

CWP No.553 of 2014

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

**CWP No.553 of 2014
Date of decision:15.05.2015**

Priyanka Sharma

...Petitioner

Versus

Panjab University and others

...Respondents

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. R.D.Anand, Advocate,
for the petitioner.

Ms. Alka Chathrath, Advocate,
for respondent No.1.

Rakesh Kumar Jain, J.

The petitioner has prayed for the issuance of a writ in the nature of *certiorari*, quashing the order dated 02.12.2013 issued by respondent No.1 for cancellation of admission of the petitioner in B.Ed. course for the session 2013-14 on the ground that the degree of B.Sc.-III, obtained by her from Chander Mohan Jha (CMJ), University Shillong, Meghalaya (hereinafter referred to as the “CMJ University”), has been de-recognized.

The brief facts of the case are that the petitioner passed her Senior Secondary Examination (12th Class) in non-medical stream from the Punjab School Education Board in the year 2008. She joined the CMJ University for 3 years B.Sc. Course in (PCM) in the year 2009 and passed it in the year 2012, securing first division. Thereafter, she joined Nankana

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Sahib College of Education, Kot Gangu Rai, Ludhiana (hereinafter referred to as the “respondent-college”) in the Bachelor of Education course for the academic session 2013-14. The respondent-college is affiliated to the Panjab University, Chandigarh. The CMJ University has been dissolved in terms of Section 48 of the CMJ University Act, 2009 and as a result thereof, the Panjab University cancelled her admission vide its impugned order dated 02.12.2013, addressed to the Principal of the respondent-college.

Counsel for the petitioner has submitted that there are number of persons who had obtained higher degrees from the CMJ University and have got appointments as per their qualifications but no action has been taken by the Panjab University against them as such persons are working as Lecturer/Assistant Professor in the affiliated colleges of the Panjab University. It is also submitted that the notification issued by the Visitor of the CMJ University has been assailed by the CMJ Foundation in the Apex Court in SLP No.19617 of 2013 titled as **“CMJ Foundation and others v. State of Meghalaya and others**, in which it has been observed that the students whose admissions and degrees were declared illegal may also make representation to the State Government, seek an opportunity of hearing from it and their request would sympathetically be considered by the State Government. The petitioner has allegedly made a representation on 18.12.2013 to the Secretary, Department of Education, Govt. of Meghalaya, Shillong, requesting for non-cancellation of the degree and also a representation to the Panjab University on 20.12.2013.

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In the end, it is submitted that the order passed by the Panjab University is patently illegal, arbitrary and unreasonable.

After notice, the Panjab University has filed its reply in which it is averred that the Hon'ble Governor of Meghalaya had dissolved the University and on 27.07.2013, the Syndicate of the Panjab University resolved vide para 46 that *“the provisional admissions granted to the students of C.M.J. University, Shillong (Meghalaya) in the University Teaching Departments as well as its affiliated Colleges during the academic session 2013-14 shall stand cancelled and admission fee be refunded to the candidates concerned and the degree/s awarded by C.M.J. University, Shillong (Meghalaya), irrespective of year of award degree, shall be deemed as de-recognized w.e.f. the session 2013-14”*. Vide circular No.ST-12473-772 dated 14.08.2013, the Chairpersons of all the University Teaching Departments and the Principals of all the affiliated colleges were intimated about the syndicate decision dated 27.07.2013, therefore, it was the duty of the respondent-college not to admit the petitioner.

It is further submitted that the Syndicate decision is with regard to de-recognition of the degree awarded by the CMJ University and the Panjab University, after 12.06.2013, has not appointed/approved the appointment of any employee/candidate who has acquired eligibility for any post on the basis of the degree awarded by the CMJ University.

Counsel for the petitioner has vehemently argued that the degree of the petitioner is of 16.08.2012, whereas the Panjab University has given the cut-off-date as 12.06.2013, after which no appointment has been

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made of any employee who had acquired eligibility for any post on the basis of the degree obtained from the CMJ University.

Counsel for the respondents has also referred to the order of the Supreme Court about the comprehensive recommendations made by the Visitor-cum-Governor, Meghalaya on 12.06.2013 for dissolution of the University on the ground of grave irregularities committed by it.

I am not impressed with the argument raised by learned counsel for the petitioner because the letter Annexure P-2, issued by the Panjab University to the respondent-college is based upon a decision of the Syndicate which though came to the notice of the petitioner but remained un-assailed. There is no decision of the Syndicate that the degree obtained by the student from the CMJ University before 12.06.2013 would enure for the purpose of further studies. Since the petitioner has taken admission in the B.Ed. course in July 2013, after the cut-off-date set up by the Syndicate i.e. 12.06.2013, her admission has rightly been cancelled especially when the decision of the University was brought to the notice of all the Colleges affiliated to it including the college of the petitioner.

Thus, in view of the aforesaid discussion, I do not find any merit in the present writ petition and hence, the same is hereby dismissed.

May 15, 2015
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(Rakesh Kumar Jain)
Judge