

(2013) 09 DEL CK 0002

In the Delhi High Court

Case No : Writ Petition (C) 5458 of 2013 and CM 12199-12200 of 2013

Pavani Bhardwaj

APPELLANT

Vs

Union of India and Others

RESPONDENT

Date of Decision : 02-09-2013

Acts Referred:

Citation : (2013) 09 DEL CK 0002

Hon'ble Judges : V.K. Jain, J

Bench : Single Bench

Advocate : V.K. Tandon, Ms. Mamta Tandon, Mr. G.D. Parashar and Mr. D. Rajeshwar Rao, for the Appellant; Shipra Shukla, for R-1, Mr. Mukul Talwar and Mr. S. Mohapatra for GGSIP University, for the Respondent

Final Decision : Dismissed

Judgement

V.K. Jain, J.—The petitioner before there Court applied for admission to B.A. LLB Course of the respondent-Guru Gobind Singh Indraprastha University (GGSIPU) and was allotted a seat in IIMT College affiliated to the said university, in the first round of counseling. Though he's preference was for a seat in Vivekananda Institute of Professional Studies (VIPS), an another institute affiliated to the said university, but no seat was allotted to her in the said preferred institute even after taking part in second round of counselling. The VIPS issued a notice inviting applications for admission under the management quota. The petitioner also applied for admission to the said institute under the management quota and her name appeared at serial number 9 of the merit list published by the said institute. However, when the petitioner appeared in the counselling for the purpose of admission in the management quota, she was denied admission on the ground that having already taken admission at the end of second round of counselling, she was not eligible to be considered for admission under the management quota. Being aggrieved from denial of admission, the petitioner is before this Court seeking quashing of the stipulation denying admission under the management quota to the candidates taking admission in the second round

of counselling and also seeking a direction to the respondents to admit her in the B.A. LLB Course. The notice dated 30.7.2013 issued by the respondent-GGSIPU declaring schedule for the second counselling for admission to B.A. LLB Course for the academic year 2013-2014, inter alia, reads as under:

10. Candidates once enrolled through the counselling conducted by the University at the end of 2TM1 counselling will not be considered for admission through Management Quota.

Similarly, Note-(ii), below clause (viii) of the counselling notification issued by the university reads as under:

(ii) Candidates once enrolled in the University at the end of 2nd counselling will not be considered for admission through Management Quota.

2. The petitioner having participated in the counselling on the basis of the terms and conditions contained in the notification issued by the university, it is not open to her to challenge the terms prohibiting a person taking admission in the university from being considered for admission under the management quota. The learned counsel appearing for the university submits that as a matter of policy of the university, the admission under the management quota are available only to those who are not able to secure any seat in the course applied by them. He further submits that if the candidates who have taken admission by the end of second counselling are permitted to take admission under the management quota, that would result in the seats vacated by such candidates remaining vacant since the admission through open-house counselling? is made only in respect of those seats, if any, which remain vacant even after the second round of counselling. He further submits that since the institutes affiliated to the university are self-financing institutions, getting no financial aid from the government or from the university, their finances would be prejudicially affected in case the seats occupied by such candidates remain vacant. I find merit in the policy adopted by the university. If the petitioner is allowed to take admission in VIPS under the management quota, that would result in one seat in IIMT College remaining vacant since the petitioner cannot be asked to pay two fees - one to IIMT College and the other to VIPS for studying one course. If that is allowed to happen, that would compromise the financial interests of IIMT which cannot reduce its fixed costs on infrastructure, faculty, staff etc and neither the government nor the university provides for financial aid to the institute. In any case, the petitioner having participated in the counselling on the terms and conditions contained in the notification issued by the university, it is not open to her to challenge an essential term of the said notification.

The writ petition is devoid of any merit and is hereby dismissed. There shall be no order as to costs.