

Reserved on 11.08.2023

Delivered on 28.08.2023

Court No. - 10

Case :- WRIT - C No. - 9279 of 2023

Petitioner :- Milind Saxena And 15 Others

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Awadhesh Kumar Malviya, Sr. Advocate

Counsel for Respondent :- C.S.C., Dhananjay Awasthi, Rajan Upadhyay

with

Case :- WRIT - C No. - 9299 of 2023

Petitioner :- Devashish Pandey And 15 Others

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Awadhesh Kumar Malviya, Sr. Advocate

Counsel for Respondent :- C.S.C., Rajan Upadhyay

with

Case :- WRIT - C No. - 1597 of 2023

Petitioner :- Anmol Pandey And 34 Others

Respondent :- State Of U P And 4 Others

Counsel for Petitioner :- Awadhesh Kumar Malviya, Sr. Advocate

Counsel for Respondent :- C.S.C., Rajan Upadhyay

Hon'ble Kshitij Shailendra, J.

1. This bunch of writ petitions contains identical controversy and, therefore, all the writ petitions are being decided finally by a common judgment.

2. As per the pleadings contained in the writ petition as well as stand taken in various affidavits exchanged in between the parties, the case of the writ petitioners is that Admission Council of Madan Mohan Malviya University of Technology, Gorakhpur invited online applications from the students through its own website and all the petitioners, pursuant thereto, applied through online process in the year 2020-21 and the test concerned was named as Malviya Entrance Test (for short MET). In the year 2021, MET ceased and it was merged with Joint Entrance Examination (for short JEE) and, hence, admissions in B.Tech course were made through JEE Mains. Admits cards were issued to the petitioners; they appeared in their entrance examinations on the date fixed; results were declared; they further appeared in the spot rounds and provisional seat allotment letters were issued to them by the Coordinator of Counseling, namely, Mr. P.K. Singh, in the capacity of Dean (Admissions). In some cases, the provisional seat allotment letters were also countersigned by Dean (Undergraduate) Dr. S.K. Soni and it is pleaded that Mr. P.K. Singh directed the petitioners to deposit confirmation fees of Rs.40,000/-,

failing which, the provisional seat allotment would stand cancelled resulting into cancellation of admission. It is further pleaded that the petitioners, accordingly, deposited Rs.40,000/-, in cash, and when they demanded fees receipts, they were informed that the registration forms would be generated only when the fees is completely paid and the data was saved and stored on Malviya Academic Control (MAC) Portal. It is further pleaded that registration forms were generated after deposit of fees and respective roll numbers were allotted by the University; identity cards were issued to the petitioners; e-mail IDs were also issued to them during the Covid-19 period; semester examinations were conducted in minor and major form; academic profiles were also uploaded on the MAC Portal; enrollment forms were generated and transfer and migration process was also undergone. It is further pleaded that the respondents conducted examinations of various semesters, one after another; fees was asked to be deposited by the respondents which was deposited by the petitioners time and again; the petitioners continued to undergo the respective courses and cleared the same and most of them are in the last or second last year of respective engineering courses. The details of individual petitioners have been elaborately described in the writ petition. Further pleading

is that even scholarships were paid and during the pandemic Covid-19 period, a portion of fees was also relaxed.

3. It is further pleaded that almost at the end of curriculum, some show cause notices were issued to the petitioners in December, 2022 and January, 2023 calling upon them to submit their documents pertaining to their admissions which the petitioners submitted before the authorities. Further case is that the respondent authorities were playing a game of hide and seek for the reason that some authorities were themselves found to be indulged in some alleged infirmity in the admission process and though inquiry was also set up but no action was taken even against those who were found indulged in such act and some employees were suspended, others were transferred but, later on, they were restored to their positions in their respective offices.

4. The grievance of the petitioners is contained in the identical orders impugned dated 27.02.2023 whereby their admissions have been cancelled. The reasoning recorded in the impugned orders is to the effect that as per the records of the University, the petitioners had applied for entrance test; they were allotted roll numbers; they appeared and secured certain ranks but were not allotted any seat in any round of counselling. Regarding provisional allotment letters dated 25.11.2020 or of other dates, it is mentioned in the orders

impugned that the same were forged and no such letter was issued by the University. Regarding various ranks secured by the candidates, it has been mentioned that the said ranks were secured by some other candidates but the petitioners have somehow managed their admission. It is further mentioned that the seat confirmation fees of Rs.40,000/- was not deposited by the petitioners within the date and time fixed through bank draft and when the petitioners were called upon to submit documents in support of their admissions, they failed to submit the same and, accordingly, their admissions had been cancelled.

5. Heard Sri A.K. Malviya, learned counsel for the petitioners, learned Standing Counsel for the respondent No. 1, Sri Ramesh Upadhyay, learned Senior Advocate assisted by Sri Rajan Upadhyaya, learned counsel for the respondent-University and perused the record.

6. Sri A.K. Malviya, learned counsel for the petitioners, apart from raising various arguments, drew the attention of the Court towards an interim order dated 13.01.2023 passed in Writ-C No.1597 of 2023 (Anmol Paneey and 34 others Vs. State of U.P. and 4 others) whereby the concerned petitioners were permitted to appear in the remaining examinations. It is contended that the concerned petitioners except Milind Saxena completed their examinations at the strength of the

interim order, however Milind Saxena could not get any relief in his petition.

7. In sum and substance, the submission of Sri Malviya is to the effect that the petitioners were got admitted for respective courses as facilitated to them by the University authorities, participated in step by step online process of admission, they were issued provisional seat allotment letters, deposited fees as and when it was demanded, they were permitted to appear in the examinations, cleared the semester-wise examinations year to year, various IDs were generated by the University, their details were uploaded on the requisite portal (which was subsequently deleted when the dispute arose), scholarships were provided to them, they were also granted fees relaxation during spread of Pandemic Covid-19 and the grounds taken in the order impugned that the provisional allotment letters were not issued to the petitioners or that they had secured ranks which had been secured by other candidates, are not sustainable.

8. Further submission is that even if the University authorities, after so many years, found some irregularity in the admission process, they have not taken any action against those including Dean (Examination) and Head of the Departments etc, etc, on whose instructions the petitioners were admitted and continued with their

curriculum and, even if the respondent University proposed to take any action against them or to conduct any inquiry, the petitioners, as genuinely admitted students, have no role as there is no finding that the petitioners committed some forgery or fabrication right from submitting application forms till completion of their respective courses.

9. During the course of arguments, attention of the Court was drawn towards all the aforesaid documents forming part of writ petition, rejoinder and supplementary rejoinder affidavits.

10. A detailed counter affidavit running into 1517 pages accompanied by 104 annexures has been filed on behalf of the respondents no.2, 3, 4 and 5. Sri Ramesh Upadhyay, learned Senior Counsel, appearing for the said respondents, during the course of arguments, submitted that the bulky counter affidavit contains entire record of admission and curriculum undertaken by the petitioners and summary of the defence of the respondents is also contained in another short counter affidavit already filed on behalf of the same respondents. The defence of the respondents is to the effect that the admissions are made on the basis of ranking obtained by the students in the Joint Entrance Examination and U.P. Combined Entrance Test, but none of the petitioners were allotted any seat in the process of

counselling and they were not admitted as per the statutory provisions. It is also contended that many of the petitioners did not even appear in the counselling process or even in the entrance examination. Regarding various provisional seat allotment letters issued either on 25.11.2020 or 03.08.2021 or 02.11.2021 etc, stand is that no such letters were ever issued by the University and in so far as the deposit of fees is concerned, the stand is that there is no provision for making cash deposit, rather fees is acceptable only through demand draft. Certain written statements in printed proforma allegedly made by the petitioners have also been annexed along with short counter affidavit and it has been argued that in various columns meant for filling up of details, like roll number, combined rank, category rank, sub category rank, counselling fees, seat confirmation fees, University fees, coaching institute, etc, etc, the petitioners have filled up "N/A", i.e., "Not Applicable", which, in itself, is sufficient proof that the petitioners are not having any details concerning their admissions in the University and, hence, the admissions obtained by them are, *per se*, illegal and, therefore, the respondents were justified in issuing the orders impugned cancelling their admissions. It has further been contended that through show cause notices, the details of admit card, score card, allotment letter, seat confirmation fees receipt, remaining

University fees deposit receipt, printed registration form, T.C./Migration, High School Certificate, University fees deposit receipt, qualifying examination marks etc, etc, were asked by the University authorities, the petitioners submitted only some of the documents as per their own wishes but never submitted all the documents which were actually asked for.

11. In sum and substance, the defence is that the petitioners utterly failed to attach sanctity to their admissions and they have no details with them which may justify their valid entry in the University.

12. To rebut the stand taken in the counter affidavit, rejoinder and supplementary rejoinder affidavits have been filed by the petitioners annexing therewith further documents demonstrating that their documents were verified by the University and such verification clearly establishes lawful appearance of the petitioners at every stage of process of admission.

13. When the order sheet of this case was perused by the Court, it reflected that concerning the process of admission, the University had proceeded to conduct an inquiry against the officials who, according to the respondents, were involved in facilitating admissions. After few orders passed by this Court regarding submission of inquiry report before the Court, the respondents filed an inquiry report dated

29/31.05.2023 which has been prepared by a Three Member Inquiry Committee; its Chairperson being Ex-Vice Chancellor of Dr. Ram Manohar Lohiya Avadh University, Ayodhya and two members, namely, Special Secretary of Technical Education Department, U.P. Government, in the capacity of an officer nominated by the Principal Secretary of Technical Education Department, U.P. Government and also Deputy Secretary of Higher Education Department, Government of U.P., in the capacity of an officer nominated by Principal Secretary of Higher Education Department, Government of U.P. The inquiry report was otherwise also placed before this Court in a sealed cover which was opened by the court on 24.07.2023 and considering the fact that its copy was not made available to the petitioners, the original inquiry report was returned to Sri Ramesh Upadhyay, learned Senior Counsel for the University on 24.07.2023 with a direction that its copy be served upon the learned counsel for the petitioners. Admittedly, a copy of the inquiry report was served upon Sri A.K. Malviya, learned counsel for the petitioners.

14. A perusal of the inquiry report shows that role of few Junior Assistants, Outsourcing employees etc, has been found established with the allegation that there was some discrepancy in the registration number of candidates and it appears that certain serial numbers were

manipulated so as to adjust the petitioners in the respective courses. The inquiry report recommends taking of disciplinary action against one Ravi Mohan Srivastava, Junior Assistant, Jitendra Mishra, Junior Assistant and Avnish Tripathi, Outsourcing employee. In so far as the role of officers of the University is concerned, it has been observed as follows:-

“जांच से यह भी स्पष्ट है कि सत्र 2020-21 में अधिष्ठाता शैक्षणिक मामले प्रो० डी०के० द्विवेदी, अधिष्ठाता स्नातक अध्ययन प्रो० एस०के० सोनी, एवं सह अधिष्ठाता स्नातक अध्ययन डा० पी०पी० पाण्डे द्वारा तथा सत्र 2021-22 में अधिष्ठाता स्नातक अध्ययन रहे क्रमशः प्रो० एस०के० सोनी एवं प्रो० पी०के० सिंह तथा अधिष्ठाता पर स्नातक अध्ययन प्रो० एस०के० श्रीवास्तव द्वारा अपने उत्तरदायित्वों में शिथिलता बरती गयी एवं दायित्वों का सम्यक निर्वहन नहीं किया गया। यदि उपरोक्त पदाधिकारियों द्वारा अपने दायित्वों का सम्यक निर्वहन किया गया होता तो उनके अधीनस्थ कर्मचारी व्यापक स्तर पर अनियमित, अनाधिकृत व अवैधानिक नामांकन/पंजीकरण कभी नहीं कर पाते और विश्वविद्यालय की गरिमा को ठेस नहीं पहुंचती। परन्तु यहां यह उल्लेख करना आवश्यक है कि अधिष्ठाता स्नातक प्रो० पी०के० सिंह की सतर्कता के कारण ही सत्र 2021-22 में अवैधानिक रूप से प्रवेशित छात्र- छात्राओं का नामांकन संभव नहीं हो पाया अतएव प्रो० पी०के० सिंह के स्तर पर परिलक्षित शिथिलता लगभग नगण्य है।

परीक्षा नियंत्रक प्रो० ए०एन० तिवारी ने प्रश्नोत्तरी सं०क्र० 3/10 में स्पष्ट रूप से उल्लेख किया है कि जो सूची अधिष्ठाता स्नातक व परास्नातक से प्राप्त होती है उसी सूची से परीक्षा करायी गयी है। उनका यह कथन शैक्षणिक सत्र 2020-21 स्नातक के लिए तो सही प्रतीत होता है लेकिन शैक्षणिक सत्र 2021-22 हेतु अधिष्ठाता स्नातक द्वारा निर्गत सूची में विद्यार्थियों की संख्या 933 है जबकि परीक्षा नियंत्रक कार्यालय से परीक्षा सम्पादित कराये गये विद्यार्थियों की संख्या (सं०क्र० 8) 950 है। परीक्षा नियंत्रक के प्रश्नोत्तरी क्र०सं० 3 में उल्लेख किया है कि आर०एम०एस टेक्नोलॉजी सॉल्यूशन्स द्वारा रजिस्टर्ड अभ्यर्थियों की सूची उपलब्ध करायी जाती थी। क्या यह संस्था रजिस्टर्ड अभ्यर्थियों की सूची निर्गत करने के लिए अधिकृत थी? परीक्षा नियंत्रक द्वारा इसका न तो उल्लेख किया गया है और न ही इस संबंध में कोई साक्ष्य प्रस्तुत किया गया है। अधिकृत अभ्यर्थियों की सूची को केवल प्रवेश प्रकोष्ठ ही निर्गत कर सकता है। उसी सूची के अनुसार अधिष्ठाता कार्यालय को नामांकन करना होता है और नामांकित विद्यार्थियों की सूची के परीक्षा नियंत्रक

कार्यालय और लेखा अनुभाग को प्रेषित करना होता है। परीक्षा नियंत्रक कार्यालय के कर्मचारियों को प्रवेश प्रकोष्ठ द्वारा निर्गत सूची को अधिष्ठाता कार्यालय द्वारा निर्गत सूची से मिलान कर यह सुनिश्चित करना चाहिए था कि प्रत्येक सेमेस्टर में केवल पंजीकृत एवं नामांकित छात्र ही परीक्षा में सम्मिलित हों। परन्तु उन्होने ऐसा नहीं किया। यदि उन्होने ऐसा किया होता तो तुरन्त अनियमित, अनाधिकृत अवैधानिक प्रवेशित छात्र-छात्राओं की सूची उनकी संज्ञान में आ जाती लेकिन ऐसा नहीं हुआ। उसी प्रकार परास्नातक के लिए एम०सी०ए० विषय हेतु प्रवेश प्रकोष्ठ द्वारा शैक्षणिक सत्र 2021-22 के लिए 75 प्रवेशार्थियों की सूची (सं० क्र० 9) निर्गत की है। इसमें से 3 विद्यार्थी विश्वविद्यालय छोड़कर चले गये। शेष 72 विद्यार्थी प्रवेश प्रकोष्ठ की सूची में रहे। एक अनियमित अनाधिकृत अवैधानिक विद्यार्थी जुडा जिसके फलस्वरूप संख्या 73 हुई। जबकि परीक्षा नियंत्रक कार्यालय की सूची में 75 विद्यार्थी सम्मिलित हुए। परीक्षा नियंत्रक ने और उनके कार्यालय के कर्मचारियों के मध्य कार्य आवंटन का कोई प्रमाण पत्र नहीं प्रस्तुत किया है। ऐसा प्रतीत होता है कि कर्मचारियों के मध्य कार्य व उत्तरदायित्व का आवंटन नहीं हुआ था। परीक्षा नियंत्रक कार्यालय में तीन कर्मचारी कार्यरत है। श्री बी०के० वाजपेयी कम्प्यूटर ऑपरेटर है यह कम्प्यूटर का कार्य देखते है। शेष दोनो कर्मचारी श्री विश्वविजय सिंह, वरिष्ठ सहायक एवं श्री तेजप्रताप यादव, आउटसोर्सिंग कुशलकर्मी दोनो मिलकर जांच का कार्य करते थे। श्री विश्वविजय सिंह ने सं० क्र० 3/13 में स्पष्ट उल्लेख किया है कि सूची ERP सेवा प्रदाता संस्थान के पोर्टल से ली गयी है। किसी सक्षम अधिकारी ने उन्हे ऐसा करने के लिए अधिकृत किया है इसका कोई उल्लेख नहीं है और न ही कोई साक्ष्य प्रस्तुत किया है। प्रवेश प्रकोष्ठ द्वारा निर्गत सूची ही अधिकृत सूची मानी जाती है। अधिष्ठाता, प्रवेश प्रकोष्ठ द्वारा निर्गत सूची को नामांकित एवं पंजीकृत करवाते हैं। लेकिन अधिष्ठाता संकाय के कार्यालय ने अवैधानिक तरीके का पालन करते हुए बी०टेक० प्रथम वर्ष में शैक्षणिक सत्र 2020-21 हेतु 22 अनियमित, अनाधिकृत, अवैधानिक विद्यार्थियों का प्रवेश एवं सत्र 2021-22 में 17 विद्यार्थियों को प्रवेश एवं एम०सी०ए० प्रथम वर्ष में 01 विद्यार्थी का प्रवेश करके उनका नामांकन एवं पंजीकरण किया है। यदि श्री विश्वविजय सिंह व श्री तेजप्रताप यादव ने अपने उत्तरदायित्व का निर्वहन करते हुए सूची का मिलान कर यह सुनिश्चित किया होता कि मात्र पंजीकृत एवं नामांकित छात्र ही परीक्षा में सम्मिलित हों, तो अनियमित अनाधिकृत अवैधानिक विद्यार्थियों की जानकारी हो जाती और उनको परीक्षा में बैठने की अनुमति नहीं दी जाती। लेकिन उन्होने ऐसा नहीं किया। ERP सेवा प्रदाता संस्थान के पोर्टल पर कैसे नामांकित विद्यार्थियों की सूची प्रस्तुत की गयी है इसका वर्णन विस्तृत रूप से किया जा चुका है। अतएव परीक्षा नियंत्रक कार्यालय के कर्मचारी श्री विश्वविजय सिंह, वरिष्ठ सहायक व श्री तेजप्रताप यादव, आउटसोर्सिंग कुशलकर्मी दोषी हैं। उनके विरुद्ध नियमानुसार कठोर कार्यवाही की जानी चाहिए। व्यक्तिगत गवाही के समय दिये गये अभिलेखों से परीक्षा नियंत्रक की शिथिलता भी परिलक्षित होती है।

15. The aforesaid contents of the inquiry report reflect that the attempt of the respondent officers of the University is to somehow shield their officials and most interesting part of the inquiry report is that Mr. P.K. Singh, who, being Dean of Admissions, was instrumental in not only verifying the documents of the petitioners at every stage, in collecting fees, in cash, and had issued provisional seat allotment letters, his role has been found to be almost negligible and as a matter of fact he has been completely exonerated from the proceedings.

16. Although, Sri Ramesh Upadhyay, learned Senior Counsel submits that, later on, action has been proposed even against Mr. P.K. Singh along with others, I find that there is not even a single finding in the inquiry report against any of the petitioners. Even the orders impugned, though term the provisional seat allotment letters as forged and record that such letters had not been issued by the University, neither in the inquiry report nor otherwise there is any whisper that the petitioners committed any forgery or fabrication. As regards deposit of fees in cash and not through bank draft, though it was vehemently argued by Sri Upadhyay that cash deposit is not permissible, the inquiry report contains a contrary averment that under special circumstances, fees can be collected in cash, through cheque or draft. In this regard, the inquiry report reads as follows:-

“जांच समिति के संज्ञान में लाया गया कि विद्यार्थियों को शुल्क जमा करने की अनुमति ऑनलाइन ही है। सामान्यतः वे शुल्क नगद, चेक व ड्राफ्ट से नहीं जमा कर सकते हैं। विशेष परिस्थिति में ही सक्षम अधिकारी की अनुमति से विद्यार्थी शुल्क नगद, चेक व ड्राफ्ट से भी जमा कर सकते हैं। जांच समिति के संज्ञान में यह भी लाया गया है कि शुल्क जमा करने वाले विद्यार्थियों की सूची, अधिष्ठाता कार्यालय ही लेखा अनुभाग को प्रेषित करता है। यहां तक चेक व ड्राफ्ट भी अधिष्ठाता कार्यालय में ही विद्यार्थी जमा करता है। शुल्क जमा करने की अधिष्ठाता कार्यालय से प्राप्त सूची के आधार पर लेखा अनुभाग लेजर तैयार करता है।

17. Learned counsel for the petitioners has placed reliance upon the judgment of the Apex Court in the case of **Punjab Engineering College Vs. Sanjay Gulati: (1983) 3 SCC 517** to submit that though the petitioners have rightly and lawfully taken admission in the University/institution, even if some irregularity is found, the Apex Court, in the said judgment has observed as follows:-

“5. We find that this situation has emboldened the erring authorities of educational institutions of various States to indulge in violating the norms of admission with impunity They seem to feel that the Court will leave the admissions in fact, even if the admissions are granted contrary to the rules and regulations, This is a most unsatisfactory state of affairs. Laws are meant to be obeyed, not flouted. Some day, not distant, if admissions are quashed for the reason that they were made wrongly, it will have to be directed that the names of students who are wrongly admitted should be removed from the roll of the institution. We might have been justified in adopting this course in this case itself, but we thought that we may utter a clear warning before taking that precipitate step. We have decided, regretfully, to allow the aforesaid sixteen students to continue their studies, despite the careful and weighty finding of the High Court that at least eight of them, namely, the seven wards of employees and Ashok Kumar Kaushik, were admitted to the Engineering Course in violation of the relevant rules and regulations.

11. We must add that though we are satisfied that the admission of seven wards of employees of the College and of Ashok Kumar Kaushik is contrary to the rules and regulations, we have not examined the correctness of the finding of the High Court

in regard to the alleged illegality of the admission of the eight students who were admitted by the test of "spot selection". We will only reiterate as to this latter class of admissions that the conduct of the authorities charged with the duty of making admissions to educational institutions has to be above suspicion. They cannot play with the lives and careers of the young aspirants who, standing at the threshold of life, look to the future with hope and expectations."

18. It is, therefore, argued that considering the facts and circumstances of the case in their entirety, particularly the stand taken in the inquiry report and the fact that the petitioners have already been allowed to appear in the remaining examinations in which they have appeared and they are at the verge of completion of their courses, they should be allowed to continue their studies, setting aside the orders impugned, more so when in inquiry nothing adverse is reported against the petitioners.

19. Per contra, Sri Ramesh Upadhyay, learned Senior Counsel has placed strong reliance upon the judgment of the Apex Court in the case of **Nidhi Kaim and others Vs. State of Madhya Pradesh and others: (2017) 4 SCC 1**, popularly known as "**Vyapam case**", and has referred to various paragraphs of the said judgment. He has also argued that the Apex Court in Vyapam case cancelled the admissions of not only those who had completed their courses but also those who were engaged in medical practice for years after completion of their courses. It is vehemently argued that the Supreme Court observed that

as to whether the consequence of established fraud, as repeatedly declared by the Apex Court, can be ignored, to do complete justice in a matter, in exercise of jurisdiction vested in it, under Article 142 of the Constitution, and also, whether the consequences of fraud, can be overlooked in the facts and circumstances of this case, in order to render complete justice to the appellants. This could only be effectuated, by a corrupted administrative machinery. Whether, the nefarious and crooked administrative involvement, was an inside activity, or an outside pursuit, is inconsequential. All in all, the entire scheme of events, can well be described as a scam, a racket of sorts.

20. In the facts and circumstances of the present case, I do not find that the respondents can get, with due respect, any advantage out of the decision of the Apex Court in Vyapam case. The Supreme Court, in the said case, had come to the conclusion that conferring rights or benefits on the appellants, who had consciously participated in a well thought of, and meticulously orchestrated plan, to circumvent well laid down norms, for gaining admission to the MBBS course, would amount to espousing the cause of 'the unfair'. It would seem like, allowing a thief to retain the stolen property. It would seem as if, the Court was not supportive of the cause of those who had adopted and followed rightful means. Such a course, would cause people to

question the credibility, of the justice delivery system itself. The exercise of jurisdiction in the manner suggested on behalf of the appellants, would surely depict, the Court's support in favour of the sacrilegious. It would also compromise the integrity of the academic community and Supreme Court formed an opinion that in the name of doing complete justice, it is not possible for it to support the vitiated actions of the appellants, through which they gained admission to the MBBS course.

21. In the Vypam case before the Supreme Court, there was conspiracy in between the petitioners and the officers of the concerned Board/college etc. Allegations of manipulations and forgery were also found by the Supreme Court as substantiated. However, in the present case, the nature of documents annexed to the writ petition and various affidavits clearly demonstrate due verification not only through online but off-line process at the level of University authorities including Dean and Head. There are endorsements made by the Coordinator of Counselling as well as Admission Cell. The details of students are found as uploaded on the official website at every stage. Even IDs were generated. Verified reports were uploaded time and again and if, at any point of time, few documents could not be produced by the candidates behind which I also find a justification on record to the

effect that the authorities were very hastily proceeding against the students during the period when even their examinations were continuing and students had come up with clear stand that they were not getting sufficient time to search papers and even then they had submitted whatever was available with them and has also been annexed along with the writ petitions and various affidavits.

22. When asked by the Court regarding any inquiry conducted against the candidates/petitioners, Sri Ramesh Upadhyay fairly submitted that inquiry has been conducted against the officials and staff of the University and other inquiries are still to be held but, till today, no inquiry has been conducted against the petitioners.

23. Necessary conclusion, therefore, comes to the effect that the grounds contained in the orders impugned for cancelling the admissions, that is the provisional seat allotment letters were forged, do not stand established against the petitioners that is to say that there is no finding that the petitioners have forged the said letters as, admittedly, no inquiry has been conducted in that regard or against the students. In so far as the allegation that the ranks which the petitioners claimed as obtained by them, were in fact the ranks obtained by some other students, Sri Upadhyay did not dispute that even those students were allowed to study and are studying in their respective courses.

Meaning thereby that by admitting the students, nobody's right has been taken away and it is not a case where the petitioners have replaced some other students even if some discrepancy with regard to ranking obtained has been pressed on behalf of respondents.

24. In view of the above, the Court arrives at a conclusion that the petitioners cannot be held guilty of obtaining unlawful admissions in the University/ Institution; they have not forged any documents; the higher authorities had facilitated their admissions; their details were uploaded and verified by the University at various stages; the documents were verified; fees was collected; admit cards and emails were issued; fees relaxation was provided; scholarships were awarded; they were allowed to study and complete their various semesters for years, one after another, and no inquiry has been conducted by the University against the petitioners except asking for few documents and, that too, have not been analysed before cancelling the admissions.

25. Accordingly, in the opinion of the Court, cancellation of admission of the petitioners, who are at the verge of completion of their respective courses, is found unsustainable.

26. All the writ petitions are **allowed** and the orders impugned therein cancelling the admissions of the petitioners are hereby **quashed**.

27. A writ of **mandamus** is issued to the respondents to permit the petitioners to continue with their studies and curriculum including granting permission to appear in respective examinations and declaration of their results.

Order Date :- 28.8.2023

AKShukla/-