

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

CWP No. 16454 of 2015
Date of decision: 16.09.2015

Amit Khanagwal
Punjab University & another

Versus

....Petitioner(s)
...Respondent(s)

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

Present: Mr.Deepak Sabherwal, Advocate, for the petitioner.
Mr.Indresh Goel, Advocate, for the respondents.

G.S.SANDHAWALIA, J. (Oral)

In the present writ petition, the petitioner seeks consideration for admission in the course of Bachelor of Law 3 years course (evening classes).

The case of the petitioner is that he had applied online and secured 104.80 marks in the entrance test held on 21.06.2015, as per the merit list and being a candidate belonging to the Scheduled Caste Category, was within the zone of consideration for admission. The petitioner had visited the department between 07.07.2015 to 09.07.2015 and deposited the necessary testimonials on 09.07.2015. It is further his case that he was not given admission though candidates lower in merit, securing 95.58 etc. marks, had also been granted admission.

The defence of the respondent-University is that the deposit of documents were made on 13.07.2015 (Annexure R5) and the admission had already been finalised by that time, on 06.07.2015 and the seats had been filled up. Therefore, the petitioner was only to be considered for admission as a late candidate, for which a separate category and list was being maintained whereby candidates who applied late and having higher merit were given preference in admission. It is stated that the petitioner, in that list, is at Sr.No.9 and therefore, not entitled for admission in that category also, as of now.

Counsel for the petitioner has argued that Clause 36 of the prospectus specifically provided that there has to be a 10 days buffer from the date of declaration of result, i.e. 30.06.2015 and admission could not be finalised on 06.07.2015, as contended by counsel for the respondent-University. It is submitted that the admissions could not be finalised till 10.07.2015 since he had deposited the testimonials on 09.07.2015 and thus, the petitioner was entitled for admission.

The said submission, though attractive, but cannot be accepted, in view of the wordings of Clause 36 of the prospectus. The said clause reads as under:

“36. 4-5 days after the test, the question papers and their keys will be put on the University website. The candidate can file their objections regarding discrepancies and accuracy of the key, in writing, within 48 hours of this announcement. The valid concerns thus expressed will be given due consideration while evaluation. If a candidate wishes to verify his/her result, he/she will be provided a photocopy of his/her answer sheet on payment of Rs. 10,000/- within 10 days after the declaration of the entrance test result and the office should process the whole procedure within three working days. In case, a discrepancy is found in the result of the candidate, the result would accordingly be revised and the fee deposited will be refunded.”

In pursuance of the order passed by this Court on 02.09.2015, an additional affidavit has been filed by the respondent-University that no candidate had applied under Clause 36 and none had any objection regarding the answer key. Clause 36, thus, provides that if any candidate has any objection, he has to file the same within 48 hours of the announcement of the result. Thus, the University was only to wait till 02.07.2015 before finalising the admission. The admission could be finalised, thereafter. The petitioner, as per the record, only deposited his forms on 13.07.2015, after the admission had been finalised and lost out the seat, though he was in merit and thus, missed the bus. In such circumstances, there can be no interference.

However one factor which is to be noted and which would be in the interest of the students, for future, is that the information regarding the process of admission has to be specified in the prospectus. The date of advertisement, the availability of prospectus, dates of deposit of fees and the date of admission of holding of entrance test and the date of declaration, have been specifically mentioned. However, the University has not specifically mentioned the same regarding the last date of submission of forms though counsel for the University has relied upon one Annexure R2 to show that it was on the website that the last date for submission of forms was extended to 06.07.2015. It would be appropriate to incorporate the necessary information in the future prospectus for the convenience of the students so that it does not lead to unnecessary litigation and issues that admission forms had to be deposited physically by which date.

With the abovesaid observations, the present writ petition is dismissed.

16.09.2015
sailesh

(G.S. SANDHAWALIA)
JUDGE