

**HON'BLE SRI JUSTICE R. SUBHASH REDDY**

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**Writ Petition No.22953 of 2010**

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**Date: January 31, 2011**

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**Between:**

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Muppala Vijaya Rao, S/o.late  
M. Philip, Aged about 30  
years, Ho.201, Ramana-  
Sree Towers, Saleem Nagar  
Colony, Malakpet,  
Hyderabad – 500 036

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... Petitioner  
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And

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M/s.University of Hyderabad,  
represented by Registrar,  
Central University P.O.,  
Hyderabad – 500 046, State  
of Andhra Pradesh and  
others

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... Respondents

**Order:**

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Though miscellaneous petitions are listed for hearing; at the request of learned counsel for petitioner as well as learned standing counsel appearing on behalf of respondents, the writ petition itself is taken up for hearing and disposed of.

The petitioner seeks a writ of mandamus declaring the action of respondents, not providing him admission in M.Tech. (IT) course under sponsored quota as illegal, arbitrary and in violation of rights guaranteed under Articles 14, 15 and 16 of the Constitution of India and consequential directions to respondents to admit him in the said course.

The University of Hyderabad is a Central University established by an Act of Parliament, viz., University of Hyderabad Act, 1974. It has issued admission announcement, vide notification dated 01-04-2010, for admitting students to various courses including that of M.Tech. course of IV semesters in Computer Science, Artificial Intelligence, Information Technology (CS/AI/IT), Computational Techniques, Integrated Circuit Technology and Biometrics subjects.

As per the said admission announcement, sale of prospectus-cum-application forms commenced from 07-04-2010 and the last date for sale of prospectus-cum-application forms and submission of filled in application forms was 03-05-2010. In M.Tech course, some seats are notified for sponsored candidates and foreign nationals. Petitioner, who has done his post graduation in Master of Computer Applications from Jawaharlal Nehru Technological University, is working as Assistant Manager (Systems) in State Bank of Hyderabad and it is stated that he had put in nine years of service by May, 2010. It is the case of the petitioner that he belongs to Scheduled Caste community and is interested in pursuing M.Tech. (IT) in the seats earmarked for sponsored candidates. It is stated that he applied to the respondents-University enclosing a letter dated 27-04-2010 whereby he sought permission of his employer for getting admitted into M.Tech. programme in the respondents-University. It is his grievance that in spite of the fact that 15% seats are reserved by the University for candidates belonging to Scheduled Castes, as per the prospectus, his case has not been considered and he has not been called for interview. It is stated that classes have commenced from 17-06-2010 and as he was not communicated by the University, he approached the University and placed

before them letter dated 30-06-2010 issued by his employer permitting him to pursue the said course and even then he has not been called for interview on the ground that his application has been misplaced in the office of the University. It is his case that after he pursued his application he was called for interview and was interviewed on 16-08-2010 and though he fulfilled eligibility criteria, he is not provided a seat in the said course. In the aforesaid backdrop; alleging that though he is qualified and eligible for admission in M.Tech. (IT) course, he is deprived of a seat in the said course illegally and arbitrarily, he has approached this court by this writ petition.

At the stage of admission, this court by order dated 04-10-2010 issued directions to provide provisional admission to the petitioner in M.Tech. course under sponsored quota on his depositing a sum of Rs.1.00 lakh with respondent No.2.

The Registrar, University of Hyderabad, has filed a detailed counter-affidavit, along with a petition to vacate the order of this court dated 04-10-2010. In the counter-affidavit, it is stated that the petitioner has purchased the prospectus-cum-application form bearing No.5347 and submitted the same on 06-05-2010, after the last date of

submission which was on 03-05-2010; even the said application was not submitted through proper channel as required in the case of sponsored candidates, but the same was directly submitted by him to the Deputy Registrar on 06-05-2010. It is stated that the petitioner has also failed to furnish permission letter from his employer and he allegedly made an application to the employer on 27-04-2010, but the employer has not given permission as on the last date of submission of application; but the petitioner submitted letter dated 30-06-2010 issued by the Deputy General Manager (HR), State Bank of Hyderabad, Personnel Department, vide Lr.No.PER/GR.IV/PERMI/3035, stating that the competent authority has permitted the petitioner to apply for M.Tech. course. While denying the allegation of the petitioner that he was not called for interview owing to the fact that his application was misplaced in the University and also denying any delay on the part of the University, it is stated that in spite of the fact that the application submitted by the petitioner was not within the time notified, his case was placed before the admission committee on 27-07-2010 and he was called for interview and interviewed on 16-08-2010 and in the interview he scored only 8 marks out of 25, whereas the minimum prescribed was 50% (12.5 marks out of 25); hence his case was not recommended

for admission to M.Tech. course. It is further stated in the counter-affidavit that all the seats meant for S.C. and S.T. candidates notified in the prospectus-cum-application form for academic year 2010-2011 have been offered to the respective category of candidates and there are no earmarked seats in S.C. or S.T. category for sponsored candidates. It is stated that in absence of any seats earmarked for candidates belonging to Scheduled Caste community in the sponsored seats, the petitioner, who claims to belong to Scheduled Castes, cannot claim any reservation under the said category without securing minimum required percentage, i.e. 50%. With regard to the allegation that the University has reserved 15% seats under Scheduled Caste category in each course and that the petitioner has submitted caste certificate in support of his claim, it is stated in the counter-affidavit that there is no provision for reservation; as such submitting of caste certificate by the petitioner has no relevance to the present case. It is further stated in the counter-affidavit that under the system adopted by the University, only successful candidates were intimated, but, the University as a measure of transparency displayed the marks of every candidate successful or unsuccessful in its website; as such, there is no

requirement of communicating separately to the candidates who did not come up for selection. While reiterating that rejection of the candidature of the petitioner is purely based on his totally inadequate, poor and unsatisfactory performance before the admission committee, consisting of experts in the field and not for any other reason, it is pleaded that there are no merits in the writ petition for grant of directions as prayed by the petitioner.

A reply-affidavit is filed by the petitioner disputing the averments made in the counter-affidavit. It is stated in the reply-affidavit that as the petitioner belongs to Scheduled Caste community, it is obligatory on the part of the University to follow "Dynamic Cutoff" of qualifying marks as provided in the prospectus. It is pleaded in the reply-affidavit that in absence of any such information in the prospectus, it is not open to plead that reservations cannot be applied to sponsored candidates. It is further pleaded that the averment in the counter-affidavit that the petitioner has not qualified for interview is only an afterthought and he is denied admission illegally.

Heard Sri A. Rajendra Babu, learned counsel for the petitioner and Sri V.R.N. Prashanth appearing on behalf of respondents-University.

It is submitted by learned counsel for petitioner that as the petitioner belongs to Scheduled Caste community; it is not pen to the University to deny him admission on the ground that he has not secured 50% marks in the interview. It is submitted that as per the prospectus issued by the University, so far as Scheduled Caste and Scheduled Tribe candidates are concerned, dynamic cutoff is to be adopted among the applicants and in the absence of the same petitioner cannot be denied admission on the ground that he did not qualify in the interview. It is further submitted that right from the beginning the conduct of the University, including that of not calling the petitioner for interview, indicates that the University is bent upon not to provide admission to the petitioner on one pretext or the other. It is lastly submitted by the learned counsel for petitioner that interview is only meant for verification of certificates but not for any other aspect; in that view of the matter, there is no reason or justification in denying admission to the petitioner.

On the other hand, it is submitted by the learned standing counsel appearing on behalf of respondents-University that petitioner did not even fulfill the requirements as per the admission announcement issued by the University. It is submitted that he did not even



submit his application within the specified time, i.e. on or before 03-04-2010 and he has submitted his application after expiry of the said date. It is further submitted that he has also not submitted willingness from his employer along with the application and he has produced letter dated 30-06-2010 permitting him to pursue the said course; in spite of the same, to give him an opportunity, he was called for interview and was interviewed by the admission committee consisting of professors and in the interview he has not secured 50% marks as per the admission criteria notified. It is contended that in absence of any specific seats earmarked for candidates belonging to Scheduled Caste community, it is not open to the petitioner to claim reservation on his own. In any event, it is submitted that teaching schedule for first semester is already over by 10-11-2010 and as the admission relates to the academic year 2010-2011, the petitioner is not entitled to any directions for admission at this belated stage.

\_\_\_\_\_ I have perused a copy of the admission announcement issued by the University, which is a composite notification issued inviting applications for various courses offered by it. One of such courses is M.Tech (IT) (4 semesters) in which the petitioner claims admission. In the said notification itself, important dates

are notified and the last date for sale of prospectus-cum-application forms and submission of filled in applications forms was 03-05-2010. The petitioner has not mentioned anywhere in the affidavit filed by him in support of the writ petition the date on which he has submitted his application form. But, it is evident from the counter-affidavit filed by the University that the petitioner submitted his application form on 06-05-2010 whereas the last date was 03-05-2010. As per the prospectus issued along with the application form, there is no indication of reserving any seat under sponsored category for candidates belonging to Scheduled Castes. Further, in the prospectus, at page No.10, cutoff marks were also notified for the purpose of admission into different courses in a tabular form. In absence of any indication in the prospectus that seats are reserved under sponsored category for candidates belonging to Scheduled Castes, the petitioner cannot claim reservation. So, his case was to be considered only in general category and as per the cutoff marks notified in the prospectus, for the purpose of securing admission, a candidate has to score 50% marks. At this juncture, it is apposite to refer and extract the general information on admission of sponsored candidates and foreign nationals in M.Tech., in the prospectus issued by the University.

The same reads as follows:

**Sponsored candidates:** Employees with a minimum 2 years of work experience in IT companies registered with STPI or NASSCOM or Central Government Organisations can apply for M.Tech. admission in CS/AI. For M.Tech (IT) those working in Banks/financial institutions with a minimum of 3 years work experience will be considered. Candidates should have requisite qualifications for admission. Sponsored candidates are required to appear in interview only. A candidate seeking admission in this category into M.Tech. (CS/AI) must submit (along with application) the organizations willingness to pay **One Lakh Rupees per candidate** (one time) to the development fund of the department. Candidates are required to pay usual tuition and other fees as prescribed by the University for other students."

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A perusal of the aforesaid information in the prospectus makes it clear that sponsored candidates are required to appear for interview only and there is no written examination for them. It also contemplates submitting employers' willingness to pay a sum of Rs.1.00 lakh per candidate (one time) along with the application to the development fund of the department. The aforesaid information coupled with the regulation of cutoff marks notified for admission to candidates of general category makes it clear that candidates seeking admission under sponsored category must enclose a certificate of willingness of the employer to pay Rs.1.00 lakh per candidate to the development fund of the department

along with the application itself. It is also clear that sponsored candidates are required to attend only the interview and as per the cutoff criteria notified in the prospectus, sponsored candidates seeking admission should secure 50% marks. During the course of arguments, learned standing counsel placed on record, proceedings of the admission committee, which indicates that petitioner secured 8 marks out of 25 in the interview; as such, his case was not recommended for admission into M.Tech. course. A perusal of the said proceedings would indicate that in spite of the fact that the petitioner did not submit application before the last date notified, i.e. 03-05-2010 and also did not furnish willingness of his employer to deposit a sum of Rs.1.00 lakh, he was called for interview. When the petitioner has not fulfilled the eligibility criteria by submitting the application within the specified time and did not furnish willingness of his employer for payment of development fees, as per the conditions notified in the prospectus itself, it is not known, how the petitioner was called for interview. In any event, it is clear from

proceedings dated 16-08-2010 of the University vide No.UH/DCIS/M.Tech.Admissions/2010 that the petitioner could secure only 8 marks out of 25, which works out to about 32% as against required 50%. When in the general

information it is stated that admission will be based on interview, the contention of learned counsel for petitioner that interview was only for the purpose of verification of certificates cannot be accepted. When cutoff marks are notified in the very prospectus, the purpose of holding interview is to assess the performance of the candidate, but not merely for verification of certificates as pleaded by learned counsel for petitioner. When cutoff marks are notified and the petitioner could only secure 8 marks out of 25, he is not entitled for admission as a matter of right. It is also to be noticed that the claim of the petitioner for admission relates to the academic year 2010-11 and as per the guidelines of the University, M.Tech. course consists of four semesters in two years and teaching schedule for the first semester had already concluded by 10-11-2010. In that view of the matter, no directions can be given for admission, at this point of time. Having regard to the fact that the petitioner himself submitted application after expiry of the last date notified and also failed to submit the willingness of his employer along with the application, as required, he cannot attribute any delay on the part of the University.

For the foregoing reasons, I find no merit in the writ petition for grant of relief as prayed.

The writ petition is therefore dismissed. There shall be no order as to costs. However, as it is stated that the petitioner has deposited a sum of Rs.1.00 lakh in pursuance of interim orders of this court, he is entitled for refund of the said sum without interest.

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(R. SUBHASH REDDY, J)

January 31, 2011

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