

CWP No.15968 of 2015

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

**CWP No.15968 of 2015
Date of decision:05.08.2015**

Navroop Singh Lally

...Petitioner

Versus

Guru Angad Dev Veterinary and Animal
Sciences University, Ludhiana and others

...Respondents

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Onkar Singh, Advocate,
for the petitioner.

Rakesh Kumar Jain, J.

This petition is filed, seeking direction to the respondents to accept the admission and tuition fee from the petitioner or to allow him to appear in the 2nd counselling, scheduled to be held on 10.08.2015, for admission to the Degree Course in Veterinary Sciences in the Guru Angad Dev Veterinary and Animal Sciences University, Ludhiana (hereinafter referred to as the "University").

In short, the petitioner has allegedly passed his 12th Grade exam from Canada. He applied for admission in the Veterinary Science course offered by the University in the NRI category. The application form was submitted by him on 08.07.2015. He received an email on 20.07.2015 by which he was called for attending the counselling on 30.07.2015 at 9.30 a.m. The petitioner attended the counselling and was at Sr. No.8 out of the 14 candidates, who were vying for a seat in the NRI category, in which

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there were total 12 seats. After his interview and scrutiny of other relevant documents, he was declared successful and was asked to deposit the admission fee of U.S. \$13830 and tuition fee for the first year of U.S. \$9780.

It is alleged by the petitioner that he went to deposit the requisite fee in Indian currency but he was asked by the concerned department to deposit the fee by way of bank draft from an NRI account. The petitioner has alleged that since his father had not sufficient funds in his NRI A/C No.92766577586 maintained with the HDFC Bank, Gurdaspur, therefore, he sought to deposit the fee by way of draft in the Indian currency because it was not possible for him to get the Indian currency converted into US Dollar at that time. He also submitted that he had sufficient funds in his account in T.D. Trust Bank, Canada and could deposit the requisite fee by way of online transaction but the respondents refused to accept the online transfer of money as fee against the admission of the petitioner. Hence, the present writ petition has been filed.

Counsel for the petitioner has vehemently argued that the petitioner had money but in Indian currency as the requisite amount was not available in the NRI account of his father and there was hardly any time with him to convert the Indian currency into US Dollars in order to deposit the same.

I have heard learned counsel for the petitioner and examined the available record.

Admittedly, the admission of the petitioner in the Veterinary

Course is regulated by the provisions of the prospectus issued by the University. The relevant provisions of the prospectus, reproduced by the petitioner in the petition, are as follows:-

“Chapter III

9. Regulation for admission under NRI Category:

1 to 3 xxx xxx xxx xxx

4. The admission and tuition fee (see page 29) shall be payable by bank draft in US Dollars issued against the bank account of NRI in the country in which he/she is residing or in the shape of bank draft in an equivalent amount in Indian currency issued against his NRI account, maintained in India. In the later case, the candidate is required to submit a certificate from the bank that the draft has been issued against his NRI account. The bank draft should be drawn in favour of the Comptroller, GADVASU payable at any scheduled bank at Ludhiana, India. The hostel dues and other fees and sundry charges as applicable will be charged, in addition to admission fee, as per University rules in Indian currency.”

“Chapter IV

Note: 1 to 2 xxx xxx xxx xxx

3. The selected candidates must deposit their fee immediately after counselling/interview failing which

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the seat will be offered to the next candidate on merit.”

The petitioner himself has placed on record a letter/email dated 20.07.2015 issued by the Registrar of the University to him in which it was categorically mentioned that *“the counselling/interview for admission of NRI category is scheduled to be held on 30.07.2015 at 09.30 a.m. You are advised to appear along with original certificates/testimonials for counselling/interview in the committee room of the Dean, College of Veterinary Science GADVASU, Ludhiana as per above schedule. In case of your selection for admission, you will have to deposit the prescribed fees immediately after the counselling/interview on the spot”*.

Once it is an admitted position that the petitioner was informed before hand on 20.07.2015 that the interview shall be held on 30.07.2015 at 9.30 a.m. and in case he is selected for admission, he shall have to deposit the fee immediately after the counselling/interview, on the spot, it does not lie in his mouth that he was not well prepared with the amount of admission and tuition fee though it has also been categorically provided in Regulation 9(4), referred to above, that *“the admission and tuition fee shall be payable by bank draft in US Dollars issued against the bank account of NRI in the country in which he/she is residing or in the shape of bank draft in an equivalent amount in Indian currency issued against his NRI account, maintained in India”*. It is further provided that such a candidate shall also submit a certificate from the bank that the draft has been issued against his NRI account. Since it is a mandatory condition in the prospectus and the petitioner had the knowledge that he had to carry the requisite amount at the

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time of counselling, he cannot turn around and say that he was not having the arrangement of foreign currency though it is further provided in the prospectus that the admission and tuition fee shall have to be deposited by the selected candidate immediately after the counselling and interview, otherwise the seat will be offered to the next candidate on merit basis.

In view of the aforesaid mandatory provisions and the petitioner having the knowledge of the consequences in case of not depositing the admission and tuition fee immediately after the selection for admission, the respondents cannot be issued any direction in this case, as prayed for.

Consequently, the present writ petition is hereby dismissed being denuded of any merit.

August 05, 2015
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(Rakesh Kumar Jain)
Judge