



THE J&K BOARD OF PROFESSIONAL ENTRANCE EXAMINATIONS(BOPEE)

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Subject:- **Disposal of representation filed by petitioners in writ petition No. WP(C)No.3241/2019-orders of the Hon'ble High Court dated 04-11-2019.**

Office Order No. 208-BOPEE of 2019

Dated : 11-11-2019.

Whereas, the petitioners in WC No. 3241/2019 filed a writ petition before the Hon'ble High Court seeking direction to allow them to join the Engineering courses after the cut off date fixed for the purpose; and

Whereas, the Hon'ble High Court disposed of the writ petition vide its order dated 04-11-2019 with the following directions:-

"Keeping in view the averments made in the writ petition and the nature of relief prayed for, this writ petition is disposed of by providing that petitioners shall make detailed representations to the respondent No. 2 & 3 taking admission in time.

Needless to say on receipt of the representation(s), from the petitioners which shall be filed within one week from today, both the respondents shall take a decision on the representation(s) on merits and pass appropriate orders. Till a decision in this regard is taken and conveyed to the petitioners, the seats against which the petitioners are selected shall not be filled up."

Whereas, the directions of the Hon'ble High Court have been considered by the Board and the following position has emerged:-

1. In the first instance the signatures of petitioners on the representation were tallied with the data base and their application forms which they have submitted online and the same did not match with each other. As such the representation on this count alone merits dismissal.
2. The admissions in the professional colleges are regulated by the schedule notified by the regulating bodies and the counselling authorities/bodies have to adhere to the schedules notified by the such regulating authorities and no admissions can be made after the cut off date fixed by the regulating authorities. The schedules notified by the regulating authorities have been approved by the Hon'ble Supreme Court also in various writ petitions.
3. The admissions in the Engineering colleges are regulated by the admission schedules notified by the AICTE and no admissions can be made after 15th of August, of the year in which the admissions are to be made. The Hon'ble Supreme Court vide its

order dated 13th of December, 2012 in SLP No. 26086 of 2012 tiled Parashvanath Charitable Trust and Ors Vs AICTE had directed that "all seats should be filled positively by 15th August after which there shall be no admission, whatever be the reason or ground. that the admission schedule shall not be violated under any circumstances.....Thus, we approve these admission dates and declare it to be the law which shall be strictly adhered to by all concerned and none of the authorities shall have the power or jurisdiction to vary these dates of admission". Therefore, counselling authorities or the colleges are not competent to admit any student after the cut off date notified by the regulating authorities except with the permission of the Hon'ble Supreme Court.

4. The Board of Professional Entrance Examinations being the examination/counselling body created under Act of legislature in 2002 for making admissions in professional colleges and courses in J&K invited applications for conduct of common entrance test vide Notification No. 06-BOPEE of 2019 dated 25-01-2019 and the examination was held on 28-04-2019. The result of the examination was declared by the Board vide Notification No. 40-BOPEE of 2019 dated 17-05-2019 and the counselling was held as under:-

Round of counselling	Notification No. & date	From	To	Last date of joining.
First	49-BOPEE of 2019 dated 18-06-2019	27-05-2019	12-06-2019	27-06-2019
Second	056-BOPEE of 2019 dated 29-06-2019	08-07-2019	12-07-2019	20-07-2019
Mop up	75-BOPEE of 2019 dated 31-07-2019	27-07-2019	31-07-2019	08-08-2019

5. The Board issued detailed guidelines and directions regarding joining of the colleges on allotment/upgradation of the seats and on conclusion of the mop up round the candidates were directed to join the colleges upto 8th of August, 2019 vide Notification No. 75-BOPEE of 2019 dated 31-07-2019. The colleges were also allowed to fill up the unfilled seats, if any, by willing and eligible candidates upto 14th August, 2019;
6. However, due to situation after 5th of August, 2019, the Board received representations from the candidates/parents that they could not join the allotted courses/colleges upto the stipulated time and the Board in the larger interest of the candidates considered the same and directed the colleges, vide letter No. BOPEE/Exam/CET-04/III/2019 dated 16-08-2019, to allow the candidates to join upto 17-08-2019.
7. Further, vide Notice No. 80-BOPEE of 2019 dated 22-08-2019, the Board extended the joining time upto 26th August, 2019. This notice was given wide publicity through various programmes being run by the Doordarshan and then Radio Kashmir and special efforts were made to utilize the services of Seharbeen programme being run by then Radio Kashmir now Aakashwani Srinagar which is a matter of record.

8. Further, the Hon'ble Supreme Court, on a application filed by the State Government, vide its order dated 16-08-2019 in MA No. 1658/2019 in Parashvanath Charitable Trust Vs AICTE had extended the time for joining of candidates from J&K and granted admission outside J&K upto 15th of September, 2019 as the AICTE had also conveyed its NOC to such an extension as mentioned in the said order of the Hon'ble Supreme Court. The Board further considered the matter in light of said orders of the Hon'ble Supreme Court and felt that the candidates granted admission in the engineering colleges in J&K on the basis of examination conducted by the BOPEE were similarly circumstanced and allowed the candidates admitted/upgraded during the mopping upto round to join the colleges upto 14th September, 2019 who could not join the colleges for the reasons beyond their control, pursuant to Notification No. 75-BOPEE of 2019 dated 31-07-2019. This notification was also given wide publication in print and electronic media on similar lines as mentioned above and the candidates who approached the colleges were allowed to join/take admission.
9. The plea of the petitioners that no publicity was given to the time extended is fallacious as none of the candidates would then have been able to join the college/courses upto 14th of September, 2019. The petitioners have deliberately chosen to conceal before the Hon'ble Court about the extension in time as above granted by the Board on the representation of the candidates and for the reasons mentioned hereinabove.

Whereas, the matter having been considered in totality by the Board, it is clear that the Board cannot extend the time any more as any extension in time would be beyond the competence of the Board in the light of Judgment of the Apex Court.

Now, therefore, the joint representation submitted by the petitioners in writ petition No. 3241/2019, pursuant to the orders dated 04-11-2019 of the Hon'ble Court, has been considered and no extension in joining can be granted by the Board who is not competent to do so for the reasons explained hereinabove. Hence, the claim of the petitioners is hereby rejected as being devoid of any merit.

By Order



Deputy Secretary
J&K BOPEE

No. BOPEE/Lit/23/2019

Dated: 11.11.2019

Copy to the:-

1. Commissioner Secretary to Government, ARI & Training Department for information.
2. Mr. Shah Amir, Additional Advocate General, Hon'ble High Court of J&K, Srinagar for information.
3. Director Information, J&K, Srinagar with the request to get the Order published in one daily newspaper of Kashmir having largest circulation.
4. Pvt. Secy to Chairman for information of the Chairman.
5. Concerned Candidates.
6. J&K BOPEE Website.
7. Stock file.

