

CWP No.7716 of 2015 (O&M)

[1]

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

**CWP No.7716 of 2015 (O&M)
Date of decision:04 .05.2015**

Shikhar Sarin

...Petitioner

Versus

Panjab University and others

...Respondents

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Chetan Mittal, Sr. Advocate, with
Mr. Puneet Gupta, Advocate, for the petitioner.

Ms. Alka Chatrath, Advocate,
for the respondents.

Rakesh Kumar Jain, J.

The petitioner is studying in B.Com (H) LL.B. 5 Years Course in the Amity Law School-II, Amity University, Noida. He applied for migration to 3rd semester of B.Com LL.B. (Hons.) 5 Years Integrated Course of the University Institute of Legal Studies, Panjab University (hereinafter referred to as the “respondent-institute”). A notice was put up in the month of November 2014 on the website of the respondent-institute in which the petitioner was at Sr. No.1 amongst the students found eligible for migration to the 3rd semester but he did not come to know about the notice as no separate intimation was received by him, therefore, he could not report before the last date. He came to know about the notice recently from his friends seeking fresh admission at the respondent-institute and then he

CWP No.7716 of 2015 (O&M)

[2]

submitted a request letter dated 13.04.2015 for admission in the said course. Now it is prayed, in this petition, that he may be migrated in the 4th semester of the said course.

After notice, the respondents have filed a short reply in which it is averred that the petitioner had applied for migration to 3rd semester and was advised to update himself about the migration by checking the University Website and he was specifically told that no separate communication would be sent to any student who is applying for migration. He was further informed that the number of seats available would be put on the Panjab University Website along with the list of the eligible students who have to come physically present in the respondent-institute on the specified dates. It is further averred that on 13.04.2015, the petitioner had submitted a request through speed post for migration in the 4th semester at the respondent-institute. It is also averred that as per Rule 10 contained in the Handbook of Information-2014 governing migration in the B.A./B.Com. LL.B. (Hons.) 5 Years Integrated Course, the migration is not allowed in the 1st, 2nd, 4th, 6th, 8th, 9th and 10th semesters. The aforesaid Rule 10 is reproduced as under:-

“10. RULES FOR MIGRATION TO
B.A./B.COM.LL.B. (HONS.) 5 YEARS INTEGRATED
COURSE.

- a) Migration cannot be claimed as a matter of right.
- b) No migration will be allowed in 1st, 2nd, 4th, 6th, 8th, 9th and 10th semesters.

- c) Migration can be allowed only in 3rd, 5th and 7th semesters of B.A./B.Com. LL.B. (Hons.) 5 Years Integrated Course.
- d) Migration can be allowed to a student studying in B.A./B.Com.LL.B (Hons.) 5 years Integrated Course of any other Institution which is recognized as equivalent to the B.A./B.Com. LL.B. (Hons.) 5 years Integrated Course of Panjab University.
- e) A student migrating from another University/Institute must have secured at least 45% marks in the aggregate in the preceding year(s).
- f) Only those students may be considered eligible to seek migration, who have cleared all the papers of the examinations in which they had appeared from the Institution from which migration is to be sought.
- g)
 - i) Migration will be done according to inter-se merit.
 - ii) For students of any other University seeking migration to UILS, the maximum marks obtained by the top student of that University will be normalized against the

maximum marks obtained by the top student of Panjab University in order to prepare the merit list.

- h) No migration shall be allowed if there is difference of more than 2 papers (not subjects) of the course content taught in the Panjab University and in the Institution from which the student is seeking migration, in the examinations of the semesters passed by the students. The deficient papers have to be cleared within 2 consecutive attempts, failing which the student will not be promoted to the next semester.
- i) Migrated student shall pay the amount of fee which s/he was required to pay in the University/College/Centre from which s/he is migrating i.e. the sum of rupees equivalent to the annual dues, tuition fee, admission fee, NRI fee etc. or the fee applicable at the University Institute of Legal Studies, whichever is higher, for the remaining period of the study at the University Institute of Legal Studies, Panjab University, Chandigarh.
- j) A student seeking migration shall have to apply on the prescribed proforma by 31st July to the

CWP No.7716 of 2015 (O&M)

[5]

Director, UIILS. Migration shall not be allowed unless a student produces the following documents/certificates issued by the University/College/Centre from which s/he intends to migrate:

- a) 'No Dues Certificate' along with the amount of fee being paid by her/him to the said University/College/Centre;
- b) The lower examinations pass certificates;
- c) the 'Lecture Statement' and 'Character Certificate' from the University/College/Centre from where s/he intends to migrate;"

It is alleged that in view of Rule 10(b), the petitioner cannot be allowed to be migrated in the 4th semester. However, he is free to apply for migration in the 5th semester, which is permissible.

Counsel for the petitioner has vehemently argued that the petitioner had applied for migration in the 3rd semester and at that time, 7 seats were available but because of lack of communication, he could not present himself at the relevant time, therefore, his migration may be considered against the available seats of 3rd semester.

On the other hand, counsel for the respondents has submitted that the petitioner cannot be migrated as per Rule 10(b) contained in the Handbook of Information-2014.

CWP No.7716 of 2015 (O&M)

[6]

I have heard learned counsel for the parties and examined the available record with their able assistance.

The petitioner has made a prayer in the writ petition, seeking a *mandamus*, directing the respondents to admit him in the 4th semester by way of migration. Rule 10 governing the migration categorically provides that the migration cannot be claimed as a matter of right and no migration can be allowed in the 1st, 2nd, 4th, 6th, 8th, 9th and 10th semesters, rather the migration can be allowed only in 3rd, 5th and 7th semesters of the B.A./B.Com. LL.B. (Hons.) 5 Years Integrated Course. There are other conditions also pertaining to migration but the very fact that it cannot be claimed as a matter of right and there is a complete bar for allowing migration in the 4th semester, the prayer made by the petitioner for migration in the 4th semester cannot be allowed.

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 04, 2015
vinod*

(**Rakesh Kumar Jain**)
Judge