
(2016) 11 DEL CK 0069
In the Delhi High Court
Case No : Writ Petition (C) 7078 of 2016

Preena Gadra

APPELLANT

Vs

University of Delhi

RESPONDENT

Date of Decision : 09-11-2016

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2016) 10 ADDelhi 533

Hon'ble Judges : Mr. V. Kameswar Rao, J.

Bench : Single Bench

Advocate : Mr. Mohinder J.S. Rupal and Ms. Simran Jeet, Advocates, for the Respondent; Mr. Arunava Mukherjee, Advocate, for the Petitioner

Final Decision : Dismissed

Judgement

V. Kameswar Rao, J.(Oral) - W.P.(C) 7078/2016

The present petition has been filed by the petitioner seeking the following reliefs :

"(i) Issue a Writ/Order or Direction in the nature of mandamus to the Respondents directing them to forthwith admit the petitioner to the post graduate course of M.A. (Economics) at the Delhi School of Economics, University of Delhi, for the batch commencing 2016; and

(ii) Pass any order or further order (s) as this Hon''ble Court deems fit in the facts and circumstances of the present case.

2. It is the case of the petitioner in the writ petition that she is a Graduate in B.A. (Hons.) Economics, and has secured 74.23%. She applied for M.A. (Economics) course offered by the respondent no.2, Delhi School of Economics. According to her, the admission to the M.A. (Economics) at Delhi School of Economics is done through two modes; on the basis of merit secured in Graduation in the Delhi University and through the Entrance Examination. It is her case that her application was duly acknowledged on 7th August, 2016 by the

University. The first cut-off list was announced online by the respondents wherein only the names of the selected candidates were mentioned, but the percentage of marks at Graduation based on which merit list was prepared was not indicated. In the second cut-off list, both the names of eligible applicants and the percentage of marks at Graduation were mentioned. Since the percentage of 12 successful applicants in SC category was in the range of 68% to 70.5%, the petitioner realized, she was denied admission in the first cut-off list. On enquiries, it was revealed that e-mails have been sent by respondent no. 1 on 14th July, 2016 to all the applicants. It is her case that respondent no.1 did not send e-mail to her inviting her to update her application by uploading the graduation marks. It is also her case that petitioner visited the office of the respondents, but still has been denied admission even though the respondents acknowledged verbally that her marks were available with them through the Central Data-base and she deserves to be admitted. According to her, respondents advised her to wait for the fourth cut-off list although she should have been admitted to the post already, as she has the requisite marks.

3. It is noted that an additional affidavit was filed by the petitioner on 12th August, 2016 wherein it has been stated that Paragraph 11 of the writ petition wherein she has stated that no e-mail was sent to her, stands withdrawn. In other words, in the additional affidavit she has resiled from her earlier stand that no e-mail was sent to her.

4. Respondents have filed a short affidavit wherein it is stated that petitioner had applied for admission in the course of M.A. (Economics) in Scheduled Caste Category on merit basis. It is stated that the successful submission of the online application is not sufficient for the candidate/applicant to be considered for admission. It is also stated that for information regarding admission and for all the news and updates related to PG admissions, a candidate had to visit the PG admission portal. They have also highlighted that an official notification was issued on 15th July, 2016 on the website wherein it was stated that all the registered applicants must update the information regarding the qualifying examination etc. on PG Admission Portal using their registered e-mail id and password. For the merit category, applicants shall only be considered in admission list if their qualifying examination results are uploaded on the admission portal. Another opportunity was given to the applicants between 19-21st July, 2016 to update the information. Both the times, i.e., 13-16th July, 2016 and 19-21st July, 2016 the applicants were notified through University website. The onus was on the applicants to upload their qualifying examination marks. Even though the marks were available in the Central Data-base of the respondents, but it was not possible to match them with the thousands of candidates for PG admissions as there are chances of error due to applicants having identical names, different years of passing the qualifying exam etc. As a consequence of which, for the past two years, since when the direct/merit mode of admissions was introduced, the candidates have been asked to update their own qualifying marks online subject to verification at the time of taking the

admission. Even though there is no mention in the University Bulletin that e-mails will be sent to individual candidates, that were sent for the convenience of the applicants and thus respondent / University cannot be held responsible. It is the stand of the University that e-mail was sent on 14th July, 2015 to the applicants for M.A. (Economics) course requiring them to update their applications by providing relevant information. Although the e-mail was just a reminder, the applicants were required to keep a track of the undergoing process of admission and provide information on their own. Respondents confirmed that the log of e-mails extracted from the admission portal, an e-mail was sent to the petitioner at 05:58:57 am. They have annexed the screen shot showing the name of the petitioner.

5. It is their case that the admission pursuant to the second admission list was over on 30th July, 2016 when the petitioner brought her case to the office of the respondent. The admission could not be cancelled or suspended for the sake of the applicant's grievance which could not be verified on the spot.

6. Learned counsel for the petitioner would primarily highlight the fact that the name of the petitioner should have found mention in the first list. Unfortunately, the error has costed the admission to the petitioner. He would also state the information regarding qualifying information being available from the Central Data-base, it was not required to a candidate to upload her details, of qualifying examination etc. He would also state the e-mail dated 14th July, 2016 could not be accessed by the petitioner as the same was a spam. He states that as the admission was denied to the petitioner having no fault of her, the petitioner is entitled to a creation of additional seat against which she needs to be admitted. Mr.Rupal, on the other hand, reiterate the stand taken in the affidavit.

7. Having heard the learned counsel for the parties, the only issue needs to be decided is whether the petitioner has received the e-mail or not.

8. There is no doubt that the detailed instructions have been issued for the benefit of the candidates from time to time which were uploaded on the University portal. It is also clear that the instructions were issued to the applicants to update the information regarding their qualifying examination on the PG Admission Portal using their registered e-mail id and password. There is no denial to the fact that the e-mail was sent by the respondent no. 1 / University. The plea that the same was a spam is not pleaded by the petitioner in her additional affidavit as referred to above or in the rejoinder-affidavit. In fact in the rejoinder, the stand of the petitioner primarily is that, it is the obligation of the University to retrieve the information regarding the qualifying examination from the Central Data-base. This stand does not answer the plea which has been urged by the learned counsel for the petitioner.

9. It must be inferred that the e-mail was received by the petitioner. If that be so, she was required to update the details of her qualifying examination as, has been done by the other candidates. If that had been done, her name would have

been reflected in the second admission list. Having not done, the petitioner cannot hold the University responsible for not giving her admission to M.A. (Economics) Course. That apart it is the case of the University that all seats have been filled up. If that be so, no relief can be granted to the petitioner. The petition is dismissed being without any merit.

10. No costs.