

Notice

Order of the Hon'ble High Court of Delhi about Eligibility for Round 4

The order of the Hon'ble High Court of Delhi in W.P. (C) 5046/2013 dated 08.08.2013 regarding eligibility of candidates for Round-4 of PG All India Quota Counseling 2013.

Posted on 14.08.2013

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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 5046/2013

DR. APRAJITA SRIVASTAVA & ORS.

..... Petitioners

Through: Ms. Meenakshi Arora, Mr. V. Madhukar,
Mr. Siddeesh Kotwal, Mr. Bansuri
Swaraj and Mr. Mohit D. Ram, Advs.

versus

UNION OF INDIA & OTHERS

..... Respondent

Through: Mr. Neeraj Chaudhari with Ms. Shipra
Shukla, Mr. Ravjyot Singh, advs. with
Mr. Mangal Singh consultant for UOI

CORAM:

HON'BLE MR. JUSTICE V.K. JAIN

ORDER

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08.08.2013

CM 11379/2013 (exemption)

Exemption allowed subject to all just exceptions.

The application stands disposed of.

W.P.(C) 4589/2013 & CM 11380/2013 (stay)

The petitioners before this Court applied for admission to post graduate course in All India Quota and appeared in all the three rounds of online counselling held so far. Only three rounds of counselling were initially scheduled to be held. However, vide order dated 1.8.2013 passed in W.P(C) No.433/2013, the Hon'ble Supreme Court, *inter alia*, directed as under:

"..we direct that a 4th round of online allotment process will be conducted for the seats in medical postgraduate courses remaining vacant in the all India quota and the same will be completed by 21st August, 2013. In this 4th round of online counselling, the candidates who had given willingness for participation in the 3rd round of counselling for the purpose of upgradation will also be permitted to participate as they were not aware that there will be a 4th round of online counselling.

Rest of the directions including the direction in condition no.11 in the aforesaid order dated 23rd March, 2012 will remain in force and we clarify that after the 4th round of counselling.

It is submitted by the learned counsel for the petitioners that since the petitioners/ applicants had participated in the third round of counselling for the purpose of upgradation, they are also entitled to participate in the fourth round of counselling in terms of above referred order of the Hon'ble Supreme Court. The learned counsel for the respondents, who appears on advance notice, however, submits that since the petitioners admittedly have resigned from the seats which were allotted to them under the All India Quota, they are not entitled to appear in the fourth round of online counselling. In this regard, he has drawn my attention to the direction no.11 contained in the order dated 23.3.2013 in IA No.16/2012 in Civil Appeal No.1944/93. The above condition no.11 reads as under:

"11. The candidates who do not register for online allotment process during notified dates or who do not fill up choice online, for allotment or those who do not join the allotted course/ college within stipulated time shall forfeit the claim for a seat under the All India quota scheme."

The contention of the learned counsel for the petitioners/ applicants is that since they are not the persons who did not join the allotted course/ colleges during the earlier online counselling, the above referred direction does not come in the way of their participating in the fourth round of counselling. The learned counsel for the petitioners further submits that the petitioners had given their willingness to participate in the third round of online counselling. I, however, find myself unable to accept the contention. The purpose of the above referred condition is that the only those persons are allowed to participate in the next round of counselling who accept and

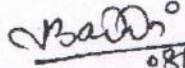
continue to retain the seats allotted to them in the earlier counselling. In my view, there is no difference between a person who does not join the allotted course/ college within the stipulated time and a person who does join the allotted course/ college, but later on resigns from such allotted course/ college. Therefore, in my view, the petitioners, on account of their being already resigned from the course/ college allotted to them in the earlier round of counselling are not entitled to participate in the fourth round of counselling considering that the Hon'ble Supreme Court while passing the order dated 1.8.2103 expressly stated that rest of the directions contained in the order dated 23.3.2012 including the direction in condition no.11 will remain in force.

The petition and the application are accordingly dismissed.

Dasti under the signatures of Court Master, to both the parties.

V.K. JAIN, J

AUGUST 08, 2013/rd


08/08/2013
Court Master
Delhi High Court
New Delhi