

---

**(2012) 07 AHC CK 0216**  
**In the Allahabad High Court**  
**Case No : C.M.W.P. No. 35884 of 2012**

Sujeet Yadav

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

---

**Date of Decision :** 30-07-2012

**Acts Referred:**

**Citation :** (2013) 3 AWC 2667

**Hon'ble Judges :** Amreshwar Pratap Sahi, J

**Bench :** Single Bench

**Advocate :** Ram Jee Yadav and Sanjay Kumar, for the Appellant; Rahul Sripat and C.S.C., for the Respondent

**Final Decision :** Dismissed

---

## Judgement

Amreshwar Pratap Sahi, J.—Heard learned counsel for the petitioner and Sri Rahul Sripat, learned counsel for the Institute of Engineering and Rural Technology (I.E.R.T.), Allahabad. This petition was entertained calling upon the respondent-institute to inform the Court as to why the petitioner has not been offered the subject for which he had opted, during counselling. The allegation of the petitioner is that he belongs to O.B.C. category and he had furnished the caste certificate on 4th July, 2012 itself yet treating it to be doubtful the petitioner was denied counselling, as a result whereof the petitioner has not been able to get the course of his choice.

2. The petitioner in turn has been offered a seat of the course of Plastic Technology.

3. Sri Rahul Sripat contends that as a matter of fact the petitioner did not tender the caste certificate which is dated 29th June, 2012 and as a matter of fact he has submitted the caste certificate which was down loaded from the internet and which is dated 9th July, 2012. He, therefore, contends that the caste certificate itself was down loaded on 9th July, 2012 and, therefore, it could not have been submitted on 4th July, 2012.

4. To support his submission Sri Rahul Sripat has produced the affidavit stated to have been filled up by the petitioner himself on 4th July, 2012 declaring that the transfer certificate from the school and the caste certificate shall be produced by 28th July, 2012. He, therefore, contends that this fact has been admitted by the petitioner himself before the institute and, as such, nondisclosure of such a fact in the petition disentitles him for any discretionary relief.

5. Having considered the aforesaid submissions and in view of the facts that have now been placed before the Court by Sri Rahul Sripat learned counsel for the institution, it appears that the petitioner had not submitted the caste certificate as required under the brochure on the date fixed for counselling, i.e., 4th July, 2012. He himself had made a request for a future date, i.e., 28th July, 2012 as per his own declaration before the Institute. The counselling has to proceed and could not be postponed on the asking of a candidate for any future date.

6. Such an affidavit appears to have been obtained by the Institute in order to consider the candidature in case any seat is left vacant in future. In the instant case according to Sri Rahul Sripat, the seats in the discipline of Electronics have already been filled up and, therefore, the consideration of the claim of petitioner is out of question. The petitioner has not disclosed the fact of the aforesaid affidavit and the declaration given by him before the Institute. In the circumstances no relief can be granted.

The writ petition is rejected.