

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CWP No. 21040 of 2014 (O&M)

Date of Decision: March 04, 2015

Priyanka Verma

...Petitioner

Versus

Chaudhary Devi Lal University, Sirsa and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Ramender Chauhan, Advocate
for the petitioner.

Mr. D.K.Khanna, Advocate,
for respondent No. 1.

Mr. B.S.Mittal, Advocate,
for respondent No. 2.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Written statement filed on behalf of respondent No. 1 is
taken on record.

Petitioner has approached this Court praying for issuance
of a mandamus for directing respondent No. 1-Chaudhary Devi Lal
University, Sirsa, to consider her candidature for admission in 3rd
semester of B.Sc. (Medical) being eligible for getting admission and
directing respondents to admit her.

Counsel for the petitioner has relied upon Clause 10 of
the General Instructions/Guidelines for Admission to Various Courses
issued by respondent No. 1-University. He contends that a

candidate, whose result of an examination is declared late by the University for no fault of the candidate and he/she is otherwise eligible and covered under the admission policy, will be allowed to seek admission in the affiliated colleges of the University within 15 working days from the date of dispatch of result card, without late fees, subject to availability of seat and on merit. He contends that the petitioner had taken the examination for the 2nd semester of B.Sc. (Medical) in July, 2014 but the result was declared only on 17.09.2014 and the Detailed Marks-Sheet was received on 24.09.2014. When she approached respondent No. 2-College for admission in the 3rd semester, the said request was not accepted on the ground that no admission could be made beyond 16th August in an academic year. This, the counsel contends, cannot be a ground for denying a candidate admission for no fault which is attributable to the candidate. The action thus, of the respondents is not sustainable.

On the other hand, counsel for respondent No. 1-University contends that sub clause (b) of Clause 10 of the General Instructions/Guidelines for Admission to Various Courses issued by the University deals with a situation where admission is being sought by the candidate for the first time in a college or institute. For the candidates, who have already been admitted and pursuing their courses, Clause (a) would be the governing condition, to which sub clause (c) would also be applicable, according to which, Principal of the colleges, where the students are already studying, will allow provisional admission to such students where the result has not been declared. On declaration of the result, if the student fails, his/her

provisional admission will automatically stand cancelled ab-initio. No student from outside/other colleges/Departments would be granted admission to the promotional classes, as has been specified therein and only the students, who are already registered with the University and who have not got UMC, will be granted this provisional admission. There being a specific bar with regard to the cut off date for admission, no relaxation therein can be granted in this regard.

Counsel for respondent No. 2 submits that respondent No. 2-College has no objection to the admission of the petitioner provided the Rules and Regulations of the University permit the same and as a matter of fact, the college had sought permission of the University, which has not been granted.

I have considered the submissions made by the counsel for the parties and with their assistance, have gone through the records of the case.

It is not in dispute that Clause 10 of the General Instructions/Guidelines for Admission to Various Courses issued by the University would be applicable to the case in hand. It would thus, be appropriate to refer to the same, at this stage, which reads as follows:-

“10. ADMISSION OF THOSE CANDIDATES WHOSE RESULTS OF QUALIFYING EXAMINATION ARE DECLARED LATE;

a) The Principal of the Colleges will allow provisional admission to their own students in Under Graduate Part-II and Part-III classes and in Post-Graduate (Final) classes. On the declaration of the result, if the student fails his/her provisional admission will stand cancelled ab initio. All the Under-Graduate and Post-Graduate

Teaching Classes/Courses will start as per Academic Calendar of the University.

No student from outside/other colleges/Department may be granted admission to promotional classes of B.A./B.Sc./B.Com/M.A./M.Sc./M.Com etc.

The Principal/Chairperson of the College/Departments concerned will allow provisional admissions to their own students who are already registered with this University and whose result of Under-Graduate/Post-Graduate Examinations are not yet declared by the University except UMC cases.

b) A candidate whose result of an examination is declared late by this University/Board of School Education, Haryana, Bhiwani for no fault of the candidate, if he/she is otherwise eligible and is covered under the admission policy, may be allowed to seek admission in the affiliated colleges of the University within 15 working days from the date of dispatch of result card, without late fees, subject to availability of seat and on merit.

c) No admission shall be made beyond 16th August. The lectures/attendance of such students will be counted from the date of admission.

d) Permission for joining late shall not be accepted as a justification of condoning deficiency in lectures. Provided that in case of a candidate who is allowed late admission as a result of any change in the Rules/Admission Policy made by the University, the lectures shall be counted from the date of admission.

Provided further that in the case of a candidate who joined late owing to late declaration of result or who sought admission provisionally till the declaration of the result of the lower examination, the lectures etc. shall be counted from 15 days after the declaration of the result or the date of his joining whichever is earlier.”

A perusal of the above would show that the action, which has been taken by the University and the stand projected by its counsel, is in consonance with the mandate and the intent of the General Instructions/Guidelines. In case of students, who are already pursuing their studies, the Principal of the colleges can allow

provisional admission to their own students in the Under Graduate Part-II and Part-III classes. This is, however, subject to the final outcome of the result. The provisional admission would stand cancelled after the declaration of the result, in case the student fails in the examination on the declaration of the result. This is further clear from the other provisions, which state that provisional admission can be allowed to own students who have already registered with the University and whose result of Under Graduate Examination is not declared by the University except UMC cases. Admittedly, petitioner was a 2nd semester student of respondent No. 2-college and had taken the 2nd semester examination in July, 2014 and, therefore, could have applied and got provisional admission in the 3rd semester with respondent No. 2-college at the start of the Academic Calender. Unfortunately, the petitioner did not apply for the same and, therefore, was not provisionally admitted to the 3rd semester course. She had woken up only after the declaration of the result and receipt of the Detailed Marks-Sheet, which she received on 24.09.2014, which was much beyond the last date prescribed for admission i.e. 16th August. After the time specified for admissions having been passed, the same cannot be extended as per the regulations and, therefore, the petitioner was rightly denied admission in the 3rd semester by the respondents. No Regulation/Rule/instructions have been brought to the notice of the Court which would enable this Court to exercise its powers to waive the condition or the last date, which is prescribed under the guidelines for admission nor is there any mention of any authority

who can do the same.

It has further been informed by the counsel for the respondents that the result of the 3rd semester has also been declared and, therefore, at this stage, admission cannot be granted to the petitioner in the 3rd semester when the classes for 4th semester have started.

In view of the above, finding no merit in the present writ petition, the same stands dismissed.

However, it would be open to the petitioner to apply for admission to the 4th semester, if permissible, under the Rules/Regulations/Ordinance of respondent No. 1-University.

March 04, 2015
pj

(AUGUSTINE GEORGE MASIH)
JUDGE