

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

CWP No.12657 of 2015
Date of Decision: 02.07.2015

Abhinandan Jain

. . . .Petitioner

Versus

Guru Nanak Dev University, Amritsar and others

. . . . Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: Mr.D.V. Sharma, Sr. Advocate, with
Mr.Sameer Sachdeva, Advocate,
for the petitioner.

Mr.Amrit Paul, Advocate,
for respondent No.1.

Mr.Karan Bhardwaj, Advocate,
for respondent No.2.

Mr.Vipul Jindal, Advocate,
for respondent No.3.

RAKESH KUMAR JAIN, J. (ORAL)

Vide notification dated 16.2.2015, the Governor of Punjab appointed Guru Nanak Dev University, Amritsar [for short 'the University'] as the authority competent to conduct the centralized online counselling for selection of students for admission to 5 year B.A. L.L.B. (Hons), 5 year B.A.L.L.B., 5 year B.Com. L.L.B, 3 year L.L.B and 3 year L.L.B (Hons.) for the session 2015-16 in the colleges affiliated to the University, Punjab University, Chandigarh and Punjabi University, Patiala situated in the State of Punjab.

Accordingly, the scheme was notified. The Army Institute of Law, Mohali (Respondent No.2) offered 80 seats of B.A. LLB 5 year course.

It was provided in the notification that: -

“Note: - The revised allocation of seats for the Army Institute of Law, Mohali as per the decision taken in the meeting called by the Hon’ble Chief Minister of Punjab on 23.4.2012 is as under: -

(i) Out of 80 seats of Army Institute of Law, 16 seats of Punjab residents of civil category will be filled up through on-line counselling by the Guru Nanak Dev University, Amritsar. The remaining 60 seats of Wards of Army Personnel and 4 seats of All India General Category will be filled up by Army Institute of Law, Mohali through centralized counselling for which Army Institute of Law will conduct a written test. Army Institute of Law will coordinate the admission process with the conducting university on the following points: -

- (a) Setting up of the question paper.*
- (b) Evaluation of the question paper.*
- (c) Preparation of merit list.*
- (d) Decision of Examination Centres.*
- (e) Provision of observers.*

(f) Date of Exam and Examination Centres.
The reservation policy of the Punjab Govt. shall not be applicable to 16 seats of Punjab Residents of Civil Category.”

Clause 2(b) pertaining to ‘Eligibility’, provided in the notification, read as: -

“Candidates who have appeared for the qualifying examination and whose result has

not been declared, may be provisionally allowed to apply for centralized online counselling at his/her own risk and responsibility, but he/she will have to submit proof of his/her passing the qualifying examination before the start of the counselling.”

It is further provided in Clause 7(e) of the ‘General Conditions’ that *“the procedure and dates for online (and otherwise) submission of the application form for counselling will be notified by the University.”*

The petitioner passed his 10+2 examination from St. Xaviers School, Bathinda in April-May, 2015 and secured 95.6% marks. His result was declared on 25.5.2015 by the CBSE, whereas respondent No.2 closed the submission of application-cum-admission form (online) on 15.5.2015. The petitioner thus could not apply, to be considered for admission, in the 16 seats meant for the Punjab Residents of Civil Category candidates and has thus filed the present petition.

After notice, all the three respondents have filed their separate replies.

Learned counsel for respondent No.2 has submitted that the date for submission of application-cum-admission form (online only) and the last date for its submission with late fee of ₹500/- was 11.5.2015 and 15.5.2015 respectively, which were fixed after the draft admission notice was approved by Professor Dr. Gurjeet Singh Coordinator, Punjab Law Admission, 2015 on 24.3.2015. He has also referred to a letter dated 10.4.2015 purported to have been written by the Coordinator to respondent No.2 in which he has

admitted that the draft admission notice-cum-advertisement for the admission process submitted by respondent No.2 was discussed and was duly approved. Respondent No.2 thus made wide publication in three leading Newspapers, namely, Indian Express, Hindustan Times and The Tribune dated 19.4.2015, informing the desiring candidates opting for the 16 seats of Punjab Residents of Civil category to apply online only along with registration fee of ₹1250/- on 11.5.2015 and with ₹500/- as late fee on 15.5.2015. It is further submitted that the petitioner himself was not vigilant as he did not apply in time, otherwise as per Clause 2(b) of the notification, the candidates, who had appeared for qualifying examination and whose result was not declared, were also provisionally allowed to apply for centralized online counselling though at their own risk and responsibility as they had to submit the proof of passing the qualifying examination before the start of counselling.

It is further submitted that as many as 373 students, whose results were either declared or awaited, had applied online on 11.5.2015 and 15.5.2015 out of which result of 349 students' was awaited and result of 24 students' was declared. It is also argued that out of 373 students, a list of 50 students has been prepared for the purpose of counselling, who are between 93.0% to 98.0%.

It is averred by respondent No.1 in its short reply that the petitioner cannot ask for submission of his form on the basis of declaration of result late by the CBSE on 25.5.2015 as no application form could be accepted after the cut off date.

In short reply filed by respondent No.3, it is averred that it has no role to play and has been made a party only because of the reason that respondent No.2 is affiliated to it.

The main issue involved in this case is as to whether the Coordinator Dr. Gurjeet Singh had the authority and competence to approve the draft admission notice of respondent No.2 wherein the last date for submission of application form-cum-admission form (online) and last date with late fee of ₹500/- was provided.

Learned counsel for respondent No.2 could not answer this question when the matter was heard in pre-lunch session, therefore, it was kept in the post lunch session because he wanted to seek necessary information from the University in the meantime.

It is submitted by learned counsel for respondent No.1 that as per information received by him now, Dr. Gurjeet Singh, Coordinator, was not competent to approve the draft admission notice prescribing the date of submission of application-cum-admission form (online) and the last date with late fee.

In this regard, learned counsel for the petitioner has submitted that as per Clause 7(e) of the notification, the procedure and date for (online and otherwise) submission of application form for counselling was to be notified by the University and since the University is not approving the action of Dr. Gurjeet Singh, Coordinator, who approved the draft admission notice, prepared by respondent No.2, the date for submission of application-cum-admission form prescribed by respondent No.2 should not be accepted and the petitioner may be granted an opportunity to apply for the admission against the 16 seats of Punjab Residents of Civil category as so far nobody has been admitted because the counselling has not taken place.

I have heard learned counsel for the parties and perused the record.

Admittedly, respondent No.2 could have filled 64 seats out of 80 through written test but the remaining 16 seats of the Punjab Residents of Civil category were to be filled up online by Guru Nanak Dev University/respondent No.1. Respondent No.2 published the admission notice inviting application-cum-admission form (online) on 11.5.2015 and with late fee of ₹500/- on 15.5.2015 when their draft notice was approved by Dr. Gurjeet Singh, Coordinator on 24.3.2015, who had further owned it by his letter dated 10.4.2015 and thereafter, respondent No.2 made wide publication on 19.4.2015 in order to fill up all the 80 seats. Thus, respondent No.2 cannot be held to be at fault but at the same time respondent No.2 could not have issued notice to apply for 16 seats for Punjab Residents of Civil category as the procedure and date for it was to be notified by the University. Since, Dr. Gurjeet Singh, Coordinator has been disowned by the University on the ground that he had no competence to approve the draft admission notice of respondent No.2, the question would be as to whether the right of the petitioner to apply for a seat in the 16 seats of the Punjab Residents of Civil category has been infringed as the date was not notified by the competent authority/University.

To my mind, respondent No.1 has erred in not following the provisions of the notification in its letter and spirit.

In these facts and circumstances, the cause shown by the petitioner is found to be meritorious and hence, it is directed that the respondent No.1/University will issue a corrigendum to the notice dated 1.7.2015 including the submission of admission form (online) by all the desiring students, who wanted to take admission in the 16 seats of Punjab Residents of Civil category in the Army

Institute of Law, Mohali. All the students, who had already applied to the Army Institute of Law, Mohali in the past i.e. on 11.5.2015 and 15.5.2015 would be eligible to apply again in terms of the corrigendum to be issued by respondent No.1/University, who shall then prepare the merit list of the candidates and on that basis counselling shall be fixed by the University, intimating the students about the schedule of admission and counselling.

It is needless to mention that the Army Institute of Law, Mohali shall refund the registration fee of ₹1250/- to all the applicants, who had earlier applied on 11.5.2015 and 15.5.2015 and all the applicants shall have to pay registration charges to respondent No.1/University afresh at the time of registering online, according to the corrigendum to be issued by respondent No.1/University, which shall be issued/published on 8.7.2015.

With these observations, the present writ petition is hereby disposed of.

A copy of the order be given to counsel for the parties under the Signature of Special Secretary of this Court, for the purpose of compliance.

02.07.2015*Vivek***(RAKESH KUMAR JAIN)
JUDGE**