(2012) 05 DEL CK 0606

Delhi High Court

Case No: Writ Petition (C) 8334 of 2011 and CM 18838 of 2011

In The Matter Of Rajanand. S		APPELLANT
	Vs	
UOI And Ors		RESPONDENT

Date of Decision: May 9, 2012

Hon'ble Judges: Hima Kohli, J

Bench: Single Bench

Advocate: Resmitha R. Chandran, for Mr. C.N. Sreekumar, for the Appellant; Rattan Lal, Advocate for R-1/UOI and R-2/VCI. Mr. Harshad V. Hameed, Advocate with Mr. Dileep Poolakkot, Advocate for R-3/University, for the Respondent

Final Decision: Dismissed

Judgement

Hon''ble Ms.Justice Hima Kohli, J.

The petitioner has filed the present petition praying inter alia for issuance of a writ of mandamus to the respondent No.1/UOI, respondent No.2/Veterinary Council of India (in short ''VCI'') and respondent No.3/Kerala Veterinary University (in short ''University'') to fill up the vacant seats in veterinary colleges in Kerala or any other State in India falling under the All India quota. Counsel for the petitioner states that the petitioner had completed his schooling in the year 2010 from Jawahar Navodaya Vidyalaya Chettachal, Trivandrum, Kerala, whereafter he had applied for admission to the veterinary colleges to pursue his Bachelor of Veterinary Science and Animal Husbandry (''BVSc. & AH'') course under the 15% All India Quota by appearing in the All India Pre-Veterinary Test-2011 that was held on 14.05.2011. The rank obtained by the petitioner in the aforesaid test was 2139. As per the petitioner, upon queries made by him, he came to know that there were two vacancies in the All India Quota in the Mannoothi Veterinary College and similarly, there was one vacant seat in the Pookot Veterinary College, both situated in the State of Kerala, but no steps had been taken by respondent No.2/VCI to nominate candidates for these vacancies. The grievance of the petitioner is that the vacancies should not be allowed to remain unfilled and till they remain so, the respondents have no right to close the

admission. It is further stated that as per the information received by the petitioner, the last admission took place in the State quota as late as on 28.10.2011. The petitioner, therefore, states that he be accommodated against one of the vacancies in the 15% All India Quota.

2. Counter affidavits have been filed by respondent No.2/VCI and respondent No.3/University. Learned counsels for respondent No.2/VCI and respondent No.3/University state that the writ petition is not maintainable for the reason that the petitioner cannot lay a claim to a seat even if it is lying vacant under the 15% All India Quota for the reason that he has secured rank No.2139 in the entrance test and his name does not even feature in the waitlist. He states that the counselling for all the merit listed candidates, i.e., from ranks No.1 to 263 was held on 21st and 22nd July, 2011 for the BVSc. & AH course and some of the seats had remained vacant after allocation of seats to the merit listed candidates after the counselling. As a result, counselling was held for the waitlisted candidates between 08.08.2011 to 11.08.2011 and those candidates, who were placed in ranks No.264 to 663 were called for counselling. Even thereafter, some seats had remained vacant and therefore, it was decided to hold another round of counselling for the candidates placed in ranks No.664 to 789 for filling up the remaining vacant seats. Counselling was then held on 26.08.2011 and the selected candidates were directed to report to the concerned Universities on or before 31.08.2011. It is thus stated that the petitioner does not fulfill the eligibility criteria for admission as prescribed in the regulations issued by the VCI and even otherwise, the cut-off date of 31.08.2011 fixed for admission in the course has long since passed and as the petitioner has approached this Court as late as in the end of November 2011, and by now the entire academic year is virtually over and the examinations for the first term are going on, the present petition is liable to be dismissed on account of delay and laches.

3. A perusal of the schedule of dates for the examination shows that the candidates were required to approach the respondent No.2/VCI for purchasing the application forms between 3rd January to 15th February, 2011 and the last date of receiving of the applications was fixed as 22.02.2011. The date of All India Pre-Veterinary Test was fixed as 14.05.2011 and the results were expected to be declared in the first half of June, 2011. It is not the case of the petitioner that respondent No.2/VCI had not adhered to the aforesaid schedule of dates and therefore, the inevitable conclusion is that the petitioner was well aware of his rank immediately after the results were declared in the month of June 2011. The present petition was however filed by the petitioner on 23.11.2011, which is highly belated, more so when the last date for the candidates to take admission in the concerned universities was fixed as 31.08.2011. There is merit in the objection taken by the other side that the present petition is liable to be dismissed on the ground of delay and latches alone. Even on merits, this Court is inclined to agree with the submission made by the learned counsel for respondent No.2/VCI that the petitioner is not even a waitlisted candidate having

secured rank No.2139 in the All India Pre-Veterinary Test-2011 and therefore, he cannot lay a claim to a seat merely because some seats are lying vacant in the 15% All India Quota. The respondents are not mandated to fill up vacant seats with non-meritorious candidates only because seats are going a begging .In view of the aforesaid position, the present petition is dismissed alongwith the pending application on the count of delay and latches as also on merits, while leaving the parties to bear their own costs.