

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

LPA No. 1031 of 2015 (O&M)

Date of decision : 20.07.2015

Gurneet Singh and others

.....Petitioners

Versus

Guru Nanak Dev University and others

....Respondents

**CORAM:- HON'BLE MR. JUSTICE HEMANT GUPTA
HON'BLE MRS. JUSTICE LISA GILL**

Present: Mr. Kanwaljit Singh, Senior Advocate with
Mr. Amandeep Singh, Advocate
for the appellant.

Mr. Amrit Paul, Advocate
for respondent No. 1.

Mr. Karan Bhardwaj, Advocate
for respondent No. 2.

Mr. Vijay Jindal, Advocate
for respondent No. 3.

Dr. Surya Parkash, Advocate and
Mr. Sameer Sachdev, Advocate
for respondent No. 4.

HEMANT GUPTA, J.

Challenge in the present Letters Patent Appeal under Clause X
of the Letters Patent is to an order passed by learned Single Bench of this
Court on 02.07.2015 whereby the writ petition filed by respondent No. 4
was allowed.

Respondent No. 4 (for short the Petitioner) sought a writ of

mandamus for directing the respondent i.e. Army Institute of Law to allow the petitioner in B.A.LLB 5 years course in Punjab Resident Civil Category, as per his merit in qualifying examination.

The said question has arisen in view of the contradiction in the prospectus issued by Army Institute of Law and notification issued by the Punjab Government on 23.02.2015.

The notification issued on 23.05.2015 is regarding admission to 5 year B.A. LLB (Hons.); 5 year B.A.LLB; 5 year B.Com LLB; 3 year LLB and 3 year LLB (Hons.) for the session 2015-16 in the colleges affiliated to Guru Nanak Dev University, Amritsar; Panjab University, Chandigarh and Punjabi University, Patiala situated in State of Punjab. Army Institute of Law is affiliated to Punjabi University, Patiala in the State of Punjab. The admission is to 80 seats in the Army Institute of Law out of which 16 seats are meant for Punjab Residents of Civil category. After giving detailed allocation of seats including 80 seats in the Army Law Institute, the note in the notification dated 23.2.2015 reads as under:-

- (i) Out of 80 seats of Army Institute of Law, 16 seats of Punjab residents of civil category will be filled up through on-line counselling by the Guru Nanak Dev University Amritsar. The remaining 60 seats of Wards of Army Personnel and 4 seats of all India General Category will be filled up by Army Institute of Law, Mohali through centralized counselling for which Army Institute of Law will conduct a written test. Army Institute of Law will co-ordinate the admission process with the conducting university on the following points:
 - (a) Setting up of the question paper.
 - (b) Evaluation of the question paper.

- (c) Preparation of the Merit List.
- (d) Decision of Examination Centres.
- (e) Provision of observers.
- (f) Date of Exam and Examination Centres.

(7) General Conditions:

- e) The procedure and dates for on-line (and otherwise) submission of the application form for counselling will be notified by the University.

xxx

xxx

xxx

- f) The candidate will deposit counselling fee as per the mode to be notified by the University. No counselling fee will be charged by the college/institute from these candidates at the time of admission.

xxx

xxx

xxx

- h) The University will declare the result of centralized counselling for all the candidates.
- i) Merit list of the candidates regarding allocation of seat for admission in the Law Course will be displayed on the web site of the University. No separate intimation will be sent to the candidates.

On the other hand, the prospectus issued by Army Institute of Law gives 15.05.2015 as last date of submission of the application forms including for the entrance test to be conducted for 64 seats. The relevant clause 16.3 in prospectus reads as under:-

“As per the Government of Punjab notification vide letter No. 13/10/2010-6 Edu.1/420703/7 dated 23/2/2015, the Guru Nanak Dev University, Amritsar will coordinate the admission to B.A. LL.B. (5 Year Course) with Army Institute of Law,

Mohali. Admission to 64 seats (60 seats of Wards of Army Personal and 4 seats of All India General Category) will be filled through a Written Entrance Test followed by counselling of AIL, Mohali. *Admission to 16 seats of Punjab Residents Civil Category shall be conducted by Army Institute of Law, Mohali on the basis of 10+2 merit as per Punjab Govt. Notification.*” (Emphasis Supplied)

After hearing learned counsel for the parties, we find that the prospectus issued by Army Institute of Law for admission to 16 seats for Punjab residents by it on the basis of 10+2 merit is at variance with notification issued by the Punjab Government on 23.05.2015. As per notification of the State Government, admission to 16 seats for Punjab Residents Civil category has to be made on the basis of online counseling by Guru Nanak Dev University for which applications were to be submitted online from 14.07.2015 till 20.07.2015 whereas Army Institute of Law has contemplated the process of admission on the basis of application received by it before 15.05.2015. Such process of admission has been published by Army Institute of Law on the basis of concession given by the Co-ordinator of Guru Nanak Dev University permitting Army Institute of Law to go ahead with admission for 16 seats.

We find that the action of the Co-ordinator in granting permission to the Army Institute of Law runs counter to the notification issued by the State Government on 23.05.2015, which not only the Co-ordinator but even the University is bound to follow. The notification issued by the Punjab Government disclosing that admission process has the force of law in view of the judgment of Full Bench of this Court in

Amardeep Singh Sahota versus State of Punjab 1993 (4) SLR 673. Such conditions in the notification cannot be altered in any manner. Since the admission process in respect of the law courses in State of Punjab was notified by the Punjab Government, such process has to be strictly followed. In fact the notification mentions meeting presided over by the Hon'ble Chief Minister in which the admission process was settled. Once the process of admission was settled, such process could not be tinkered with by the University or any of its functionaries. Therefore, we find that the admission process in respect of 16 seats carried out by Army Institute of Law is illegal and contrary to the notification issued by State Government.

In view of the above fact, we do not find any merit in the present letters patent appeal. The same is dismissed.

(Hemant Gupta)
Judge

(Lisa Gill)
Judge

July 20, 2015
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