

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

CWP No.26476 of 2014

Date of Decision.11.02.2015

Divij Maria

.....Petitioner

Versus

Management Development Institute and another

.....Respondents

Present: Mr. Arjun Sheoran, Advocate
for the petitioner.

Mr. S.S. Brar, Advocate
for respondent No.3.

Mr. Rajat Arora, Advocate
for respondent No.1.

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. The case would not require elaborate discussion on merit except to reiterate a decision already taken by this Court where the issue of the withdrawal of selection to some other candidates who are not notified as selected was considered. It was held by the judgment pronounced by this Court in CWP No.21102 of 2013 in the case titled **"Ms. Anupama Rana Vs. Management Development Institute and another** dated 16.10.2014 that there was a fundamental flaw in the decision to terminate the admission on the basis of inadequate and unsubstantiated data and the justification to terminate the admission could not be supported. I will apply the same reasoning as already adopted in the said judgment and find the decision to terminate the

petitioner also as not tenable.

2. The counsel appearing on behalf of the respondent points out that the CBI has filed an affidavit in the High Court of Delhi where a similar case was pending and the affidavit has been given to the effect that some students had actually given bribe to re-write their marks and by such manipulation, they had taken admission. I do not find from this affidavit any interference to be made to the claim of the petitioner himself.

3. In the affidavit filed by the CBI, it is stated that the petitioner was one of the 80 candidates whose score card had been manipulated and his actual score card percentile as per the data provided was 75.38. In my view, it still does not answer the point which was discussed in the judgment rendered by this Court. The issue which was considered was that the integrity of data supplied by M/s Prometric was not proved and there was no manner of verifying whether the data supplied was correct or not and unless there was a cross verification possible, a mere alleged manipulation of the marks as had been given in the data provided by M/s Prometric could not prove the candidate's involvement. I will take the averments in the affidavit filed by the CBI before the High Court of Delhi as still not establishing the fraud which is attributed to the petitioner.

4. The order of termination is quashed and the writ petition is allowed.

(K. KANNAN)
JUDGE

February 11, 2015
Pankaj*

