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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 15528/2022**

SHUBHAM JHA

..... Petitioner

Through: **Mr. Khagesh B. Jha, Advocate.**

versus

**GURU GOBIND SINGH INDRA PRASTHA UNIVERSITY AND
ORS.**

..... Respondents

Through: **Ms. Anita Sahani, Standing Counsel
for R-1.**

**Mr. Santosh Kumar Tripathi, Standing
Counsel with Mr. Arun Panwar and
Ms. Mahak Rankawat, Advocates for
R-2.**

**Mr. Mohit Mathur, Senior Advocate
with Mr. Nishant Anand, Ms. Gunjan
Bansal, Mr. Harsh Gautam and Ms.
Aditi Singhal, Advocates for R-3 & 4.
Mr. Adarsh Priyadarshi and Mr. Tarun
Bedi, Advocates for R-5.**

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **11.11.2022**

**CM APPL. 48282/2022 (u/S 151 of the Code of Civil Procedure, 1908 (CPC)
seeking exemption from filing true typed copies of dim annexures)**

1. Exemption is granted, subject to all just exceptions.
2. Petitioner shall file legible and clearer copies of exempted documents, compliant with practice rules, before the next date of hearing.
3. Accordingly, the application stands disposed of.



CM APPL. 48281/2022 (u/S 151 of CPC seeking interim directions/ stay)

4. This is the third petition at the instance of Petitioner relating to the same subject matter i.e., admissions through management quota at Guru Gobind Singh Indraprastha University [hereinafter “GGSIPU”]. Initially, Petitioner filed W.P.(C) 11906/2022 contending that he was unable to apply for admission under management quota as forms were not being issued to him by certain affiliated institute(s). In the said petition, he also alleged violation of applicable provisions regulating admissions to said management quota seats and sought intervention of Respondent No. 2–Government of NCT of Delhi [hereinafter “GNCTD”] and GGSIPU. Both, GGSIPU as well as GNCTD, took cognisance of the same. Towards this direction, notification¹ dated 22nd September, 2022 was issued by Directorate of Higher Education, GNCTD [Annexure P-9] regarding online registration for management quota admissions on the GGSIPU portal and display of merit list on the portal, to bring transparency, clarity and efficiency in the admission to management quota seats in private institutions affiliated to GGSIPU. In turn, GGSIPU issued notification² dated 27th September, 2022 calling upon affiliated private institutions to share the information regarding management quota seats to be displayed on the GGSIPU web portal. This was to enable students to apply online for management quota seats on the GGSIPU web portal, track availability of seats and applications, etc. Pursuant thereto, certain more notifications were issued by GGSIPU to bring clarity in the admission process for management quota. Thus, in the opinion of the Court, concerns of

¹ F. No. DHE 4(4)/GGSIPU/2019/4674-76.

² No. GGSIPU/Admissions/28/9, Notification No. 245/2022.



Petitioner, are largely redressed, yet multiple petitions and applications are being filed.

5. The Court is informed that Petitioner has got admission in B.Tech. (Computer Science) in Maharaja Surajmal Institute of Technology on 01st/02nd November, 2022. This assertion is not controverted by Mr. Khagesh Jha, counsel for Petitioner. Further, Mr. Mohit Mathur, Senior Counsel appearing on behalf of Respondents No. 3 and 4 [Vivekanand Institute of Professional Studies [hereinafter “VIPS”] and Maharaja Agrasen Institute of Technology], states that Petitioner has also deposited fee for admission in VIPS on 05th November, 2022.

6. With two seats in his bag, Petitioner now wants to further participate in counselling for management quota seats. However, since the notification³ dated 04th November, 2022 issued by GGSIPU [hereinafter “impugned notification”] precludes him from the same, he has filed the instant petition. The relevant condition of the notification that impedes him, reads as under:

“The Institute shall ensure that a undertaking will be taken from each candidate participating in Counselling for Management Seats that he/ she has not taken admission in any other Institute/ college/ USS in B.Tech Programme till date and the admission shall be cancelled, if it is found that the candidate has submitted false undertaking.”

7. At this juncture, it must also be noted that similar relief was also sought in the earlier petition, viz. W.P.(C) 14347/2022, by way of interim application, which was rejected by this Court vide order dated 04th November, 2022 as under:

“CM APPL. 47385/2022 (seeking exemption from filing true typed copies of dim annexures)

³ F.No. IPU-7/OnlineCounselling/2022/2979, titled “Revised Schedule For Counselling For Admission Under The Management Seats For B.Tech. Programme For The Academic Session 2022-23 Conducting At Various Institutes”.



1. Exemption is granted, subject to all just exceptions.
2. Petitioner shall file legible and clearer copies of exempted documents, compliant with practice rules, before the next date of hearing.
3. Accordingly, the application stands disposed of.

CM APPL. 47384/2022 (for stay of Clause- 1 of impugned notice dated 2/11/2022)

4. By way of this application, Applicant/Petitioner seeks following relief:
“It is respectfully prayed from this Hon’ble court under section 151 of CPC to pass an order to stay the operation of Clause 1 of Notification No. 297/2022 dated 02.11.2022 subject to outcome of present case or pass any other order or further orders this Hon’ble court deems fit on the basis of above-mentioned facts and circumstances of the case.”

5. Clause 1 of Notification No. 297/2022 dated 02nd November, 2022, issued by Respondent No. 2- Guru Gobind Singh Indraprastha University [hereinafter “**GGSIPU**”] [Annexure A-3] operation whereof is sought to be stayed, reads as follows:

“1.A candidate who has already taken admission through online counselling shall not be eligible for consideration for admission in the Management Quota Seats”

6. Mr. Khagesh B. Jha, Counsel for Applicant/Petitioner, argues that the earlier Notification No. 275/2022 dated 18th October, 2022 issued by GGSIPU [Annexure A-2] qua admission to management seats for B.Tech. programme, mentions no provision of any restriction on any candidate selected through centralised online counselling, as compared to the afore-extracted provision in said notification dated 02nd November, 2022.

7. Per contra, Ms. Anita Sahani, counsel for GGSIPU, explains that the rationale for putting an embargo on a candidate who has taken admission through online counselling, to not be considered for admission in management quota seat is borne out from policy decision of GGSIPU. She explains that if a candidate takes admission through online counselling and subsequently opts for management quota, it would result in the former seat being rendered vacant, leading to loss to the concerned affiliated institutes which are self-financing institutions. In support of this contention, Ms. Sahani also places reliance on the decision of this Court in **Pavani Bhardwaj v. Union of India & Ors.**⁴ The reasoning in **Pavani Bhardwaj** (supra) was then adopted while rendering another decision in **Shivam Jasra v. Guru Gobind Singh Indraprastha University & Anr.**⁵, which was then assailed before the Division Bench, wherein the decision of the Single Judge was not disturbed and the appeal was disposed of with a condition on the appellant to deposit full course fee for entire duration of B.A. LL.B. course with the institute where admission was taken at the first instance.

8. At this juncture, it must be noted that Mr. Khagesh B. Jha, states that he is

⁴ W.P.(C) 5458/2013 dated 2nd September, 2013.

⁵ LPA 670/2013 dated 25th September, 2013.



also willing to deposit the full course fee, as directed in **Shivam Jasra**, (supra). In the opinion of the Court such a direction cannot be issued, as no occasion has arisen. The admission process has not been concluded and the apprehension expressed by Petitioner is premature and purely a surmise. If Petitioner is eventually precluded from seeking admission on the basis of the impugned provision of notification dated 02nd November, 2022, the same would have to be impugned on its own merits. Moreover, this is not even the subject matter of the present petition.

9. In the above circumstances, the Court does not find any ground to stay Clause 1 of the said notification dated 2nd November, 2022.

10. Dismissed.

W.P.(C) 14347/2022

11. List on the date already fixed i.e., 18th November, 2022.”

8. Petitioner has not assailed the afore-noted order but has instead filed the present petition seeking stay of the impugned notification, which, in effect would amount to reviewing the earlier order passed by this Court.

9. That apart, as noted in order dated 17th October, 2022 in W.P. (C) 14677/2022 and connected matters, Ms Sahani’s statement on behalf of GGSIPU has been recorded, to the effect that GGSIPU has taken a conscious decision to not disturb the admission process already completed by the affiliated institute(s) prior to the issue of concerned notification(s). Since the Petitioner has already secured admission, *prima facie* he would be entitled to the benefit of afore-noted decision. However, Petitioner is desirous of securing admission in other institutes. The condition imposed *vide* impugned notification is only to ensure that students who have already got admission in an institute should not scout for admission in other institutes, so as to ensure that other students are not deprived of a chance to get admission. Absence of such a condition would result in students holding on to multiple seats, leading to vacancies at the time of conclusion of admission process, which would be highly undesirable and a wastage of resources of the institutes.

10. Mr. Jha submits that Petitioner’s admission with Maharaja Surajmal



Institute of Technology, has not been ratified by GGSIPU. However, as noted above, the fact that Petitioner has secured admission, is not denied.

11. As regards other contentions advanced by Mr. Jha, regarding GGSIPU's power to introduce such a condition in the impugned notification, the Court can form a firm opinion once GGSIPU files a counter affidavit. At this stage, on a *prima facie* basis, it can be observed that although counselling for management quota seats is done exclusively by the affiliated institute(s), GGSIPU, the affiliating University, can regulate the admission process by imposing a reasonable condition which is in the interest of the students.

12. In the above circumstances, the Court is not inclined to grant any interim stay on the operation of impugned notification issued by GGSIPU.

13. As regards the directions sought against Respondents No. 4 and 5 [Maharaja Agrasen Institute of Technology and Bhagwan Parasuram Institute of Technology, respectively] to display the merit list with marks obtained by students on website; the Court can only observe that the applicable provisions under The Delhi Professional Colleges or Institution (Prohibition of Capitation Fee, Regulation of Admission, Fixation of Non-Exploitative Fee and Other Measures to Ensure Equity and Excellence) Rules, 2007 shall be complied with by the concerned institutes.

14. Dismissed.

W.P.(C) 15528/2022

15. Issue notice to Respondents. Ms. Anita Sahani, Advocate, accepts notice on behalf of Respondent No. 1 [Guru Gobind Singh Indraprastha University]. Mr. Santosh Kumar Tripathi, Standing Counsel, accepts notice on behalf of Respondent No. 2 [Government of NCT of Delhi]. Mr. Nishant Anand, Advocate, accepts notice on behalf of Respondents No. 3 and 4



[Vivekanand Institute of Professional Studies and Maharaja Agrasen Institute of Technology, respectively]. Mr. Adarsh Priyadarshi, Advocate, accepts notice on behalf of Respondent No. 5 [Bhagwan Parasuram Institute of Technology].

16. Let counter affidavit(s) be filed within a period of six weeks from today. Rejoinder thereto, if any, be filed within a period of two weeks thereafter.

17. Re-notify on 13th January, 2023.

SANJEEV NARULA, J

NOVEMBER 11, 2022

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