

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No. 10482 of 2015 (O&M)
Date of decision: 12.08.2015

Sunil Kumar

....Petitioner(s)

Versus

Deen Bandhu Chhotu Ram University & others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr.Madan Pal, Advocatre, for the petitioner.

Mr. Ram Kumar Ravesh, Advocate, for respondents No.1 & 2.

Mr.B.K.Bagri, Advocate, for respondent No.3.

G.S.SANDHAWALIA, J. (Oral)

1. The present writ petition has been filed seeking admission to the Ph.D course in Electronics and Communication Engineering for the session 2014-15.
2. It is the admitted case of the petitioner that he applied for the said course on the strength of his Post-Graduate qualifications and sat in the Combined Entrance Test (for short, the 'CET'), which was held on 01.07.2014 and obtained 34 marks in the said test. He was called for counselling on 22.07.2014 by the respondent-University. He also took permission to acquire higher education degree from the Director General, Technical Education, Haryana, since he was serving on regular basis as a Lecturer in Electronic & Communication Engineering at GBN Government Polytechnic, Nilokheri. It is the case of the petitioner that he belongs to Scheduled Caste Category and one of the seats was reserved for the said category and respondent No.4-Anjali Khokhar had secured 66.5065 marks and the petitioner had obtained 55.812 marks in the CET and was below her in the merit list. It is further the admitted case that vide letter dated 30.01.2015 (Annexure

P13), four candidates were approved for admission in the said course and they were to submit the requisite documents and original certificates by 31.01.2015.

3. As per the written statement filed by the respondent-University, it is admitted that respondent No.4 did not join the said programme.

4. However, the University did not make any effort to call the next person in the merit-list though admission was approved for four persons. It is the case of the petitioner that it was only through the application under the Right to Information Act, 2005 that he came to know that admission had been granted in pursuance of the CET and he had never been called upon after respondent No.4 failed to join.

5. In such circumstances, this Court is of the opinion that the petitioner's right to join the course has been jeopardised by the University. Once the University was filling up the four seats and on the non-joining of one candidate, the next person should have been called upon. The next person figuring in the merit-list prepared is the petitioner and thus, by the arbitrary action of the University, the petitioner has been deprived his right of higher education. It is further pertinent to notice that in the present case, the admission is for the Ph.D course and thus, the requirement of attending classes would be minimum, which is not disputed by the counsel for the respondent-University and in such circumstances, the University would also be in a position to make alternative arrangements for ensuring that the petitioner is able to complete his thesis.

6. Accordingly, the present writ petition is allowed. The petitioner shall be admitted in the Ph.D course in Electronics and Communication Engineering against the seat for the session 2014-15. It is for the respondent-University to make appropriate arrangements for conducting classes of the petitioner. It is further clarified that the petitioner will consume the fourth seat for the academic session 2014-15 and the University will not adjust him against the session 2015-16, as that would take away the right of another candidate.

7. With the abovesaid observations, the present writ petition is allowed.