

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.25386 of 2014

Date of Decision.16.01.2015

Reena Kumari

.....Petitioner

Versus

Maharishi Dayanand Univrsity and others

.....Respondents

Present: Dr. Deepak Jindal, Advocate
for the petitioner.

Mr. Amit Rao, Advocate and
Mr. Lalit Rishi, Advocate for
Mr. Anurag Goyal, Advocate
or the respondents.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest?

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K. KANNAN J. (ORAL)

1. A meritorious candidate who sought for admission to M.Tech course on the basis of merit had literally missed the bus when candidates who had less marks than her own marks were admitted. The decision by the University was that at the time when the petitioner was called, who had marked herself present at the third counselling session did not respond to claim the seat and consequently, the person next in order of merit was granted the seat. The admission had been completed on 21.07.2014 and the writ petition has come to be filed on 11.12.2014. The counsel would seek to explain the delay by saying that when she turned up at the counselling centre and asked whether seats were available, she was informed that there were more meritorious candidates

and there was no chance for her to gain admission. She believed the representation and went home. Since she was a person from rural area, she did not know immediately how the admissions had been concluded for 24 seats which were available for the M.Tech course. She had come to know that some person had applied under RTI and the information secured by such a person in August, 2014 revealed that there were 8 candidates who had secured less marks than petitioner and when she knew about it she kept visiting the University and the college all through the month of September, October and November. She gave representation in November and grew wiser to file the writ petition in December.

2. I find that her own innocence and simplicity cost her seat and I may not be able to make an intervention in her favour. If a candidate, who was present at the counselling centre, does not get the admission on account of a representation made on her enquiry about the possibility of getting admission that she has no chance to get admission, she was bound to make enquiries to ascertain herself about the candidates who gained admission with all alacrity. If through some other person who secured information under RTI Act, she came to know in August, 2014 that less meritorious candidates got admission, it is inexplicable as to how a person could waste three months in visiting the college and making representation when the course had already commenced in the month of July. It is a post-graduate course where attendance must be taken as very important and I cannot allow a petition for seeking admission to be entertained in January, 2015 when even examinations of the 1st semester appears to have concluded.

3. As poignant as the situation emerge, I would see that there is no possibility to accede to the plea of the petitioner for getting admission in M.Tech course but I would award damages assessed at ₹ 25,000/- against the respondents, for, I am not convinced that there was good reason for the respondents to have allowed for admission to candidates, who had secured less marks. I only find that the relief of admission to the petitioner is inexigent having lost the precious time of the full one semester. The respondents are bound to pay damages to the petitioner, for, I have only allowed for nominal damages for a candidate from a rural area and more so, a female from Haryana who has lost scope for higher education wholly due to the improper conduct on the part of the respondents. I doubt the bona fides of the University only by the fact that a person who has secured admission in the very same category as Backward Class is Aseem Malik, who is the son of a senior official of the University but has secured less marks than the petitioner. I have not provided for a higher compensation only because I thought that the petitioner must take certain part of the blame herself in not pursuing her right within time properly.

4. The writ petition is dismissed but with damages assessed at ₹ 25,000/- against the respondents.

(K. KANNAN)
JUDGE

January 16, 2015
Pankaj*