

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR BENCH
ORDER

S.B. CIVIL WRIT PETITION NO.10815/2011

Kumari Pooja Meena

Vs.

The Coordinator, Joint Entrance Test (JET)-2011/Pre P.G., Rajasthan
College of Agriculture, Udaipur & Anr.

Date of Order :

30.04.2012

HON'BLE MR. JUSTICE ALOK SHARMA

Mr. Dharmveer Tholia, for the petitioner.

Mr. Pyare Lal, for the respondents.

BY THE COURT :

This petition has been filed seeking an appropriate writ, order or direction to allow the petitioner in the First Semester of B.Sc. (Agriculture) 4 year course academic year 2011-12 in the college of her preference as per her merit in the JET-2011 for admission to under graduate agriculture course (B.Sc. Agriculture) held on 12.06.2011 and choice of colleges.

The facts of the case are that in pursuance to an advertisement calling for applications for writing the Joint Entrance Test-2011 for Graduation and Post Graduation Admission in B.Sc. Agriculture and M.Sc. Agriculture, the petitioner submitted her form and was allotted Roll No.1330991. The petitioner appeared in the said examination on 12.06.2011 and secured 133 marks out of 360 marks. In the Schedule Tribe category, the petitioner's merit was at serial No.3, in the unreserved candidates

(General) her merit was at serial No.71 and in the female (General), the merit was at serial No.24. The petitioner on declaration of the result and receipt of her mark-sheet was required to submit her Senior Secondary marks-sheet along with a hard copy of her option form as also a D.D. for Rs.5,000/- in the office of Maharana Pratap University of Agriculture & Technology, Udaipur on or before 30.06.2011. The case of the petitioner is that after having submitted her form on-line on 24.06.2011, she also sent all documents as required along with DD of Rs.5,000/- by ordinary post to the respondent No.1, the Coordinator, Joint Entrance Test (JET)-2011 / Pre P.G., Rajasthan College of Agriculture, Udaipur. It is submitted that in spite of her merit and compliances as required subsequent to her having passed the Joint Entrance Test-2011, the petitioner was not called for counseling. On the petitioner's father contacting the office of the respondents, he was informed that the requisite documents had not been received from the petitioner by 30.06.2011 and consequently the petitioner could not be considered for admission to the course in spite of her performance in the Joint Entrance Test-2011. In the above circumstances, the petitioner has approached this Court by way of the present writ petition.

On notice to the respondents, a reply has been filed. In the reply, it has been stated that a hard copy of

option form along with DD of Rs.5,000/-, copy of 12th mark-sheet and other documents which were required to be submitted to the office of the Coordinator, Joint Entrance Test (JET)-2011 / Pre P.G., Rajasthan College of Agriculture, Udaipur by 30.06.2011, were not received by the said cut-off date. It is submitted that even though the petitioner might have sent the required documents along with DD of Rs.5,000/- by ordinary post, the respondents cannot be held responsible for the non-receipt thereof because the postal department is not an agent of the respondents. It is submitted that in the absence of the petitioner's had copy of option form, D.D, Copy of 12th mark-sheet and other documents, the petitioner was not considered for admission and her merit was thus irrelevant in the facts of the case. It is further submitted that the admission process had been completed and also all seats had been filled up and there was no seat available for the petitioner for admission. In the aforesaid facts, it has been prayed that the writ petition be dismissed.

Mr. Tholia in rejoinder, while not denying the factum of the non-receipt by the respondents of the requisite documents along with DD of Rs.5,000/- by 30.06.2011, submits that as per the information obtained by him under the Right to Information Act, 2005, two seats in Government P.G. College, Sawai Madhopur are available

and this Court should take a liberal view of the matter and allow the petitioner to be admitted even as of today i.e. 30.04.2012.

I have heard the counsel for the parties and perused the writ petition also the reply thereto.

From the facts on record, it is evident that the petitioner was unable to comply with the requirement of the respondent No.1 that hard copy of option form along with DD of Rs.5,000/-, copy of 12th mark-sheet and other documents reach to the office of the Coordinator, Joint Entrance Test (JET)-2011 / Pre P.G., Rajasthan College of Agriculture, Udaipur on or before 30.06.2011. The petitioner admits to this fact in the writ petition itself. On the face of the facts on record, the petitioner was rightly not considered for allotment of a college as the requisite compliances had not been made by her. The petitioner's merit was to be evaluated and the college were to be allotted to her only subsequent to the receipt of the documents stated above of which requirement the petitioner was notified even as a footnote to the mark-sheet issued to the petitioner. It is trite that the postal department is not an agent of the respondents and the negligence / delays of the postal department cannot be to the account of the respondents. It was for the petitioner as the prospective candidate to ensure that all compliances were completed by

30.06.2011 and the petitioner should have been more vigilant in the discharge of her obligations even if entailed dispatching the documents through a personal messenger to ensure that they were delivered to the Coordinator, JET-2011 by 30.06.2011. External vigilance is the price to pay for safeguarding and enjoyment of rights.

Apart from the merit of the case, almost a year has elapsed since the admission to B.Sc. (Agriculture) 4 year course made on the basis of merit in the Joint Entrance Test held in 2011, I am of the view that no order can be passed by this Court to allow the admission of the petitioner at this belated stage. The first year studies must have been already completed and the petitioner has obviously not been able to participate in the studies for reasons of her non-admission which is entirely attributable to her own negligence or casualness in not complying with the requirement that her option form along with DD of Rs.5,000/-, copy of 12th mark-sheet and other documents were to be received by the respondent No.1 by 30.06.2011.

For the reasons stated above, I find no force in the writ petition and the same is dismissed as such.

Stay application is also dismissed.

(ALOK SHARMA), J

MS/-

All corrections made in the judgment/order have been incorporated in the judgment/order being emailed.

- Manoj Solanki, Jr. P.A.