

(2003) 03 DEL CK 0123
In the Delhi High Court
Case No : CW. No. 6286 of 2002

Smt. Tripti Dhalla

APPELLANT

Vs

Indira Gandhi National Open University

RESPONDENT

Date of Decision : 07-03-2003

Acts Referred:

Citation : (2003) 4 AD 209 : AIR 2003 Delhi 282 : (2003) 70 DRJ 225

Hon'ble Judges : C.K. Mahajan, J

Bench : Single Bench

Advocate : Rajiv Behl, for the Appellant; Sandeep Sethi, for the Respondent

Final Decision : Dismissed

Judgement

C.K. Mahajan, J.—By way of this petition, the petitioner seeks quashing of the letter dated 22nd July 2002 whereby the respondent has cancelled the admission given to the petitioner to the Ph.D. (Phase I) programme for July 2002-January 2003 session. A prayer is also made for allowing the petitioner to join Ph.D. Programme (Phase I) for the Session July 2002.

2. The petitioner applied to the respondent university for admission in Ph.D. Programme Phase I. The application of the petitioner was approved by the respondent and the petitioner was offered admission to the aforesaid course. The petitioner was asked to submit programme fee of Rs.10,000/-. The fee was deposited. The session was to commence in July 2002. However, the respondents vide letter dated 22nd July 2002 cancelled the admission of the petitioner. Thus by way of action of cancellation, the petitioner was not only denied admission to the Ph.D. Course but was also deprived of an opportunity of being absorbed permanently in service. It is stated that the cancellation of the admission does not fall in any of the grounds mentioned in the information brochure issued by the respondent and the cancellation of admission is based only on the ground that the offer of admission was made inadvertently. Cancellation was thus arbitrary and illegal and contrary to the grounds laid down in Clause 3.7 of the

prospectus. The respondents could not have cancelled the admission after having approved and confirmed the same and after having received the programme fee within the stipulated time. The impugned letter also does not set out the reasons for cancellation of the admission.

3. The petition is opposed by the respondent. It is stated that the petitioner was invited by the respondent to present her research proposals. However, the petitioner did not appear before the Screening Committee. Vide letter dated 4th July 2001, the petitioner was again given an opportunity to appear before the Screening Committee but again the petitioner failed to appear to present her research proposal. It is further stated that inadvertently offer letters for admission to Ph.D. Programme were sent to all the short listed candidates. On Realizing its mistake, the respondent immediately sent a telegram dated 5.7.2002 to the petitioner and all other candidates who were mistakenly sent letters for offer of admission. The fee deposited by the petitioner was also returned to her. The letter offering admission was only an offer and did not constitute final registration of the petitioner.

4. I have heard learned counsel for the parties and also perused the documents on record.

5. The Ph.D. Programme is planned for two categories of students, one who have done their M.Phil and the other who have only acquired a Masters Decree. The Ph.D. Programme offered to M. Phil. Degree holders is known as Ph.D. Phase I. The eligibility requirements for the course to Ph.D. Phase-I are as under :-

1. 55 percent (50 percent for SC/ST candidates)marks or equivalent grade in the Postgraduate examination, and

2. M. Phil. in subject concerned or an allied discipline from any university or an equivalent recognised institution of higher learning.

6. The applications are screened and the selected candidates are informed in advance to register themselves for a particular session. One of the following procedures are adopted for deciding the applications :-

1. Recommend the candidate for direct registration on the basis of research proposal.

2. Suggest the candidate to make necessary modifications/changes and on carrying the same to the satisfaction of the School/Discipline recommend his/her candidature for registration.

3. Call the candidate for personal interview/seminar if so felt by the School/Discipline and as the candidate to present the proposal in a "Research Seminar" to be organized by the School, specifically for this purpose.

7. The candidates recommended by the School Board and the Research Council are considered upon completion of all formalities for registration.

8. In response to the advertisement, 50 applications were received. The Screening Committee short listed 23 candidates out of 50 for presentation of their proposals. Out of the 23 short listed candidates invited to present their research proposals, only 13 candidates appeared before the experts and presented their research proposals. The petitioner did not present the research proposal. The Expert Body consisting of approved Supervisors from the School of Education and other parts of the country after consideration of the proposals then placed the 13 candidates into three following categories, namely,

- a) The candidate may be permitted to register.
- b) The candidate may register after revising the proposal in consultation with an approved Supervisor (enclosing a certificate to that effect).
- c) The candidate may submit a revised proposal for consideration to the School of Education.

9. The petitioner was one of the 23 short listed candidates invited to present her proposal before the Expert Committee. However, the petitioner never appeared before the Screening Committee and Therefore there was no question of the petitioner's being admitted to the programme. The petitioner was not amongst the 13 candidates who presented their research proposal. Vide letter dated 31st May 2001, the respondent informed the petitioner about approval of her name by the Screening Committee and invited her for personal presentation of her research proposal, which was an essential component for final selection. Admittedly, the petitioner failed to submit her research proposal despite the fact that she was again asked by the respondent vide its letter dated 4th July 2001. By letter dated 4th July 2001, the petitioner was sent a reminder that she had not presented her research proposal and was given another opportunity to do so. She did not avail of this proposal. Therefore, a list of 13 students placed in the three categories was sent with instructions from the School of Education to the Students Registration and Evaluation Division along with the applications of all the 23 candidates short listed. The admission was to be finalised by the Students Registration Division and admission offer letters were to be sent by this Division. Appropriate communications were to be sent to those students whose admissions could be reconsidered after receipt of revised proposals and those students whose proposals were considered and rejected for admission. The respondents inadvertently sent offer letters for admission to all the short listed candidates on the 30th May 2002. Petitioner happened to be one of the short listed candidates who was not selected for admission. When the respondent university realised its mistake, the telegrams were sent on 5th July 2002 to such candidates who were mistakenly sent letters for offer of admission. The telegram was followed by a letter and the programme fee paid by the petitioner was returned to the petitioner.

10. The contentions raised in the writ petition are an after thought. The petitioner is also guilty of concealing material facts with regard to the

presentation of her research proposal which was an essential component of selection. As stated aforesaid, the petitioner failed to submit her research proposal. She has also not disclosed this fact in the petition. The respondents after Realizing their mistake took steps to rectify the matter and also sent a telegram which was followed by the impugned letter. As the petitioner failed to appear before the Selection Committee with her proposal, the respondents were well within their rights to cancel the admission. The petitioner also failed to fulfill all the eligibility requirements for the aforesaid course. The petitioner was never registered with the respondent university. The offer was only sent to her by inadvertence. The petition does not fall within the provisions of the prospectus relied upon. The petitioner's proposal could not be considered for want of presentation by her.

11. In these circumstances, I do not find any merit in the petition. Petitioner has failed to disclose violation of any legal or fundamental right which calls for interference under Article 226 of the Constitution of India.

12. Dismissed.