

Admit. Vs. Panjab University, Chandigarh and Others

Admit. Vs. Panjab University, Chandigarh and Others

SooperKanoon Citation : sooperkanoon.com/1122258

Court : Punjab and Haryana

Decided On : Jan-22-2014

Appellant : Admit.

Respondent : Panjab University, Chandigarh and Others

Judgement :

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH Letters Patent Appeal No.2074 of 2013 (O&M) Date of Decision: 22.01.2014 Karanvir Singh ..Appellant Versus Panjab University, Chandigarh and others ..Respondents
CORAM: HON'BLE Mr.JUSTICE SANJAY KISHAN KAUL, CHIEF JUSTICE.

HON'BLE Mr.JUSTICE ARUN PALLI1 Whether Reporters of local papers may be allowed to see the judgment?.

2.

Whether to be referred to the Reporters or not ?.

3.

Whether the judgment should be reported in the Digest?.

Present : Mr.R.S.Ahluwalia, Advocate, for the appellant.

Mr.Manish Bansal, Advocate, for respondents No.1 and 2.

None for respondents No.3 to 5.

**** SANJAY KISHAN KAUL C.J.(Oral) Admit.

Mr.Manish Bansal, Advocate accepts notice on behalf of respondents No.1 and 2.

Respondents No.3 to 5 are stated to have been served through the Director, Panjab University, Regional Centre, Ludhiana.

However, learned counsel for respondents No.1 and 2 informs that they have left the couRs.as they did not clear the exaMs.With the consent of the parties, the appeal is taken on board for final disposal.

The appellant appeared in the Combined Entrance Test-2011 held for admission to B.A.LL.B (Hons.) 5 years Integrated CouRs.on 22.05.2011 and obtained 892 marks with merit marks of 43.35 by giving equal weightage to his 10+2 marks and the entrance marks.

The appellant participated in the fiRs.counselling held on-line and the 4th counselling held physically but could not get admission.

However, 5th counselling was also held on account of there being three seats vacant, for which the notice is stated to have been put up only on the Notice Sharma Ravinder 2014.01.23 10:33 I attest to the accuracy and integrity of this document LPA No.2074 of 2013 2 Board on 02.09.2011 giving the last date for submitting applications by 05.09.2011.

Nine candidates are stated to have applied out of which three were given admission.

The appellant claims that he never came to know of this counselling as it was not even put on the website, an undisputed fact.

The appellant filed the writ petition under Article 226 of the Constitution of India, primarily, predicated on dual facts:- i) The appellant got no knowledge of the 5th counselling.

ii) The persons junior in merit to the appellant were admitted.

The learned Single Judge vide the impugned order dated 18.11.2013 had dismissed the writ petition on the ground that since there were no seats available, it was not possible to regularize the admission of the appellant even though by interim orders the appellant had been pursuing education in the respondent-university.

We may notice another fact that the appellant, not having obtained admission in initial counselling with respondents No.1 and 2, obtained admission in Guru Nanak Dev University, Regional Centre, Jalandhar and even cleared all five papers of 1st Semester ultimately.

The subsequent couRs.of study from 2nd Semester onwards has been with the respondent-university.

We are unable to persuade ourselves to agree with the conclusion of the learned Single Judge.

In the matter of education where a person meets the merit, qualification, every endeavour should be made to see that the candidate is able to pursue education.

In our country, at the stage at which we stand, education plays an important role in the empowerment of citizens.

Thus, the Courts have to take a liberal view where there is no case of mis-disclosure/non-disclosure or disqualification.

The second factor weighing with us is that due care has not been taken to give adequate publicity to the 5th counselling by the respondents so as to make the eligible students aware.

The least that was expected was that on the website the factum of 5th counselling should have been notified apart from putting up on the Notice Board.

This has not happened and it is possible that apart from the appellant other candidates may also have not come to know, though they have not approached

the Court.

The appellant was qualified and by interim orders has been admitted to the couRs.and has been pursuing the same.

Thus, to deny the appellant Sharma Ravinder 2014.01.23 10:33 I attest to the accuracy and integrity of this document LPA No.2074 of 2013 3 now to conclude the couRs.would amount to wiping away 2 to 3 years of his education career, couRs.of action not acceptable to us.

We are informed that infact there are existing vacancies present apart from the fact that even three private respondents have failed to clear the examination and have left the course.

In so far as the appellant is concerned, the results for the 2nd, 3rd and 4th Semesters have been brought before us in a sealed cover.

The appellant has cleared the practicals of all the six papers of 2nd Semester but has not cleared the Theory portion of any of the six papeRs.However, as explained by learned counsel for respondents No.1 and 2, the eligibility to be admitted to the second year (3rd and 4th SemesteRs.is the requirement of clearing at least 50% of the papers which the appellant satisfies as he has cleared all the papers of 1st Semester albeit from different university.

The relevant clause 5(ii) in this behalf is as under:- 5 (ii) - Promotion from 2nd to 3rd, 4th to 5th, 6th to 7th, 8th to 9th semesters shall be allowed only if a student has passed at least 50% of the papers of the 1st & 2nd, 3rd & 4th, 5th & 6th, 7th & 8th semesters respectively as the case may be.

.

In the 3rd Semester, once again the appellant has to reappear in all the six Theory papeRs.though he has cleared the practical papeRs.For the 4th Semester he has to reappear only in one Theory paper.

We are informed that the appellant was not granted admission in the 5th Semester.

Not only this, the combined result of the 3rd and 4th Semester is such that the appellant would in any case have been ineligible to be admitted to 3rd year as he has not cleared at least six of the papers of 3rd and 4th Semesters. The result of this is that the current year of the appellant in any case has to go waste but the appellant can save five years (five semesters) provided he clears the papers which are outstanding from 2nd to 4th Semesters sufficient in number to make him eligible for admission into 5th Semester in July, 2014.

We order accordingly.

We also further consider it appropriate to direct respondents No.1 and 2 to ensure that even where physical counselling takes place, at least the date of counselling should be put up on the website apart from the Notice Board to facilitate due information to the eligible candidates.

Sharma Ravinder 2014.01.23 10:33 I attest to the accuracy and integrity of this document LPA No.2074 of 2013 4 The result of the aforesaid is that the impugned order dated 18.11.2013 is set-aside.

The appellant is held entitled to admission in respondents No.1 and 2 University in B.A.LL.B.(Hons.) 5 years Course, 2011, with a right to admission to 5th Semester in July, 2014 subject to the appellant clearing requisite number of outstanding papers from 2nd to 4th Semesters as would qualify him for the admission.

The result shown to us in a sealed cover be declared officially to enable the appellant to take the remaining papers. The appeal, thus, stands allowed in the aforesaid terms leaving the parties to bear their own costs.

(SANJAY KISHAN KAUL) CHIEF JUSTICE (ARUN PALLI) JUDGE 2201.2014
ravinder Sharma Ravinder 2014.01.23 10:33 I attest to the accuracy and integrity of this document

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com