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

Reserved on: 8th April, 2021
Pronounced on: 23rd April, 2021

+ **W.P.(C) 5392/2020 & CM APPLs. 19431/2020, 34199/2020**

ADIL SAJEER ANSARI Petitioner

Through: Mr. Sahil Bhalaik & Mr. Tushar
Giri, Advocates.

versus

UNIVERSITY OF DELHI & ANR. Respondents

Through: Mr. Mohinder J.S. Rupal and
Ms. V. Bhawani, Advocates.

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CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

J U D G M E N T

1. The present writ petition concerns the petitioner's application for admission to the MBA (International Business/Human Resource Development) Programme [hereinafter, "MBA (IB)"] in the Delhi School of Economics, University of Delhi [hereinafter, "the University"] in the academic year 2020-21.

Facts

2. The petitioner appeared for the Common Admission Test (CAT), and applied for admission to the MBA (IB) programme in the Department of Commerce, Faculty of Commerce and Business, Delhi School of Economics, University of Delhi, for the academic year

2020-21. He was provisionally selected in the OBC Category in the 8th Admission List.

3. This was communicated to the petitioner by an e-mail dated 02.08.2020, which further required submission of documents by e-mail to the e-mail address “**mbadmission@commerce.du.ac.in**”. The said communication also stipulated a deadline with regard to the submission of the documents, which was as follows:

“
.....
You are required to send your documents during the period from: 2nd August,2020 to 4th August,2020 between 10:00 AM to 4:00 PM(Documents sent after the stipulated time shall not be considered without any further communication).”

4. It is the petitioner’s case that he is a resident of Uttar Pradesh and the Government of Uttar Pradesh had issued directives for a curfew in the State over the weekends. As no movement was permitted, he faced some difficulty in arranging all the necessary documents and scanning them. However, on 04.08.2020 at 10:58 AM, the petitioner successfully submitted all his documents on “**mbaadmission@commerce.du.ac.in**”, not realizing that it was, in fact, an incorrect e-mail address.

5. Later in the day on 04.08.2020, it came to the knowledge of the petitioner from various other similarly placed candidates that, after successful submission of the documents, a payment link was sent to the eligible candidates. The petitioner raised a query to the University [on the correct e-mail address - **mbadmission@commerce.du.ac.in**]

vide e-mail dated 04.08.2020 at 7:59 PM, stating that he has mailed the necessary documents but had not received the payment link. He received the following response from the University on 04.08.2020 at 8:43 PM:

“We have recieved only a query from your side which was duly replied but have NOT recieved the documents required for admission therefore you have not got any mail.

Also , you are requested to send us proof that you have send the required documents on this email ID for us to take up the matter.

*Warm Regards
MBA Admissions Team
Department of Commerce
Faculty of Commerce and Business
University of Delhi
Delhi
[Quoted text hidden]”*

6. The petitioner thus discovered that the documents submitted by him were inadvertently sent to an incorrect e-mail address, which differed from the one provided by the University in the communication of 02.08.2020. At 9:15 PM on the same day, he sent an e-mail to the University at the correct e-mail address, and attached all his scanned documents.

7. The petitioner again wrote to the University on 04.08.2020 at 9:19 PM, apologizing for his mistake and attaching with the e-mail, a screenshot of the earlier email, as required by the University.

8. Further to the above, on 05.08.2020 at 12:21 PM, the petitioner explained his case to the University and requested for a payment link. The said communication is reproduced as follows:

“Respected SIR/MAM

We have a weekend lockdown here in U.P..I received the mail on 2nd of Aug,which was Sunday,so I couldnt get the documents scanned that day.

Next day being Rakshabandan,most of the shops were closed,so i had to travel to a distant cyber cafe to get the documents scanned.Amongst all this hassle,i ended up sending the documents to a wrong mail address(just a minor difference in spelling).

I have attached the proof in the previous mail.

I request you to kindly accept my apology & forward me the payment link as the past few days have been quite hectic & me and my parents are losing their sleep over this issue.

*Yours sincerely,
Adil Sajeer Ansari
[Quoted text hidden]”*

9. The University replied on 05.08.2020 at 2:19 PM, stating that the petitioner’s case could not be considered because of the deadline of submission of documents, but mentioned that the University will forward the case of the petitioner to a committee and will convey its decision to him at the earliest possible.

10. The petitioner again pleaded his case through various further representations and also informed the University that he had mailed the documents at an incorrect e-mail address, by an unintended error. However, on 07.08.2020 at 9:45 AM, the University conveyed the

decision of the committee to the petitioner, wherein the request of the petitioner was not acceded to.

11. The petitioner thereafter made various further representations to the Dean of the Department, the MBA Admissions Office and Dean of Students Welfare, which did not elicit a response.

12. This led to the present writ petition, in which the petitioner has sought the following reliefs:

“(a) *issue a writ of mandamus or any other appropriate writ, order or direction directing the Respondents to allow the Petitioner to complete his admission process for the MBA (IB) program and grant him consequent admission at the Delhi School of Economics, University of Delhi;*

(b) *pass such further or other orders, which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case in the interest of justice”*

13. When the matter was first listed before this Court on 18.08.2020, the Court opined that the petitioner's mistake is a *bona fide* one and a *prima facie* case is made out by the petitioner. The Court granted interim relief to the petitioner as follows:

“
xxxx xxx xxx
xxxx xxx xxx

7. In the meantime, the respondents will keep one seat vacant in the stated course from OBC category till the next date of hearing, in case such a seat is presently available.”

Affidavits filed by the University

14. The University has filed a counter affidavit to which the Minutes of the Sub-Committee dated 07.08.2020 has been annexed [as Annexure R-6]. The case of the petitioner was considered by the Sub-Committee in the following terms:

“ xxxx xxxx xxxx
I. Candidate named Adil Sajeer Ansari form no 20COMM774 has mailed the documents on incorrect email id. Since, the Department has not received the documents in the stipulated time therefore the request cannot be acceded to.
xxxx xxxx xxxx
xxxx xxxx xxxx”.

15. The University has also filed an additional affidavit dated 23.02.2021 in which it is contended that the first semester of the course in question has concluded on 01.02.2021 and the petitioner cannot be granted the relief sought at this stage. It has further been submitted that several other candidates who failed to deposit documents on the stipulated e-mail address of the University, were also declined admission, including five candidates in the 1st to 7th admission list (i.e. placed higher in merit than the petitioner, who was selected in the 8th list).

16. By an order dated 23.02.2021, the University was directed to file a further affidavit giving the following details:

“(a) Whether the other candidates mentioned in the aforesaid additional affidavit rectified the errors by sending their documents to the correct e-mail

address of the MBA admissions office, and if so, at what stage that rectification was made.

(b) What steps were taken to process the applications between the closing time of 4:00 P.M. on 04.08.2020 and 9:19 P.M. on the same date, when the petitioner sent the documents to the correct e-mail address?”

17. The University thereafter filed a further additional affidavit dated 12.03.2021 stating that in total, there were five candidates who were successful in the 1st to 7th admission list, but sent the documents after the due date, or on an incorrect e-mail address. Of these, only one candidate sent documents on an incorrect e-mail address, while the other candidates did not send the documents during the stipulated period at all. It does not appear from the said affidavit that any of the candidates in question rectified their error at any stage. The University has instead relied upon the minutes of the Commerce and Business Courses Admission Committee dated 10.06.2020 by which it was decided not to consider the candidates who submitted documents after the stipulated time period.

18. With respect to the second query enumerated in the order dated 23.02.2021, the University has submitted that there was no similar case in the 8th admission list. It has further stated as follows:

“Reply to point (b): All cases mentioned in the additional affidavit related to late submission/ mailing document to incorrect email id are related to admission list from 1st to 7th Admission list. As such there was no similar case in eighth admission list. With reference to email send by Mr Adil Ansari at 19:59 on 4th August,2020 regarding non receipt of payment link, he was replied at 8:43 pm on 4th August , 2020 that:

"We have received only a query from your side which was duly replied but have NOT received the documents required for admission therefore you have not got any mail.

Also, you are requested to send us proof that you have sent the required documents on this email ID for us to take up the matter."

Subsequently, his case was referred to the sub-committee and the decision was communicated to Mr. Adil Ansari accordingly."

Submissions of counsel

19. The principal submission of Mr. Sahil Bhaliak, learned counsel for the petitioner, was that the petitioner had erroneously sent the documents to an incorrect e-mail address within the time stipulated by the University and had corrected his error on the same day at 9:15 PM. He submitted that the University's failure to consider the petitioner's case in these circumstances was unreasonable and arbitrary and a sympathetic view ought to have been taken.

20. Mr. Mohinder J.S. Rupal, learned counsel for the University, relied upon the contents of the counter affidavit and the additional affidavit to submit that the University was duty bound to conform to the conditions mentioned in the communication sent to the petitioner with regard to submission of documents. Mr. Rupal cited the Division Bench judgment of this Court in *Pallavi Sharma vs. College of Vocational Studies & Anr.* (2015) 221 DLT 738 and the judgment of a Coordinate Bench in *Divya Bansal vs. University of Delhi through its Registrar* [W.P. (C) 9111/2020, decided on 23.11.2020] to submit that the instructions of the University cannot be bypassed and that

considerations of sympathy towards the candidate would be misplaced. Relying upon the judgment of *State of Uttar Pradesh & Ors. vs. Chaudhari Ran Beer Singh & Anr.* (2008) 5 SCC 550, Mr. Rupal submitted that the University cannot be directed by a writ of mandamus to disobey the law. He lastly urged that the writ court ought not to substitute its own judgment for that of the administrative authority. He reiterated that the course to which the petitioner sought admission is now well under way and grant of admission at this stage cannot be permitted.

21. Mr. Rupal further relied upon Sections 17 and 32 of the Delhi University Act, 1922 to submit that the faculty in question is an “authority” of the University, entitled to make regulations in the circumstances mentioned in Section 32.

Analysis

A. Has the petitioner made out a case for relief?

22. The petitioner’s case, in summary, is that despite restrictions on movement in the State of Uttar Pradesh, where he was residing during the relevant period, and intervening festivals, he was able to access a cyber cafe on 04.08.2020 and e-mailed the documents to the University at approximately 11:00 AM, well within the stipulated time. Undisputedly, the petitioner did make a typographical error while submitting his documents – he added an extra ‘a’ and sent the documents to mbaadmission@commerce.du.ac.in, instead of the correct e-mail address [mbadmission@commerce.du.ac.in]. The petitioner made inquiries, and was informed on the same day at 8:43 PM that the documents had not been received by the University. He

corrected his mistake by an e-mail of the same date at 9:15 PM. On 05.08.2020, the MBA Admissions Team informed the petitioner that the documents were sent to the correct e-mail address after the stipulated time of 4:00 PM on 04.08.2020, and could not be considered. However, it was stated that the petitioner's case would be forwarded to a Committee. The petitioner's representations were however, declined by the Committee.

23. This approach of the University is, in my view, unduly harsh. The petitioner provided documents to support his contention that he had in fact sent the documents within time, albeit to the wrong e-mail address. He corrected his mistake as soon as the University informed him that his documents have not been received, and within a few hours of the deadline having passed. Pursuant to the specific direction of the Court to state on affidavit as to the steps taken to process the applications between the closing time of 4:00 PM on 04.08.2020 and 9:19 PM on the same date (when the petitioner sent the documents to the correct e-mail address), the University has only placed on record the aforementioned affidavit dated 12.03.2021, which does not disclose that the applications were in fact processed in any manner during this period. As such, neither had any administrative process taken place during the interregnum nor would any other candidates have been prejudiced in the event the University had taken a more accommodative approach.

24. Further, the additional affidavits filed by the University also make it clear that, of the candidates who were higher in merit than the petitioner in the concerned category, five were not given admission

due to non-submission of documents. Only one of the five submitted the documents, and that too at an incorrect e-mail address. The response to the specific query as to whether any of the other candidates had rectified the error by sending the documents to the correct e-mail address, makes it clear that there was no other candidate in a situation similar to that of the petitioner.

25. The judgments cited by Mr. Rupal do not come in the way of the aforementioned conclusion. The nature of the instruction in the present case, and the violation thereof by the petitioner, must first be borne in mind. From the record, it appears that the instruction regarding the manner of submissions of documents was communicated at the stage when the admission list was published. The issue is not one of breach of a statute or subordinate legislation. Although Mr. Rupal cited the provisions of the Delhi University Act, relating to the definition of “authorities”, and the power to make “regulations”, every instruction or direction issued by an “authority” must be examined on its own terms. There is nothing on record to support the conclusion that the deadline prescribed in the communication dated 02.08.2020 was in the nature of a “regulation”, by which the University was compelled to reject the petitioner’s representations.

26. The observation of the Supreme Court in *A.P. Christians Medical Educational Society vs. Government of Andhra Pradesh & Anr.* (1986) 2 SCC 667, relied upon by Mr. Rupal, was in the context of an institution which had admitted students to a medical college in breach of conditions imposed by the affiliating University. Rejecting

an argument advanced on behalf of the students so admitted that they should be permitted to appear for the University examinations notwithstanding the lack of permission and affiliation, the Court observed as follows:

“10. xxxx xxxx xxxx

..... *We cannot by our fiat direct the University to disobey the statute to which it owes its existence and the regulations made by the University itself. We cannot imagine anything more destructive of the rule of law than a direction by the court to disobey the laws.”*

The case of a medical college which had admitted students without fulfilling the affiliation conditions communicated by the University, is not at all similar to the present case, where a student seeks admission after having fulfilled all the necessary conditions, except for the submission of documents to an erroneous e-mail address, which was also subsequently rectified within a very short span of time. No question of eligibility arises in the present case.

27. Reliance upon the Supreme Court decision in *Chaudhari Ran Beer Singh* (supra) is similarly inapposite. In that case, the Court was concerned with a decision regarding creation of a District/State and took the view that such a policy decision must be left to the government. The present case is one where there was evidently some discretion to be exercised by the University, which is what occasioned the reference to a committee. The decision was not one of policy simpliciter, but of application of policy to a particular factual situation.

28. Turning now to the two decisions of this Court cited by Mr. Rupal, in *Pallavi Sharma* (supra), the writ petitioner sought admission

for a course other than the courses for which she had applied. The learned Single Judge declined the relief holding that permitting a person to be admitted in a course for which she had not applied at all, would be disruptive of the admission process. The Division Bench affirmed this finding *inter alia* on the ground that the Information Bulletin issued by the University required candidates to indicate the courses in which they sought admission. The Division Bench held that the instructions contained in the Bulletin are binding and a writ of mandamus cannot be issued contrary thereto. Similarly, in *Divya Bansal* (supra), the brochure issued by the University provided for the method of counselling including upgradation from a lower preference college to a higher preference college during the counselling process. The petitioner therein admittedly specifically opted out of the counselling process and contended that this was a *bona fide* mistake. The Court held that permitting her to seek upgradation in these circumstances would create chaos even if she had opted out by an inadvertent mistake.

29. The present case does not, in my view, fall within the class of cases dealt with in *Pallavi Sharma* and *Divya Bansal*. In both those cases, the candidates had chosen not to be considered for admission, which was later sought in the writ petitions. In *Pallavi Sharma*, the petitioner had not applied for the course in question, and in *Divya Bansal*, the petitioner opted out of the possibility of upgradation. In both the judgments, the Court has emphasized that permitting the petitioner to revisit that choice would result in throwing the admission process into chaos. The present petitioner, in contrast, made his

application, was declared successful and corrected his mistake before the admissions process had progressed at all. If the University/Committee constituted for the purpose had exercised its discretion in favour of the petitioner at that stage, no other candidate would have been prejudiced and it certainly would not have led to chaos or disruption of the sort envisaged in the judgments relied upon. In fact, it is evident from the orders of this Court dated 18.08.2020 and 25.08.2020 that a seat in the relevant category was available, even at the stage when the petitioner approached this Court.

30. The petitioner's conduct, other than the admitted typographical error in submission of the documents has been diligent and responsive. Despite the lack of necessary facilities owing to COVID-19 restrictions and festivals in the concerned district in Uttar Pradesh, he persevered to submit his documents within time. Unfortunately, he made an error in typing the e-mail address. He kept track of the status with other applicants and contacted the University immediately upon discovery that others had received the payment link but he had not. He rectified the defect immediately and represented repeatedly to the University to consider his case. He also requested that he be considered in the next list if necessary. The University declined all these representations.

31. The law does not, in my view, necessarily require the person in this situation to be burdened with such harsh consequences of his error, without regard to the particular facts and circumstances of the case. Some degree of administrative flexibility can be exercised to enable him to pursue an educational opportunity in a situation where

neither the institution nor any other candidate would be prejudiced thereby.

32. Even when tenders are floated by public authorities, the Courts have drawn a distinction between essential eligibility conditions (which must be strictly enforced) and ancillary or subsidiary condition (in which some flexibility is permitted). To this effect is the decision of the Supreme Court in *Poddar Steel Corporation vs. Ganesh Engineering Works and Ors.* (1991) 3 SCC 273 (paragraph 6), which has been followed in several cases, including *Om Prakash Sharma vs. Ramesh Chand Prashar & Ors.* (2016) 12 SCC 632, and by a Division Bench of this Court in *Quippo Oil and Gas Infrastructure Limited vs. Oil & Natural Gas Corporation Limited & Anr.* (2016) 230 DLT 384 (DB). These decisions hold that minor or ancillary deviations from tender conditions by bidders can be condoned. If commercial organizations can be permitted such latitude, surely a young student at the cusp of life is entitled to the same benefit.

33. The consideration of the petitioner's case by the Committee was also perfunctory, at best. The minutes on record do not reveal any application of mind to particular circumstances, but a blanket decision to disallow all late submissions, and thus stick to the view taken by the Admissions Team. There is significantly no consideration of the fact that the petitioner had rectified his mistake within a few hours and prior to any substantive action having been taken by the University.

34. For the aforesaid reasons, I am of the view that the petitioner has made out a case for interference under Article 226 of the Constitution.

B. Nature of relief to be granted

35. The next question is as to what relief can be granted to the petitioner. The petitioner approached this Court immediately after the rejection of his representations. The first order of this Court, which was passed on 18.08.2020, recorded that the petitioner had made out a *prima facie* case and directed the University to keep one seat vacant in the OBC category. The seat has been vacant since. Although the University was granted one week's time to file a short affidavit, several opportunities were taken to have the affidavit placed on record. The matter has remained pending since then, principally due to the time taken in bringing the counter affidavit on record and due to the pre-occupation of the Court, as well as on account of adjournments sought by the University. At the very least, a perusal of the order sheets show that the petitioner is not at fault.

36. Be that as it may, Mr. Rupal is right in submitting that the petitioner has missed the first semester of the course and the examinations. In these circumstances, granting admission for the current academic year (2020-21) may not be possible. However, the Court under Article 226 of the Constitution has to consider some way of moulding the relief.

37. The judgment of the Supreme Court in *S. Krishna Sradha vs. The State of Andhra Pradesh & Ors.* 2019 SCC OnLine SC 1609 [Civil Appeal No. 1081/2017, decided on 13.12.2019] provides some guidance in this regard. In the said judgment, the Supreme Court considered a case of candidates for admission into MBBS courses to determine whether there is any situation in which a candidate can be

granted admission after the admission deadline has passed, or whether the only relief available to a candidate in such a situation is the grant of compensation. The Supreme Court framed the question in the following terms:

“18. Heard Learned Counsel for the respective parties at length. The short but an important question of law posed for consideration of this Court is what relief a meritorious candidate is entitled to when it is found that a meritorious candidate is denied an admission arbitrary and illegally by the concerned authorities and the fault is not attributable to the candidate at all and the candidate has pursued his/her legal rights expeditiously and without delay, whether in such a situation awarding compensation only can be said to be just and an adequate relief? The issue which arises for consideration is whether having fulfilled the aforesaid prerequisites, the Court can grant relief and order admission even after the cut-off date for admission i.e. 30th September is over and whether the Court can grant admission beyond the intake either in the same year or in the next academic year?”

38. The Court observed that a candidate placed in this situation, particularly one seeking admission in a professional course, each year is very precious. Relying upon Articles 14, 19 and 21 of the Constitution, the Court held that for a deserving candidate, the primary relief is restitutionary:-

“32. The right to equal and fair treatment is a component of Article 14 of the Constitution. As held by this Court Asha (Supra) that a transparent and fair procedure is the duty of every legal authority connected with admissions. In such cases, denial of fair treatment to the candidate would not only violate his/her right under Article 14 but would seriously jeopardize his/her right under Articles 19 and 21 of the Constitution of India. A natural corollary of

declaring that an administrative act more particularly the denial of admission illegally and for no fault of a candidate/student violates principles of Article 14 is that the citizen injured must be put back to his/her original position. In that sense, the primary relief is restitutionary. As observed hereinabove, for a meritorious student seeking admission in medical course is very important in the life of student/candidate and denial of admission to a meritorious candidate though no fault of his/her violates his/her fundamental rights. Compensation could be an additional remedy but not a substitute for restitutionary remedies. In case of medical admissions, even the restitutionary remedy of providing a seat in the subsequent year would lead to loss of one full academic year to a meritorious candidate, which cannot be compensated in real terms. Thus compensation for loss of year could be provided, but denial of admissions to a meritorious candidate cannot be compensated in monetary terms. Thus denial of admission in medical course to a meritorious candidate for no fault of his/her and though he/she has approached the Court in time and despite the same not granting any just and equitable relief would be denial of justice. Therefore, the question is what relief the Court can grant by which right to equal and fair treatment to a candidate are protected and at the same time neither there is injustice to other candidate/student and even compromising with the quality education. Therefore, a balance is required to be struck. However, at the same time it can safely be said that the view taken by this Court in Jasmine Kaur (Supra) that the only relief which can be granted to such a candidate would be the compensation only is not good law and cannot be accepted. Even granting a relief to such a candidate/student in the next academic year and to accommodate him/her in the next year and in the sanctioned intake may even affect the right of some other candidate/student seeking admission in the next academic year and that too for no fault of his/her. Therefore we are

of the view that in the exceptional and in the rarest of rare cases and in case where all the conditions stipulated in paragraph 33.3 in the case of Jasmine Kaur (Supra) are satisfied, the Court can grant exceptional relief to the candidate of granting admission even after the cut off date is over.”

39. The Court thereafter concluded that, in exceptional cases, admission may be granted to a meritorious candidate even one month after the cut-off date for medical admissions (30th September) has passed. Relevant for the purposes of the present case are the conclusions recorded in paragraph 33 (iii) and (iv) which are as follows:

“33. xxxx xxxx xxxx

(iii) In case the Court is of the opinion that no relief of admission can be granted to such a candidate in the very academic year and wherever it finds that the action of the authorities has been arbitrary and in breach of the rules and regulations or the prospectus affecting the rights of the students and that a candidate is found to be meritorious and such candidate/student has approached the court at the earliest and without any delay, the court can mould the relief and direct the admission to be granted to such a candidate in the next academic year by issuing appropriate directions by directing to increase in the number of seats as may be considered appropriate in the case and in case of such an eventuality and if it is found that the management was at fault and wrongly denied the admission to the meritorious candidate, in that case, the Court may direct to reduce the number of seats in the management quota of that year, meaning thereby the student/students who was/were denied admission illegally to be accommodated in the next academic year out of the seats allotted in the management quota.

(iv) Grant of the compensation could be an additional remedy but not a substitute for restitutional remedies. Therefore, in an appropriate case the Court may award the compensation to such a meritorious candidate who for no fault of his/her has to lose one full academic year and who could not be granted any relief of admission in the same academic year.”

40. In so holding, the Court affirmed the decision of a smaller bench in *Asha vs. Pt. B.D. Sharma University of Health Sciences & Ors.* (2012) 7 SCC 389 and overruled a contrary decision in *Chandigarh Administration & Anr. vs. Jasmine Kaur & Ors.* (2014) 10 SCC 521. Although the judgment in *S. Krishna Sradha* (supra) is expressly confined to MBBS courses, the principles laid down by the Court provide valuable guidance.

41. The additional affidavit filed by the University dated 23.02.2021 in the present case clearly indicates that grant of admission to the petitioner at this stage would not be consonant with the requirement of a professional course like the MBA. Mr. Bhalaiik during the course of arguments has conceded that the petitioner would be agreeable to admission for the course in question in the next academic year i.e. 2021-22. Mr. Rupal has also stated upon instructions that the admissions process for the year 2021-22 is in progress but students have not yet been granted admission. This is one of the alternatives contemplated by the Court in *S. Krishna Sradha* also.

42. Two other authorities also follow the same course:

(a) Following the judgment in *S. Krishna Sradha*, the Supreme Court in *National Medical Commission vs. Mothukuru Sriyaha Koumudi & Ors.* 2020 SCC OnLine SC 992 [Civil Appeal No. 3940/2020, decided on 07.12.2020] applied the same guidelines for admission to post-graduate medical courses. The Court [in paragraph 9 of the said judgment] disagreed with the directions of the High Court to create an additional seat for the petitioner in the year under consideration, but granted her admission in the management quota of the concerned college for the next academic year. The petitioner was also granted compensation of Rs. 10 lakhs for the loss of one academic year.

(b) In *Sneha Vats vs. University of Delhi & Ors.* 2019 SCC OnLine Del 11199 [W.P. (C) 7854/2019, decided on 18.11.2019], the petitioner sought admission to the MBBS Course in University of Delhi in the CW category [Children/Widows of Officer and Men of the Armed Forces including Para-Military Personnel]. A Coordinate Bench of this Court relied upon the judgment in *Asha* and directed the respondents to consider the petitioner in the next academic session however, leaving the question of compensation open.

43. Having regard to the aforesaid precedents and the facts and circumstances of the present case, I am of the view that the appropriate course would be to direct the University to admit the petitioner in the MBA (International Business) Programme in the year 2021-22. As held hereinabove, the mistake made by the petitioner was condonable by the University, particularly in view of the fact that he

had followed up the matter with due diligence and rectified the mistake before the University had commenced processing the admissions and before any third-party rights had intervened. He also approached this Court with alacrity. However, the passage of time makes it difficult to require the University to grant him admission for the year 2020-21. Having regard to the fact that he did admittedly commit a typographical error, which led to the impugned decision of the University, I do not also consider it a fit case for grant of compensation to the petitioner for the year lost.

Conclusion

44. For the reasons aforesaid, the petition is disposed of by setting aside the decision of the Sub-Committee dated 07.08.2020 and directing the University to grant admission to the petitioner for the concerned course for the academic year 2021-22. Pending applications are also disposed of. There will be no order as to costs.

PRATEEK JALAN, J.

APRIL 23, 2021

'HJ'