

## Km. Richa Sharma Vs University of Delhi and Another

**Court:** Delhi High Court

**Date of Decision:** May 17, 2001

**Hon'ble Judges:** Mukul Mudgal, J

**Bench:** Single Bench

**Advocate:** Mr. Ashok Agarwal, for the Appellant; Mr. Anurag, Mathur, for the Respondent

### Judgement

@JUDGMENTTAG-ORDER

Mukul Mudgal, J.

The challenge in this write petition is to the denial of an admit card for the Combined Entrance Examination 2001 for

B.E. Courses run by the Delhi College of Engineering, respondent No. 2, a constituent of University of Delhi/respondent No. 1.

2. The petitioner's case is that an application form was posted by her by Speed Post on 13th March, 2001 and because of the postal delay the

form was received one day later in the Office of the respondent No. 1 on 15th March, 2001 as the last date was 14th March, 2001. It is further

stated that the normal period taken for delivery by Speed Post is one day and the delay was due to postal authorities as certified by them. Learned

counsel for the petitioner, Shri Ashok Agarwal has submitted that this delay is condonable and the University was power to condone the delay.

There is a passing reference in the writ petition in Para 9 that in the past it was common practice in the University of Delhi in such like cases where

a postal delay has been condoned.

3. Mr. Anurag Mathur, Counsel appearing on behalf of the respondents states that the advertisement was issued on 7th of February, 2001 and it

clearly stated ""The University will not be responsible for any postal delay"" and further the Prospectus/Bulletin of Information (at Page 12-29 of the

petition) at 2.3 (iv) clearly stated as follows:

(iv) Delhi University will not be responsible for delay in receipt of completed application form beyond the last date for receipt of completed

application form/loss of form in transit due to any reason whatsoever.

In this view of the matter, the learned counsel for the respondents submits that there were 232 applications received belatedly and all those

applications were duly rejected and no concession has been made for any of those 232 candidates for the Examination which the petitioner is a

candidate.

4. Considering the facts & circumstances of the case, I am satisfied that the petitioner had not acted with due diligence in this matter and the postal

delay could not be a good ground for condoning the delay. The fact that the petitioner is based in Delhi and she ought to have been more vigilant in

posting her application form cannot be ignored. In view of the fact that the respondents have not condoned the delay for any other candidate in a

similarly situated condition and the fact that it is clearly stipulated that neither postal or transit delay would be a factor for condoning delay, it is not

a fit case for interference.

5. The writ petition is accordingly dismissed.