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

Date of Decision: 13th July, 2022

+ W.P.(C) 10366/2022 & CM APPL. 29877/2022.

VAGEESH KUMAR SHIVA MINOR Petitioner

Through: Dr. K.S. Chauhan, Senior Advocate
with Mr. Ajit Kumar Ekka, Mr.
Abhishek Chauhan, Mr. Murari Lal
and Mr. R.S.M. Kalky, Advocates.

versus

DELHI TECHNOLOGICAL UNIVERSITY & ORS.

..... Respondents

Through: Mrs. Avnish Ahlawat, Standing
Counsel GNCTD with Mr. Nilesh Kr.
Singh, Mrs. Tania Ahlwat, Mrs. Palak
Rohmetra, Ms. Lavnya Kaushik and
Ms. Aliza Alam, Advocates for R-1 to
5.
Mr. Udit Mailk, ASC for GNCTD for
R-6.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

JUDGMENT

SANJEEV NARULA, J. (Oral):

1. Admissions to Bachelor of Designs (B.Des) programmes at IIT Bombay, IIT Delhi, IIT Guwahati, IIT Hyderabad and IIITDM Jabalpur are determined on the basis of the Undergraduate Common Entrance Examination for Design, 2022 ("UCEED-2022"). The ranks secured by the candidates/

aspirants in UCEED are also recognised by several institutes for admission in their respective B.Des. programme, one of them being Respondent No. 1 – Delhi Technological University (“DTU”).

2. Petitioner, one such aspirant of B.Des. (Bachelor of Design) programme, had appeared in UCEED-2022 in ‘Open category’, and thereafter, applied for admission to DTU and furnished details of the Competitive Exam *viz.* UCEED-2022, as follows:

“UCEED 2022: 80.32
CATEGORY: OPEN
REGISTRATION NUMBER: U2208819.”

3. Petitioner’s hopes were raised when DTU, *vide* notice dated 29th June, 2022, mentioned his name in the list of selected candidates for the first round of counselling scheduled to be held on 8th July, 2022. Petitioner’s name was mentioned therein at serial no. 6 under ‘SC category’, against which his score was mentioned as 80.32.

4. However, this elation was short-lived. On 4th July, 2022, he received a WhatsApp message from an official of DTU, stating that he had wrongly entered his score, instead of ‘rank’ – which was contrary to the records. On the same day, a new list for first round of counselling was published, wherein Petitioner’s name was omitted from the list of selected candidates.

5. In this background, the instant petition has been filed. Dr. K.S. Chauhan, Senior Counsel for Petitioner, asserts that Petitioner had not concealed any material facts while filling his UCEED-2022 score in his

application form for admission to DTU, and as such, was rightly invited to participate in the first round of counselling process on 29th June, 2022. However, Petitioner's name was illegally removed from the list of selected candidates, despite securing 80.2 marks – which is way above the cut-off score for 'SC category', which was 53.69. Mr. Chauhan further argues that UCEED score is the sole criterion for DTU to grant admission, and rank of the candidates is immaterial. To this effect, he places reliance on the 'Admission Brochure B.Des. 2022-23' issued by DTU, wherein the rules for seat allotment reads as:

“6.2 Rules for seat allotment- merit list will be prepared on the basis of UCEED-2022 score”.


He submits that DTU has acted in an arbitrary and illegal manner by removing the name of Petitioner from the list of selected candidates, despite him fulfilling the minimum cut-off. Such action of DTU is illegal, perverse, arbitrary, and thus, liable to be set-aside being violative of Article 14 of the Constitution of India, 1950.

6. Mr. Chauhan further submits that a perusal of the first list of selected candidates released on 29th June, 2022 (wherein Petitioner's name finds mention), reveals that there are other selected candidates whose score is much lower than Petitioner in UCEED-2022. Moreover, the minimum cut-off prescribed for candidates under 'SC category' is only 53.69, and Petitioner's score (*i.e.*, 80.32) is way higher than the cut-off limit. Therefore, Petitioner could not have been excluded.


7. On the other hand, Mrs. Avnish Ahlawat, Standing Counsel for DTU,

submits that the entire premise of Petitioner's claims is misconceived. She relies upon a short affidavit dated 13th July, 2022, filed on behalf of– Prof. Madhusudan Singh, Registrar of DTU – which has been handed over across the board. The same is taken on record. She states that a perusal of the UCEED scorecard makes it clear that Petitioner has failed to qualify the exam. Mrs. Ahlawat elaborates that Petitioner had applied for UCEED-2022 examination under 'Open category', for which, the minimum qualifying score is 85.05. Since Petitioner had scored only 80.32, he failed to qualify the exam. In that light, Petitioner's candidature was not considered for admission. To buttress his submission, Mrs. Ahlawat placed reliance upon a sample copy of UCEED scorecard of another student [annexed as Annexure-R-1 with the counter affidavit]. Mrs. Ahlawat further clarifies that the reference to "score", mentioned in the above-noted Clause 6.2 of DTU's Admission Brochure, is in fact, a reference to the UCEED rank. This she argues, becomes amply clear from the fact that score would become relevant only if a candidate has qualified the exam in the first place.

8. The Court has given anxious consideration the contentions advanced by counsel for the parties. The undisputed facts, which have emerged, are as follows: Petitioner appeared for UCEED-2022 under 'Open category', the qualifying marks whereof, are 85.05. Petitioner's score is 80.32, which is less than the qualifying marks under the 'Open category'. This is the reason that Petitioner's UCEED scorecard annexed with the petition mentions that the Petitioner has "not qualified". The same is evident from a bare perusal of the scorecard which reads as under:




SCORE CARD



UCEED2022

Undergraduate Common Entrance Exam for Design



IIT Bombay
Organizing Institute

NAME	VAGEESH KUMAR SHIVA		
ROLL NUMBER	10028445		
REGISTRATION NUMBER	U2208819		


Number of Candidates Appeared	10610	Number of Candidates Qualified	3627
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	OPEN	OBC-NCL / EWS	SC / ST	PwD
Qualifying Marks	85.05	76.54	42.52	42.52

	TOTAL MARKS	MARKS OBTAINED
PART - A	240	00.52
NAT	72	25.00
MSQ	72	25.00
MCQ	96	27.52
PART - B	60	N/A
TOTAL	300	N/A

CATEGORY	RANK
NOT QUALIFIED	

DATE OF ISSUE: 14 March 2022 VALID UPTO: 13 March 2023


 CHAIRMAN
 UCEED 2022

NOTE

1. Marks obtained in Part-A were used for shortlisting Part-B papers for evaluation (refer UCEED 2022 Information Brochure).
2. Marks obtained in Part-A are used for qualifying the candidates.
3. Ranks are calculated based on total marks. Total marks = Marks in Part-A + Marks in Part-B.
4. This Score card is valid only if verified against the original result received from the UCEED-CEED Office, IIT Bombay.
5. For categories other than General, the valid category certificate should be produced in original along with Score Card at the time of admission.
6. For PwD category, " indicates that the candidate has availed compensatory time.

DIN : N552764

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9. The scorecard also mentions certain conditions under the heading note, which reads as under:

“NOTE

1. Marks obtained in Part-A were used for shortlisting Part-B papers for evaluation (refer UCEED 2022 Information Brochure).
2. Marks obtained in Part-A are used for qualifying the candidates.
3. Ranks are calculated based on total marks. Total marks = Marks in Part-A + Marks in Part-B.
4. This Score card is valid only if verified against the original result received from the UCEED-CEED Office, IIT Bombay.

5. For categories other than General, the valid category certificate should be produced in original along with Score Card at the time of admission.

6. For PwD category, *indicates that the candidate has availed compensatory time.”

10. The afore-noted note explains the process of shortlisting candidates for the purpose of allocating ranks. At this juncture, it must be noted that the examination scheme for UCEED-2022, constitutes two parts – Part-A for 2 hours and 30 minutes and Part-B for 30 minutes. UCEED 2022 Information Brochure gives further clarity regarding the Part-B exam, the relevant portion whereof, reads as follows:

“Part-B (Total marks: 60; Maximum time: 30 minutes)

- Part-B consists of ONE question that is aimed at testing the candidate’s drawing skills, which will require subjective evaluation. The question in Part-B will be displayed on the computer screen and the answer has to be written / drawn in the answer book provided by the invigilator only. In case of PwD candidates availing the use of scribe, assistance in attempting Part-B is not permitted, as the question is aimed to evaluate the candidate’s drawing skill.
- Part-B answer booklets will be collected at the end of the examination.
- Part-B question is mandatory.
- The entire paper (both Part-A and Part-B) must be finished within the time stipulated for each part.”

Thus, it becomes evident that under the scheme of examination, marks obtained in Part-A are used for shortlisting Part-B papers for evaluation, and Part-A marks are only used as a qualifying round. In case a candidate qualifies Part-A, only then is their Part-B is evaluated. Thereafter, marks obtained in Part-B are added with marks in Part-A, following which, rank is allocated on the basis of total marks. In the instant case, as noted above, since Petitioner did not obtain qualifying marks in Part-A, his Part-B paper was not evaluated. It also become evident that evaluation for Part-B, is mandatory. In the instant

case, since Petitioner's Part-B was not evaluated, owing to him not qualifying Part-A, Petitioner has been declared as 'unqualified' .

11. The second contention pertains to the condition in DTU's Admission Brochure, which as interpreted by Petitioner, means that admission can be granted to candidates, notwithstanding the fact that Petitioner has not qualified UCEED. Thus, in the opinion of the Court, is not permissible. Although, DTU's Admission Brochure does not categorically use the expression "rank"; nonetheless, the same is immaterial as Petitioner has admittedly not qualified in terms of his UCEED score. Admissions to DTU are done on the basis of UCEED score, which rather, means 'rank' – as it becomes clear in light of the scheme of examination. The score has to be the 'overall score' in both Part-A and Part-B, and not just the score in Part-A – which Petitioner is strongly relying upon. The UCEED 2022 Information Brochure categorically stipulates Part-B to be mandatory, meaning thereby, that the same has to be given due weightage, and thus, if a candidate's Part-B has not been evaluated, he cannot be said to have qualified UCEED. Pertinently, Petitioner's score of 80.32 is falling short of the minimum qualifying marks under 'Open category', and this score is being wrongly compared with scores of other candidates who appeared under 'SC category'. Petitioner did not appear in the exam under 'SC category', and had applied under 'Open category'. His score of 80.32 – may be above than the minimum qualifying marks under the 'SC category'; however, that can be of no consequence as Petitioner appeared for the said exam under the 'Open category'.

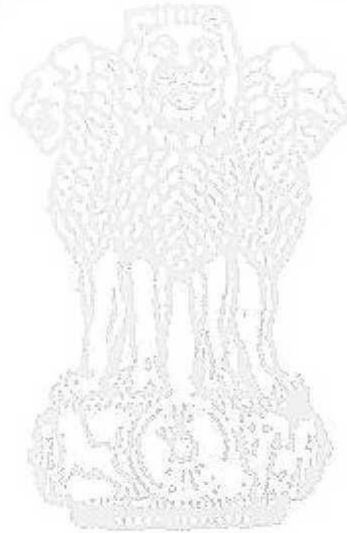
12. For the forgoing reasons, the Court is unable to come to the rescue of the Petitioner.

13. Dismissed, along with the pending application.

SANJEEV NARULA, J

JULY 13, 2022/as

HIGH COURT OF DELHI



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