

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No. 12836 of 2015

Date of decision: 21.09.2015

Diksha

....Petitioner(s)

Versus

Director, Post Graduate Institute of Medical Education & Research, Chandigarh &
another

...Respondent(s)

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

Present: Mr.Sanjeev Kumar, Advocate, for the petitioner.

Mr.Amit Jhanji, Advocate, for the respondents.

G.S.SANDHAWALIA, J. (Oral)

The petitioner seeks admission in M.Sc. (Medical Biotechnology) with the respondents-University. As per the eligibility clause, she had to have 50% marks since she belongs to SC category. The relevant clause reads as under:

“2. M.Sc. (Medical Biotechnology):

B.Sc. with 55% marks in any subject of Life/Biological Sciences for General Category and 50% marks for the candidates belonging to SC/ST/OBC category or MBBS from a recognized University/Institute.”

Admittedly, the petitioner, on the date of application, i.e., on 10.04.2015 (Annexure P3), had not passed her B.Sc. Examination and even while filling up the form, she had mentioned that she had passed in the month of July, 2015 but she did not gave the detailed marks sheet since her result had not been declared. She sat in the entrance test on the strength of the application and has achieved the merit of 46.25%. On the strength of the same merit, she was called for counselling on 23.06.2015.

It is not disputed that the result of B.Sc. final year was declared in the month of June, 2015 after the date of counselling. The petitioner, thus, was not given admission. It is settled principle that the admission process cannot carry on

forever and the petitioner, on the date of counselling, was not eligible though she had qualified the entrance test. Admittedly, at the time of the counselling, the petitioner did not have the result of the qualifying examination in her B.Sc. Examination and the respondents were well justified in declining admission. Reliance can be placed upon the judgment of the Apex Court in **Charles K. Skaria & others Vs. Dr. C. Mathew & others 1980 (2) SCC 752**, wherein it has been held that an examinee, for a degree or diploma, must complete his examination when he appears before the Selection Committee. The relevant observations read as under:

“26. Even so, there is a snag. Who are the diploma-holders eligible for 10 extra marks ? Only those who, at least by the final date for making applications for admissions possess the diploma. Acquisition of a diploma later may qualify him later, not this year. Otherwise, the dateline makes no sense. So, the short question is when can a candidate claim to have got a diploma? When he has done all that he has to do and the result of it is officially made known by the concerned authority. An examinee for a degree or diploma must complete his examination-written, oral or practical-before he can tell the selection committee or the court that he has done his part. Even this is not enough. If all goes well after that, he cannot be credited with the title to the degree if the results are announced only after the last date for applications but before selection. The second condition precedent must also be fulfilled, viz., the official communication of the result before the selection and its being brought to the ken of the committee in an authentic manner. May be, the examination is cancelled or the marks of the candidates are with-held. He acquires the degree or diploma only when the results are officially made known. Until then his qualification is inchoate. But once these events happen his qualification can be taken into account in evaluation of equal opportunity provided the selection committee has the result before it at the time of- not after-the selection is over. To sum up, the applicant for post-graduate degree course earns the right to the added advantage of diploma only if (a) he has completed the diploma examination on or before the last date for the application, (b) the result of the examination is also published before that date, and (c) the candidate's success in the diploma course is brought to the knowledge of the selection committee before completion of

selection in an authentic or acceptable manner. The prescription in the prospectus that a certificate of the88diploma shall be attached to the application for admission is directory, not mandatory, a sure mode, not the sole means. The delays in getting certified copies in many departments have become so exasperatingly common that realism and justice forbid the iniquitous consequence of defeating the applicant if, otherwise than by a certified copy, he satisfies the committee about his diploma. There is nothing improper even in a selection committee requesting the concerned universities to inform them of the factum and get the proof straight by communication therefrom-unless, of course, this facility is arbitrarily confined only to a few or there is otherwise some capricious or unveracious touch about the process.”

In such circumstances, the action of the respondents cannot be faulted and there is no scope for interference.

Dismissed.

21.09.2015
sailesh

(G.S. SANDHAWALIA)
JUDGE