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(2018) 12 P&H CK 0172

In the Punjab And Haryana At Chandigarh

Case No : Civil Writ Petition No. 25610 Of 2017(O&M)

Punjab Unaided Technical Institutions Association And Others — APPELLANT

Vs

State Of Punjab And Others — RESPONDENT

Date of Decision : 21-12-2018

Acts Referred:
Constitution of India, 1950 — Article 141

Citation : (2019) 1 SCT 461

Hon'ble Judges : Tejinder Singh Dhindsa, J

Bench : Single Bench

Advocate : Arjun Pratap Atma Ram, Tps Chawla, Anupam Gupta, Gautam Pathania, Digvijay Singh, Rajiv Kawatra

Final Decision : Dismissed

Judgement

Instant petition has been filed seeking a mandamus directing the Punjab State Board of Technical Education and Industrial Training (hereinafter 'the Board') to open its website-online portal to upload the details of the petitioner students pertaining to Engineering diploma 4 years courses as also Lateral Entry Scheme to the said courses (wherein students are directly admitted to 3rd semester-2nd year) for the Session 2017-2018. Further prayer is for issuance of directions to the Board to accept the examination forms and to issue admit cards to the petitioner students so as to appear in the examinations.

It has been averred that the Board issued prospectus for admissions to diploma course in technical institutions in the State of Punjab and Chandigarh (Annexure P-1). Students desirous of admission were required to register themselves online with the Board. Such date for online registration was 15.06.2017. Eligibility for admission was to have passed the matriculation examination with subjects of Mathematics,

Science and English. Admission to the 1st Year of the 4 years diploma course was to be made on the basis of relative merit of total marks obtained in the subjects

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of Mathematics, Science and English with two years of work experience in a registered firm/industry/company on a full time basis. Admissions were to be made on the basis of online counselling and the schedule for such purpose was as follows:-

Counseling

Choice filling

Declaration of Result (Seat Allocation)

Reporting at Allocated Institute and payment of Admission Fees

1 st counseling

19.6.2017 to 26.6.2017

28.6.2017 (5.00 P.M.)

29.6.2017 to 4.7.2017

2 nd counseling

5.7.2017 to 10.7.2017

12.7.2017 (5.00 P.M.)

13.7.2017 to 17.7.2017

Board thereafter issued letter dated 17.07.2017 (Annexure P-3) regarding filling up of vacant seats after closure of 2nd online counselling. As per Annexure P-3, vacant seats could be filled up by the institutions on the basis of guidelines issued for filling up management quota seats and as per prospectus. Admissions were to be made on the basis of merit in the qualifying examination. Students who were admitted to the vacant seats were required to be registered on the website of the respondent-

Board. For such purpose the 3rd round of counselling was to commence from 23.07.2017 and no admission was to be made after 15.08.2017. Specific averments are to the effect that admissions to vacant seats after closure of 2nd counselling were made form 21.07.2017 to 15.08.2017 and no admission has been made thereafter. Such admissions were made both to 1st semester of the 4 years course and the 3rd semester for the 4 years course of Lateral Entry candidates. As per petitioners the limited issue raised in the petition is with regard to uploading the data of the students and nothing more as the entire admission process stood culminated on 15.08.2017.

Learned counsel representing the petitioners submits that the Board, without any justifiable basis is declining to open its website-online portal to facilitate the uploading of the details of the petitioner students. It is argued that as per letter dated 17.07.2017 (Annexure P-3), issued by the Board, there was no requirement of registering the students on the website of the Board by any

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particular date and no cut-off for purpose of online registration had been stipulated. Furthermore, even the prospectus had no clause in such regard. Even though there were no pleadings to such effect in the writ petition, yet learned counsel on the basis of averments contained in the replication filed to the written statement on behalf of the Board has argued that there is no rule or regulations framed under the Punjab State Board of Technical Education Act, whereunder the procedure of online registration of students prior to admissions could have been adopted. Accordingly it is urged that the action is without legislative backing and has no foundation whatsoever.

Heavy reliance on behalf of the petitioners has been placed upon order dated 08.08.2017, passed by the Apex Court in I.A. No.62033 of 2017 and other connected applications in Civil Appeal No.9048 of 2012 (Annexure P-8) to contend that the cut-off date for admission to the courses in question as laid down by the Hon'ble Supreme Court in Parshavanath Charitable Trust and others vs. All India Council for Technical Education and others (2013) 3 SCC 385 stood extended from 15.08.2017 to 31.08.2017. It is vehemently argued by learned counsel that the order at Annexure P-8, is not State specific and would have its applicability pan India. It is urged that the extension of the date for admission upto 31.08.2017, would be construed as law of the land and binding on all parties. Learned counsel points out that identical issue came up before the Rajasthan High Court in S.B.CWP No.19368 of 2017 in Rajasthan Engineering Colleges Society vs. State of Rajasthan and others decided on 24.11.2017 and a Single Judge of the Rajasthan High Court, had come to the conclusion that the order dated 08.08.2017 (Annexure P-8 alongwith the instant petition) was not restricted to the applicants therein but would apply across the Board.

It has further been argued that the action of the respondent-Board is arbitrary. Learned counsel has adverted to letter dated 17.11.2016 (Annexure P-21), issued by the Board itself and whereby time had been extended to allow updation of the database of the students even upto 20.11.2016. It is submitted that once the respondents-Board vide letter dated 17.07.2017 (Annexure P-3), had permitted the vacant seats to be filled up by institutional level counselling on the basis of merit, it was duty bound to accept the examination forms of all such students who were admitted on or before 15.08.2017. It is urged that even on a previous occasion the Board had extended the time frame for updation of database of students vide letter dated 17.11.2016 (Annexure P-21) and as such a different yardstick ought not to be applied to the admission process for the academic session 2017-2018. A plea of discrimination has also been raised by counsel. It is stated that the petitioners colleges are running both degree and diploma engineering courses. Insofar as degree courses in Engineering are concerned, colleges are affiliated to I.K. Gujaral Punjab Technical University, Kapurthala and Punjabi University, Patiala. Documents placed on record at Annexure P-6 and Annexure P-7, have been referred to submit that even though the last date of admission in all affiliated colleges for the Session 2017-2018 had been stipulated as 15.08.2017 but the web portal of the University concerned to

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upload the admission of the students concerned were kept open upto 25.08.2017. Learned counsel submits that there was no legal impediment for the Board to have adopted similar course of action and to have permitted the details of the petitioners students also to be uploaded on its website-online portal without insisting upon 15.08.2017, as the cut-off date. Reliance in support of the prayer made in the petition has been placed upon a Division Bench judgment dated 30.10.2018, passed by this Court in LPA No.765 of 2017 (Ajay Kumar Thakur and ors. Vs. State of Haryana and anothers) and other connected LPAs to contend that for a previous academic session i.e. 2016-2017, a similar issue had been decided in favour of the students.

Per contra, learned Senior counsel representing the respondent-Board, submits that the action of the Board is as per mandate and dictum laid down by the Hon'ble Supreme Court in Parshavanath Charitable Trust (supra) and wherein a clear bar had been spelt out as regards admissions to all AICTE approved technical diploma level courses after 15th of August of any academic session. It has been submitted that the admission process for the courses in question were to be regulated strictly as per terms and conditions of the prospectus (Annexure P-1). Admission to diploma courses was through online counselling and National Informatics Centre (NIC), New Delhi, had been entrusted with the task of implementing the online, Off Campus Counselling for admission to all AICTE approved technical diploma level courses being run in all technical institutions affiliated with the Board. To participate in the online counselling, it was mandatory for every candidate to register through the counselling website www.psbte.gov.in. as per counselling schedule available on the website. As per prospectus the process of online registration even with regard to vacant seats after closure of 2nd counselling had to be completed by 15th of August 2017. Learned Senior counsel submits that for an online admission-counselling exercise, online registration of students on the website was a pre-requisite and none of the petitioners was found to be registered on the NIC portal upto 15.08.2017.

As regards order dated 08.08.2017 (Annexure P-8) relied upon by the petitioners, to contend that the date of admission stood extended to 31.08.2017, learned Senior counsel would submit that such order cannot be generalized for all institutions throughout the country as by doing so there would be no sanctity of the main judgment in Parshavanath Charitable Trust (supra) and which bars all admissions to all institutions after 15th of August of any academic session. It is urged that the Supreme Court has clearly specified 15th of August to be the last date upto which students can be admitted against vacancy arising due to any reason and no student should be admitted in any institution after the last date under any quota. It is argued that the notices/office orders issued by I.K. Gujaral, Punjab Technical University/Punjabi University Patiala, with regard to extension of date for updation of student details on the online portal would have no relevance to the present case and cannot be cited as a precedent to deviate from the cut-off date of 15.08.2017, fixed by the Apex Court.

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Learned counsel for the parties have been heard at length and pleadings on record have been minutely perused.

In Parshavanath Charitable Trust (supra), the Supreme Court, had laid down the schedule for admission to all AICTE approved technical diploma level courses and the same was in the following terms:-

Event

Schedule

Conduct of Entrance Examination (AIEEE/State CET/Mgt.quota exams etc.)

In the month of May

Declaration of Result of Qualifying Examination (12th Exam or similar) and Entrance Examination

On or before 5th June

1 st round of counselling/admission for allotment of seats

To be completed on or before 30th June

2 nd round counselling for allotment of seats

To be completed on or before 10th July

Last round of counselling for allotment of seats

To be completed on or before 20th July

Last date of admitting candidates in seats other than allotted above 30th July.

However, any number of rounds for counselling could be conducted depending on local requirements, but all the rounds shall be completed before 30th July

Commencement of academic session

1 st August

Last date upto which students can be admitted against vacancies arising due to any reason (no student should be admitted in any institution after the last date under any quota)

15th August

Last date of granting or refusing approved by AICTE

10th April

Last date of granting or refusing approval by University/State Govt

15th May

It was categorically held that admission to academic Course should start as

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proposed by 1st of August of the relevant year and the seats remaining vacant should again be duly notified and be filled up positively by 15th of August after which there shall be no admission, whatever be the reason or ground.

Vide notification dated 01.03.2017 issued by Government of Punjab, Department of Technical Education and Industrial Training (Technical Education Branch-II), the respondent-Board was appointed as the authority competent to conduct the online counselling on the basis of merit of qualifying examination for admissions to various diploma level courses being run in all the Polytechnics/Institutions, located in the State of Punjab, which stood approved by all India Council of Technical Education. The Board, pursuant thereto issued prospectus for admission to regular and part time diploma courses in technical institutions of Punjab State and Chandigarh for the session 2017-2018 (Annexure P-1). The last date for online registration was 15.06.2017. Part-I of the Prospectus dealt with the Admission Procedure, List of Courses and List of Institutions. Under the Admission Procedure, it was laid down that admissions shall be made through online counselling by National Informatics Centre (NIC), New Delhi, which had been entrusted with the task of implementing Online Off Campus counselling. To participate in the online counselling it was mandatory for every candidate to register through counselling website www.psbte.gov.in as per counseling schedule available on the website. 1/3rd of the total seats available in the unaided institutes were earmarked as "seats under Management quota". The admission for the same was to be made at the level of the institute. Candidates desirous of seeking admission under management quota were also to pre-register on the website (www.psbte.gov.in) for the purpose of allocation of the registration number. It was further laid down that at the closure of the online counselling, the vacant seats, if any, shall be filled up at the level of the institutes. Candidates seeking admission against these seats were to register on to the counselling website (www.psbte.gov.in) for the purpose of admission. Part-II of the prospectus dealt with the Government Notification and Memos, Annexures and Forms. The State Government notification dated 01.03.2017 adverted to hereinabove formed part of the prospectus. As per notification dated 01.03.2017 there were to be two rounds of centralized counselling by the Board. The second counselling was to be over by 10.07.2017 and the admission consequent to this was to be allowed upto 15th of July. Thereafter the direct admissions at the college level were to be allowed for vacant seats and the Board was to issue necessary instructions to the institutions on 16.07.2017 in this regard. The process of online registration of such seats was to be completed by 15th of August by all means.

The Board issued letter dated 17.07.2017 (Annexure P-3) on the subject of filling up of vacant seats after closure of 2nd round of online counselling and the guidelines for such purpose were as follows:-

1. The admissions will be made on the basis of merit (irrespective of the category) of qualifying examination for all streams after being duly advertised.

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While filling the seats preference shall be given to those candidates who have selected a particular institute during the 1st and 2nd online counseling but could not joint the institute.

2. Students who are being admitted under the vacant seats shall be registered on the website w.w.w.intrapsbtc.nic.in (The details of the admission procedure are attached herewith).

3. No separate Bar coded forms for this purpose shall be supplied by the Board.

4. The semester/admission fees (Registration fees, prospectus/application fees and processing fees) will remain same for all the streams as per previous years.

5. The third round of counseling will be start from 21st July 2017.

6. As per AICTE Notification No. Advt. No. Legal/12(06)2012 the admission shall not be made after 15th August 2017.

Issued for strict compliance.

A conjoint reading of the notification dated, 01.03.2017, issued by the Government of Punjab and which was part of the prospectus alongwith the letter dated 17.07.2017 (Annexure P-3), issued by the Board would clearly spell out that the process of online registration was part and parcel of the admission process to the vacant seats after closure of the two rounds of centralized counselling and the cut-off for such composite process was stipulated as 15.08.2017. The submission raised on behalf of the petitioner students that there was no requirement of registering the students on the website of the Board by any particular date and no cut-off for purposes of online registration for admission to the vacant eats after closure of 2nd counselling as such is without merit.

The argument raised by Mr. Arjun Partap Atma Ram, Advocate, as regards procedure of online admissions of registration of students seeking admission against vacant seats after closure of 2nd counselling to be without legislative backing and without any rule or regulations framed in such regard under Punjab State Board of Technical Education Act, is ill-founded. Rather it is an argument that has been raised as an afterthought. The admission process had been initiated upon issuance of the prospectus at Annexure P-1 and of which the State Government notification dated 01.03.2017 was a part. The first and second round of counselling were conducted strictly as per terms and conditions of the prospectus. No challenge at any point of time was laid to the prospectus (Annexure P-1) as also to the notification dated 01.03.2017, issued by the State Government and which formed part of the prospectus. It would not be open as such for the petitioner students to raise such a contention and objection after the culmination of the admission process on 15.08.2017.

The crucial question that now arises for consideration before this Court is as to whether the order dated 08.08.2017 (Annexure P-8) passed by the Apex Court in

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I.A. No.62033 of 2017 and other connected applications (in Civil Appeal No.9048 of 2012) would apply to all the institutions across India and thereby extending the date for admission to all AICTE approved technical diploma level courses to 31.08.2017?

In Parshavanath Charitable Trust (supra), the Apex Court while laying down the admission schedule observed that such schedule has statutory backing and its adherence is mandatory and not directory. It was further held in the following terms:-

"Thus we approve these admission dates and declare it to be the law which shall be strictly adhered to by all concerned and none of the authorities shall have the power or jurisdiction to vary these dates of admission.

Certainty in this field is bound to serve the ends of fair, transparent and judicious method of grant of admission and commencement of the technical courses. Any variation is bound to adversely affect the maintenance of higher standards of education and systemic and proper completion of courses."

In the concluding part of the judgment following directions were issued:-

"46.1

Both grant/refusal of approval and admission schedule, as aforestated, shall be strictly adhered to by all the authorities concerned including AICTE, the University, the State Government and any other authority directly or indirectly connected with the grant of approval and admission.

46.2

No person or authority shall have the power or jurisdiction to vary the schedule prescribed hereinabove."

The apex Court thereafter on 08.08.2017, passed the following order in I.A. No.62033 of 2017 and other connected IAs in Civil Appeal No.9048 of 2012:-

"Application for impleadment is allowed.

The time to complete the process of admission/counselling is extended till 31.08.2017.

The applications are allowed accordingly."

It is not in dispute that I.A. No.62033 of 2017, in Civil Appeal No.9048 of 2012, was not by Parshavanath Charitable Trust (supra), but had been filed by the State of Maharashtra, seeking extension of date beyond 15.08.2017, by citing certain peculiar circumstances. In the I.A. State of Maharashtra, had averred as regards a policy having been formulated to afford a special chance to students, who had cleared C.E.T. exam for engineering admissions, but could not qualify the Board exam of 10+2, being the basic eligibility criteria. Towards implementation of the policy, State of Maharashtra had to conduct a

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supplementary examination. As the Board examination result is declared after declaration of results of C.E.T. Examination, conducting of the supplementary exam by the Maharashtra State Education Board and thereafter completion of admission process in the engineering institutes was not possible to conclude upto 15.08.2017. It was against the backdrop of such pleadings in I.A. No.62033 of 2017 that the Apex Court had accepted the prayer and extended the date of admission/counselling till 31.8.2017. Learned counsel for the parties, however, have not been able to apprise this Court with regard to the facts and circumstances which led to the filing of I.A. No.64393 of 2017 and I.A. No.64397 of 2017 alongwith IA No.62033 of 2017 in Civil Appeal No.9048 of 2012 and which had also been dealt with vide common order dated 08.08.2017 at Annexure P-8.

Place on record at Annexure P-14 is an order dated 11.08.2014, passed by the Apex Court dealing with I.A. No.47 of 2014 in civil Appeal No. 9048 of 2012, filed by the State of Telangana and herein also pertaining to the academic session 2014-2015, extension in time for counselling/admission had been granted upto 31.08.2014, by taking into consideration the fact that the State of Telangana had been created only recently i.e.on 02.06.2014 and as such both the States i.e.newly created State of Telangana and the State of Andhra Pradesh, would face some difficulty to complete the admission process within the time stipulated. During the course of hearing, Mr. Arjun Atma Ram, learned counsel has brought to the notice of this Court an order dated 23.08.2017, passed by the Apex Court while dealing with I.A. Nos. 78301 of 2017 and other connected IAs in Civil Appeal No.9048 of 2012 and whereby also the time for admission was extended upto 31.08.2017 of the students in the applicants institutions. For facility of ready reference, the order dated 23.08.2017, passed by the Apex Court reads as follows:-

"We have heard learned counsel appearing for the parties and perused these interlocutory applications.

For the reasons stated, applications for impleadment and for extension of time are allowed.

Accordingly, we extend the time premptorily upto 31.08.2017 for admission/ counselling of the students in the applicants institutions.

As a squeal to the above, pending interlocutory applications, if any, stand disposed of."

It would be apposite to take note that I.A. No.78301 of 2017 in Civil Appeal No.9048 of 2012, had been filed by the technical education institutions, situated in the State of Haryana. In the application it had been averred that the seats which remain vacant after counselling is conducted by the Haryana State Technical Education Society, are to be filled up by the institutions at their own level. Extension in time was sought on the ground that many students desirous of seeking admissions in the institutions situated in the State of Haryana, hail

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from the States of Jharkhand, Bihar, as also from the North Eastern States. However, such students have not been able to join the institutes owing to severe floods in their respective states. Extension in time was also sought by citing the plight of the students hailing from the States of Jammu & Kashmir who were not able to approach either the Haryana State Technical Education Society during the course of counselling or the applicant institutions for direct admission due to the grave disturbances prevailing in the State.

What clearly emerges is that IAs have been filed at different points of time and pertaining to different academic sessions and in each I.A. the particular institute/ State has portrayed its own peculiar circumstances and problems and then the Apex Court taking cognizance of the same has extended the time frame for admission/counselling. Be that as it may, such orders passed in different IAs in Civil Appeal No.9048 of 2012 including the order dated 08.08.2017 (Annexure P-8) cannot be read to be in derogation to the admission schedule declared to be the law in the main judgment. The admission schedule laid down by the Apex Court in Parshavanath Charitable Trust(supra) and notifying 15th of August to be the last date on which students can be admitted against vacancies arising due to any reason would still hold the field and would be binding upon this Court under Article 141 of the Constitution of India.

In view of the above, the answer to the question formulated hereinabove is answered emphatically in the negative.

Undoubtedly a Single Judge of the Rajasthan High Court in Rajasthan Engineering Colleges Society (supra) has taken a view that the order dated 08.08.2017 (Annexure P-8), passed by the Apex Court, would not be limited to the applicants alone but would have general application and accordingly held that the admissions made by the petitioner society therein till 31.08.2017, were to be recognized. The

learned Single Judge has proceeded on the premise that except for the State of Rajasthan, the extension of period for admission/counselling had been applied by the other States. The Court embarked upon such premise without even delineating the particular states that had approached the Apex Court and which in turn led to the passing of the order dated 08.08.2017 (Annexure P-8). To the contrary this Court has been apprised by learned counsel that only three or four states had approached the Apex Court for securing the order dated 08.08.2017. Furthermore, the learned Single Judge of the Rajasthan High Court while issuing directions for recognizing admissions made by the petitioners society therein till 31.08.2017 had been influenced as regards similar extensions having been granted pertaining to "other courses" in the State of Rajasthan. The aspect as regards the relevance of the "other courses" and whether any time schedule declared to be the law as in the case of Parshavanath Charitable Trust (supra), was applicable to such "other courses" was completely overlooked.

With utmost respect and humility, I am unable to subscribe to the view taken by

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the learned Single Judge of the Rajasthan High Court.

The plea of arbitrariness raised by the petitioners on the strength of letter dated 17.11.2016 (Annexure P-21) does not cut any ice. The Board has clarified that the then Registrar had connived with certain private institutions and had kept the admission portal open even after 15th of August 2016 and keeping in view the serious misconduct, the official was suspended and thereafter even charge-sheeted. In the charge-sheet dated 13.09.2017, served upon the official one of the main Articles of charge formulated was to the following effect:-

"Providing undue benefit to the private polytechnic colleges by regularization the admission made by them after the date prescribed by AICTE i.e. 15.08.2016 which is a violation of directions of the Hon'ble Supreme Court of India".

Learned Senior counsel submits that regular enquiry proceedings are continuing and action would be taken in accordance with law. As regards the notices/office orders issued by I.K.Gujaral, Punjab Technical University/Punjabi University, Patiala, with regard to extension of date for updation of the students details, suffice it to observe that petitioner institutions/colleges are approved and governed under the AICTE Act, whereas the Universities are being governed by the University Grants Commission. In any case if a deviation from the admission schedule declared to the law by the Apex Court in Parshavanath Charitable Trust (supra) has taken place in the past, the same would not vest any right in the petitioner colleges/students to insist upon such illegality to be perpetuated even thereafter.

Reliance placed upon the Division Bench judgement in Ajay Kumar Thakur's case (supra), is wholly misplaced. Facts of the case were that information of students admitted upto 15.08.2016, to various courses such as diploma in Engineering (LEET), Bachelors in Engineering, Bachelors in Architecture, MBA Course and Bachelors Diploma in Pharmacy, could not be uploaded on the website by the prescribed date. This led to the cancellation of admissions of such students. Matter having been agitated before the writ Court, the learned Single Judge did not agree with the plea of the students and the institutions and held that not uploading the requisite information by the prescribed date, would lead to a presumption of admissions being made beyond the cut-off date. The Letters Patent Bench, took notice that substantial records in support of the plea of admissions having been made before the cut-off date had been furnished viz.copy of counselling forms, applications forms, fee receipts, bank statements (deposit statement of cash/cheque/DD/NEFT/ATM deposit), cash book details etc. but such records had been discarded by the respondents. Against such backdrop the Division Bench in Ajay Kumar Thakur's case (supra) came to the rescue of the students and held as follows:-

"As stated above, such a serious matter that centres around the career of students could not have been left to imaginations or perceptions and it was incumbent upon the authorities to verify such fact and to record it as an absolute

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fact and be more specific. The reason for our observation is not far to seek because it is quite possible that institution after making the admissions by the stipulated date may have defaulted in uploading the information. Would it be just, to penalise the students, for the lapse of the institution or looking at it from another situation, there may be few students who might have been admitted beyond the cut-off date. Would it imply that all the students would be painted with the same brush, to result in cancellation of all the admissions merely because those admitted within the stipulated time, their information was also uploaded along with those admitted beyond the said date. We, therefore, cannot accept this as a just approach and the verification report being totally vague, cannot be relied upon".

In the present case the thrust of the petitioner colleges/students is with regard to extension of date for admission having been granted upto 31.08.2017. This is fortified from the communication dated 17.08.2017 (Annexure P-16) and which was in the nature of request by the petitioner association to the Director, Technical Education and Industrial Department, for the date of admission to be extended till 31.08.2017.

However, a feeble attempt was made to assert that no admissions were made after 15.08.2017. To support such contention, documents were placed on record as Annexure P4 (colly) and Annexure P-5. Such documents reflect cash deposits made by certain students on 12.08.2017, pertaining to only one college i.e. Sai Polytechnic Colege, Badhani-Pathankot. Annexure P-5 reflects a deposit of Rs.1,09,265/- on 18.08.2017, in the account of the aforenoticed college held in State Bank of India. There is no evidence to co-relate the cash receipts at Annexure P-4 (Colly) with the deposit reflected at Annexure P-5.

In the replication filed on behalf of the petitioners it was stated that 5200 admissions were made on 15.08.2017 and the details of whom could not be uploaded on the web portal. Learned Senior counsel, representing the Board has clarified that such alleged 5200 admissions would not relate to 1 or 2 colleges but would be spread over 200 institutions approximately and which in turn means not more than 50 students approximately per institute. It was submitted that if the claim set-forth on behalf of the petitioner institute was correct there would have been no difficulty in registering such small number of students on the web portal. This Court had called upon Senior counsel for the Board to furnish the details/data pertaining to admissions done by private polytechnics/ institutions as also registration on the web portal over the last four days prior to the cut-off date. The relevant extract of the data furnished is as under:-

Date of Admission

Engineering (Diploma Course)

LEET

12-08-2017

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1778

1049

13/8/2017

498

518

14/8/2017

2607

1571

15/8/2017 (12AM-5PM)

2607

1760

15/8/2017 (5PM-7PM)

329

389

15/8/2017(7PM-10PM)

191

127

15/8/2017(10PM-11PM)

52

24

15/8/2017(11PM-12PM)

83

29

Total

8145

5467

The data so provided clearly shows that there was no technical snag or glitch that could have possibly prevented the petitioner colleges/institutions to have uploaded the details of the petitioner students on or before 15.08.2017, so as to confirm admissions made upto such date. At this stage, it would also be relevant to take note that the composite procedure of admission/registration pursuant to

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the Online Off Campus counselling, was not being managed by the officials of the Board but had been entrusted to National Informatics Centre (NIC) which is a premier science and technology organization of Government of India under Union Ministry of Information, Communication and Technology. NIC has been successfully developing and implementing the Online Off Campus counselling for AIEEE rank holders in the country for the last 7-8 years. The petitioner colleges/ students have not been able to shatter the credibility of the transparent online procedure of admission that has been resorted to.

In view of the discussion herein above, this Court does not find any merit in the writ petition.

No benefit can enure to the petitioners students merely on account of having taken certain examination(s) by virtue of interim directions passed by this Court. The first interim directions in such regard was passed on 05.12.2017 and it was made clear that the petitioners participation in the exam would not create any equity in their favour and if ultimately the conclusion drawn is that the order of the Supreme Court dated 08.08.2017 (Annexure P-8) was in fact limited to the applicants therein, the petitions would be liable for dismissal. Likewise while issuing interim directions on 25.05.2018, the petitioner students were permitted to appear in the examination commencing from 28.05.2018 with the rider that such arrangement is totally provisional and the result thereof be not declared till the decision of the main writ petition. A similar request for interim directions was then denied by this Court on 26.11.2018, while posting the main writ petition itself for final hearing on 06.12.2018. The admission schedule and cut-off date i.e. 15.08.2017, laid down by the Apex Court and declared to be the law having not been adhered to, there would be no equity in favour of the petitioner students and as such no indulgence can be shown.

Writ petition dismissed.

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