

CWP No.8771 of 2015

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

**CWP No.8771 of 2015
Date of decision:10.07.2015**

Ayushi Sharma

...Petitioner

Versus

National Institute of Technology, Kurukshetra and others

...Respondents

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Suman Jain, Advocate,
for the petitioner.

Mr. A.S.Virk, Advocate,
for the respondents.

Rakesh Kumar Jain, J.

The petitioner is aggrieved against the order dated 28.11.2014 (Annexure P-6) and order dated 18.02.2015 (Annexure P-11) passed by the respondents, cancelling her admission in the Master of Business Administration (MBA) course.

In brief, the petitioner appeared in the Common Admission Test (CAT) 2013, conducted by the Indian Institute of Management and qualified it with 56.22 percentile. For admission in the MBA course in the session-2014, the last date for submission of the form was 30.04.2014. In order to apply for admission in the MBA course, it was required that the candidate must hold a Bachelor Degree and at the same time there was a provision for

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the candidates, who were appearing in the final exams of graduation, to get admission by furnishing the proof of appearing in the final graduation exam, obtained from the head of the institution, for those passing out in 2014. The petitioner, who was appearing in the final exams of the BBA course, submitted proof of appearance in the final exams of BBA course. On 23.06.2014, she was declared successful and was placed at Sr. No.25 in the first merit list. She deposited the requisite fee of ₹47,850/- through demand draft dated 21.06.2014, admitted in the first year of the MBA course and was issued Roll No.4141081. Her 6th semester result of the BBA course was declared by the Kurukshetra University on 04.07.2014 but unfortunately, she could not qualify the exam of Business Mathematics of 2nd semester of the BBA course. She started attending classes of the 1st semester of the MBA course w.e.f. 30.07.2014 and cleared her 1st Internal Exam conducted in the month of September, 2014 and 2nd internal exams conducted in the month of October, 2014, but since result of the re-appear exam of the 2nd semester of the BBA course was declared on 29.08.2014 in which she remained unsuccessful, she immediately applied for re-evaluation on 02.09.2014, result of which was declared on 03.10.2014, in which also she remained unsuccessful.

On 07.11.2014, the petitioner was allowed to appear in the Business Mathematics of 2nd semester of the BBA course by way of special chance, but she received the notice dated 12.11.2014, by which she was asked to submit migration, DMC and PDC. She informed the Head of the Department that she has already obtained permission for special chance to

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appear in the supplementary exams of Business Mathematics of 2nd semester of the BBA course which was to be held on 15.12.2014 but the respondents cancelled her admission on 28.11.2014. However, the petitioner qualified supplementary exam of Business Mathematics of 2nd semester of the BBA course on 06.01.2015 and immediately thereafter, she submitted a representation to withdraw the order of cancellation of her admission in the MBA course. She also received her provisional degree of the BBA course on 09.01.2015. but the respondents did not allow her to attend the classes and on 18.02.2015, the petitioner was informed that due to re-appear in the BBA and non-submission of result of BBA within the stipulated time, her admission has been cancelled. In the aforesaid facts and circumstances, the petitioner has filed the present writ petition.

In the reply, it is averred by the respondents that after issuance of the first merit list, the candidates were asked to produce the following documents in original at the time of admission:-

- “i) CAT Result Card.
- ii) Class X Marks Sheet.
- iii) Class XII Mark Sheet.
- iv) Grades/Marks Sheet of Qualifying Degree.
- v) Degree/Provisional Certificate (if degree completed)
- vi) Character Certificate from the Institution Last Attended.
- vii) Category Certificate, if applicable (for SC/ST/OBC/PH/PWD only)
- viii) Undertaking of late submission of qualifying examination certificate (if degree is not

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completed).

- ix) Four copies of recent colour passport size photograph.

The petitioner was granted provisional admission on 23.06.2014 with a stipulation to submit the following documents by 15.09.2014:-

- “I. Migration Certificate.
- II. Degree Certificate.
- III. 2nd & 6th Semester Mark Sheet.”

She has allegedly also furnished an undertaking that *“I hereby declare that I will submit the proof of acquiring eligibility qualification latest by 15th September, 2014, failing which I shall forego my claim on seat allotted to me”*. It is also submitted that it was clearly mentioned in the provisional admission letter dated 23.06.2014 that if the petitioner would fail to produce 2nd and 6th semester mark sheet of the BBA course and other requisite documents by 15.09.2014, her admission shall stand cancelled, but she failed to submit the BBA degree by 15.09.2014 because she had not qualified her BBA by that time. In the DMC of the 6th semester, her result was shown as RL-LOWER as she had not cleared her 2nd semester of the BBA. By a notice dated 12.11.2014, the students including the petitioner, who were granted provisional admission, were asked to appear before the Dean (Academics) on 14.11.2014 at 2.30 p.m. along with all required documents of qualifying exams, for personal hearing regarding their provisional admissions who were also intimated through e-mail, but the petitioner did not appear before the Dean (Academics) on 14.11.2014 at

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2.30 p.m. in terms of the notice and e-mail message dated 12.11.2014 and as she had failed to submit her qualifying degree certificate, therefore, her admission along with one another student, namely, Deeksha Vaid, was cancelled on 26/28.11.2014 and since then the name of the petitioner is not on the rolls of MBA 1st year and she was never admitted in the MBA 2nd semester. It is also averred that the classes of the MBA 2nd semester are already over and now the end semester theory examination of MBA 2nd semester are going on.

I have heard learned counsel for the parties and perused the record.

The eligibility for admission in the MBA course at the time of submission of form was as under:-

- “* Candidate must hold a Bachelor's Degree or equivalent qualification of any of the Universities incorporated by an act of the central or State legislatures in India or other educational institutions established by an act of Parliament or declared to be deemed as a University under Section 3 of UGC Act, 1956, or possess an equivalent qualification recognized by the Ministry of HRD, Government of India/AIU. This degree must entail a minimum of three years of education after completing higher secondary schooling (Class 12 or equivalent) 10+2+3 system.
- * The minimum percentage requirement is of 50% (45% for SC/ST applicants).
- * Basis for admission is the current year CAT Score i.e. 2013.

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However, candidates who were appearing in the final exams were also granted opportunity to get admission and they were required to give the proof of appearing in final graduation examination obtained from head of the institution for those passing out in 2014.”

Room was provided to the students who were appearing in the final exams of the graduation to get admission with the required proof, obtained from the head of the institution, in respect of their appearance in the final graduation exams. The petitioner was also appearing in the final exams of the BBA course and was allowed to take admission in the MBA course on her submission of proof of her appearance in the final exams of the BBA course. The result of the BBA was declared on 04.07.2014, but the petitioner remained unsuccessful as she could not qualify the Business Mathematics Paper of the 2nd semester. The re-appear result of her 2nd semester was declared on 23.08.2014 in which she remained unsuccessful, for which she had applied for re-evaluation on 02.09.2014 and the said result was declared on 03.10.2014, in which also she could not clear the Business Mathematics exam of the 2nd semester. The petitioner then applied for a special chance to appear in the 2nd semester exam of the BBA course, but she could not produce the DMC of the BBA course as demanded by the respondents, vide notice dated 12.11.2014.

Admittedly, the petitioner had also furnished an undertaking that she would submit the proof of acquiring eligibility qualification latest by 15.09.2014, though the result of the petitioner of re-appear was declared on 29.08.2014 in which she could not succeed and applied for re-evaluation

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on 02.09.2014, but still she remained unsuccessful on 03.10.2014. Had she been successful in the re-evaluation even on 03.10.2014, the matter would have been different and some equity might have been invoked in her favour, but she could not succeed even in the re-evaluation and a special chance was given to her on 07.11.2014 in which she could ultimately qualify the supplementary exam on 06.01.2015 but by that time, the examination of 1st semester of the MBA course was over which she did not take and the course of the 2nd semester of the MBA has also been over and now the end semester theory examination of MBA 2nd semester are going on.

Thus, in view of the aforesaid facts and circumstances, there is no error on the part of the respondents, who had even asked the petitioner to furnish the DMC of BBA course vide notice and e-mail message dated 12.11.2014, but she did not appear before the Dean (Academics) in terms of the notice because she had not acquired the requisite qualification by that time for the purpose of admission in the MBA course and not only the petitioner but one another student, namely, Deeksha Vaid, had also suffered the cancellation of her admission vide order dated 26/28.11.2014.

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.

July 10, 2015
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(Rakesh Kumar Jain)
Judge