

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

CWP No.16623 of 2015

Preeti Bansal

... Petitioner

Versus

Kurukshetra University, Kurukshetra & others

... Respondents

CWP No.19481 of 2015

Aditi Sharma

... Petitioner

Versus

Kurukshetra University, Kurukshetra & others

... Respondents

Date of decision : 09.12.2015

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

Present : Mr.Sumit Gupta, Advocate, for the petitioner
(in CWP-16623-2015).

Mr.Ashutosh Kaushik, Advocate, for the petitioner
(in CWP-19481-2015).

Mr.R.S.Rana, Advocate, for respondents No.1 & 7.

Mr.S.S.Kharb, Advocate, for respondent No.2.

Mr.Nonish Kumar, Advocate, for respondent No.3.

Mr.Nishant Raj, Advocate, for respondent No.4.

Mr.K.K.Chahal, Advocate, for respondent No.5.

G.S. Sandhawalia , J. (Oral)

This judgment shall dispose of CWP-16623 & 19481-
2015, involving common questions of law and facts. However, to
dictate orders, facts has been taken from CWP-16623-2015.

The petitioners seek quashing of the admission to respondents No.2 to 6 to the 5 years LL.B Course on account of they having secured less marks but having been granted admission in view of the notifications dated 24.01.2013 and 28.02.2013. Vide the abovesaid notifications, candidates belonging to the Jatt Caste were given the benefit of reservation.

In view of the Apex Court striking down the notification issued by the Union of India on 04.03.2014 in **Ram Singh & others Vs. Union of India 2015 (3) Scale 570**, the petitioners have approached this Court. It is also their case that the State Government had been restrained to give any employment in the Government service and admission in educational institutions on the basis of the impugned notifications, vide order dated 27.07.2015, passed by the Division Bench, while admitting CWP-9132-2015 (Annexure P4).

The defence of the respondent-University and the admitted students is that admission had already been finalized on 21.07.2015, a week prior to that and therefore, they should be protected. The order would not, as such, have a retrospective effect and they were not admitted on the basis of any fraud and had a legitimate right at the time of admission, as per the notifications which are now under challenge.

Admittedly, the private-respondents have been

attending classes since then. Though the petitioners may be higher in merit and would have been entitled for admission on the strength of their merit, in preference to the private-respondents, if there was no reservation provided. However, in view of the fact that the admission had already been finalized prior to the orders passed by this Court, it would not be appropriate, at this stage, to disturb the admissions already granted to the petitioners, especially since the writ petitions, challenging the notification, are yet to be decided.

Counsel for the petitioners, however, point out that as per the communication received under the RTI Act, 2005 on 20.10.2015, the respondent-University has supplied information that one student had vacated her seat in the Haryana General Category on 14.10.2015. It is submitted that in such circumstances, one of the petitioner could be adjusted against the vacant seat.

The request is genuine. However, one hurdle that still remains in the way of the petitioners is regarding the last date after which the admissions can be made since it would be the requirement of the statute and the rules of the Bar Council that the minimum number of classes have to be attended. Counsel for the University has also submitted that the examinations are over for the 1st semester.

Counsel for the petitioners, however, points out that liberty be granted to the petitioners to file appropriate representation since one of the petitioners is pursuing her Law Course elsewhere and therefore, would be entitled for migration against the vacant seat.

It is not disputed that the petitioners had approached this Court on 13.08.2015 and 15.09.2015, respectively. But on account of the pleadings not being complete and the matter being adjourned, therefore, the case could not be decided, at that stage and the cut-off date has also expired. The petitioners cannot be held responsible for the time which has elapsed and it is settled principle that the act of the Court could harm no one. In such circumstances, it is open to the petitioners to file a representation for their claims.

In such circumstances, this Court is of the opinion that the petitioners are entitled for preferential consideration against one vacant seat at least, which is available, as per rules. Accordingly, it would be open to the petitioners to file appropriate representation before the respondent-University to stake their claim against the vacant seat, as alleged. In case the said representation is filed within a period of 2 weeks from today, the respondents shall take action on the said representation, within a period of one month, thereafter and consider the case of the

petitioners, sympathetically.

With the abovesaid observations, the present writ
petitions are disposed off.

DECEMBER 09, 2015
sailesh

(G.S. SANDHAWALIA)
JUDGE