was issued a provisional registration slip for admission to M.A./M.Sc. course in Statistics for the academic session 2012-13. On account of illness of her maternal grand-father, petitioner had to rush to her native village on 25.07.2012 along with her parents. Petitioner was under the impression that the first admission list would be declared on 26.08.2012. On 29.07.2012 grand-father of the petitioner expired and she could return to Delhi only on 04.08.2012, after his last rites were performed. On her return the petitioner learnt that she had missed the date for deposit of fees. 4th and 5th August being Saturday and Sunday, petitioner approached the University on 06.08.2012 and also met the Head of the Department and explained the reasons for her default. On 07.08.2012, second list was notified and 15 vacant seats were filled up, but the petitioner was not considered for admission. Thereafter the petitioner again

visited the Head of the Department on 08.08.2012 and met respondent no. 4, who assured the petitioner that her request would be considered, thereafter, petitioner made a written request to respondent no. 4. Having received no favourable response, the petitioner then approached respondent's no. 2 and 3 on 13.08.2012. The respondent no. 3 in order to help the petitioner endorsed the letter of the petitioner dated 13.08.2012 and referred her to meet respondent no. 2. Although respondent no. 2 informed the petitioner that he had not received the letter dated 08.08.2012, he assured her that her case would be considered as a special case. Since no response was received, petitioner has filed the present writ petition. Counsel for the petitioner submits that petitioner is a meritorious student and she should not be deprived of admission to the course and also submits that she could not pay the fees within the time allowed, on account of cogent reasons that her maternal grand-father was critical and died on 29.07.2012. Counsel for the petitioner also submits that petitioner had approached the respondent, college before the last date of closure of admission and even by a notice of 04.09.2012, 19 students in the wait listed category were called upon to deposit fee up to 06.09.2012.

2. Counsel for the University, who appears on an advance copy, submits that all admissions stand closed by 31.08.2012 and the time was only extended to deposit the fee upto 06.09.2012. Counsel for the respondent in support of his argument that in case a candidate does not deposit the fee within the time allowed name of such date is removed from the list of selected candidates, has relied upon Rule 5 of Bulletin of Information, which is reproduced below:

5. IMPORTANT INSTRUCTIONS

Candidates who will be issued provisional admission slips will be required to complete the admission formalities including payment of necessary fees, etc. in a College within three days of the issue of admission slip. The admission slip will be retained by Colleges and the counterfoils returned to the student for Faculty office, duly signed and rubber stamped by the Principles of respective Colleges after a student has been duly admitted there. The names of those candidates who fail to complete the admission formalities or fail to surrender the admission slip in any College within the stipulated period shall be removed from the admission list without any further intimation to them and seats thus vacated will be offered to other candidates in order of merit.

After the College have intimated the number of seats vacant, second and subsequent admission lists of candidates selected for their provisional admission equal to the number of seats vacant each time, will be notified by the Faculty from time to time. The students in their own interest are advised to look up at the Notice Board outside the Faculty Office for any notification issued from time to time relating to admissions.

3. Counsel for the respondent submits that since the petitioner did not deposit the fee, she is disqualified for being considered for admission subsequently and

her right is forfeited.

4. Counsel for the petitioner submits that Rule 5 is not an absolute Rule and the Vice Chancellor has the discretion to waive this rule, subject to being satisfied that candidate was prevented by sufficient cause in not depositing the fee.

5. I have heard counsel for the parties. In this case the petitioner admittedly did not deposit the fee within the time allowed and thus her name was liable to be deleted as per rule 5. Counsel for the respondent has opposed the petition, basically on two grounds: Firstly, the submission of counsel for the respondent is that in view of Rule 5, the name of the petitioner stands removed from the admission list. The second submission of counsel for the respondent is that in view of cut-off date being 31.08.2012, the name of the petitioner cannot be considered for grant of admission.

6. In this case after the petitioner did not deposit the fee, the seat was offered to the next candidate available. The petitioner has strongly urged before this Court that even after the last date, the respondent by a notice dated 04.09.2012 which was displayed, published another list of 19 candidates and granted time to deposit the fee upto 06.09.2012. Even out of this list of 19 candidates, 10 candidates have not deposited their fees upto the cutoff date i.e. 06.09.2012. Thus in my view, Rule 5 would become inapplicable in the facts of this case, as the petitioner has not prayed for admission above the wait listed candidates, as all the candidates shown in the list of 04.09.2012 have in fact secured lesser marks than the petitioner. As of today there is none to claim the remaining seats which are available and the same are likely to go a waste .The submission of counsel for the respondent that the admission cannot be offered to the petitioner beyond 31.08.2012, is without any force, as the respondents have themselves by a notice dated 04.09.2012 offered seats to 19 candidates. Whereas on the other hand the petitioner has approached the University as soon as she returned from her village and prior to 31.08.2012. Thus the petitioner has taken remedial action without any loss of time. The case of the petitioner falls in the rare cases wherein she has lost her real maternal grand-father. The aim of publishing a list of candidates on 04.09.2012 (beyond the cutoff date) seems to be filling up 19 seats which were vacant. Thus, keeping the same objective in mind where even after 06.09.2012, still 10 seats are lying vacant and also in the peculiar facts of this case, to meet the ends of justice, to avoid loss of national resources in the form of a seat and without treating this case as a precedent, the writ petition is allowed. Petitioner shall be granted admission within four working days from today, on her completing all the formalities.

7. Petition and the application stand disposed of, in above terms. DASTI under the signatures of the Court Master.