

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

LPA No.1680 of 2014

Date of decision:11.5.2015

Dr. Rohtash Kumar

....Appellant

VERSUS

Arvind and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HEMANT GUPTA

HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Raman Sharma, Advocate for the appellant.

Mr. Sunil Saharan, Advocate for
Mr. Jitender Dhanda, Advocate for respondent No.1.

Mr. Rajinder S. Rana, Advocate for respondents No.2 and
3.

HEMANT GUPTA, J.(Oral)

The 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 28.08.2014 whereby the writ petition filed by respondent-Arvind was allowed and the order disqualifying the admission and denying him the B.Tech degree was quashed. As a result thereof, the writ petitioner is deemed to have been qualified B.Tech course without affecting any of the rights of the appellant herein.

Learned counsel for the appellant has vehemently argued that since the certificate of the writ petitioner as dependent of freedom fighter was obtained by misrepresentation, therefore, even if he has completed the degree course, but an exemplary cost should have been imposed upon him. The appellant asserts that he was the complainant in the complaint which led to recovery of fraud committed by

respondent No.1 and therefore, he has a right to dispute the order passed by learned Single Bench. A beneficiary of a fraud cannot be allowed to reap the benefit based upon the said fraud. He relies upon a Single Bench judgment of this Court in CWP No.16598 of 2012 titled Dr. Jagtar Singh v. Maharshi Dayanand University, Rohtak and another, decided on 06.12.2012 and of the Hon'ble Supreme Court reported as (2012) 7 SCC 433 titled Priya Gupta v. State of Chhattisgarh and others.

We have heard learned counsel for the parties and find no merit in the present appeal.

Admittedly, the respondent No.1 has since completed his B.Tech course and has also taken admission in M.Tech course. It will be a national waste of money and man hours if after completion of B.Tech and M.Tech course, a candidate is declared to be disqualified. No right of the appellant is affected when the respondent-Arvind has been granted degree of B.Tech. The imposition of cost is not a right. It depends upon numerous circumstances such as the mischief being played by the petitioner and said to be redressed by the Court.

We do not find that failure to impose cost by learned Single Bench has caused such manifest injustice to the appellant which may warrant interference in the present appeal.

Consequently, the present Letters Patent Appeal is dismissed.

(HEMANT GUPTA)
JUDGE

MAY 11, 2015
'D. Gulati'

(LISA GILL)
JUDGE