

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

LPA No. 2003 of 2014 (O&M)

Date of decision : 11.05.2015

Seema

.....Appellant

Versus

Vice Chancellor, Kurukshetra University and others

....Respondents

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

Present: Mr. Shalender Mohan, Advocate
for the appellant.

Mr. Mohinder Singh, Advocate
for respondents No. 1 and 2.

Mr. Narender Kaajla, Advocate
for respondent No. 3.

Mr. D.K. Khanna, Advocate
for respondent No. 4.

LPA No. 539 of 2015 (O&M)

Principal, Nehru Memorial Government College, Hansi

.....Appellant

Versus

Seema and others

....Respondents

Present: Mr. Narender Kaajla, Advocate
for the appellant.

Mr. Shalender Mohan, Advocate
for respondent No. 1.

Mr. Mohinder Singh, Advocate
for respondents No. 2 and 3.

Mr. D.K. Khanna, Advocate
for respondent No. 4.

LISA GILL, J.

This judgment shall dispose of LPA No. 2003 of 2014 (Seema Versus Vice Chancellor, Kurukshetra University and others) and LPA No. 539 of 2015 (Principal, Nehru Memorial Government College, Hansi versus Seema and others).

Challenge in both these appeals is to the decision dated 20.11.2014 passed by the learned Single Judge wherein writ petitioner's admission to Graduate course in Bachelor of Computer Application 1st year has been directed to be regularized contingent upon payment of ₹50,000/- by the writ petitioner Seema to the University. Respondent-college namely Nehru Memorial Government College, Hansi was directed to deposit a sum of ₹1,00,000/- to the University for securing legitimacy for this admission.

Both writ petitioner – Ms. Seema and respondent-college have preferred appeals against the said decision to the extent of imposition as above. Writ petition had been filed by Ms. Seema impugning the action of the respondent in not permitting her admission to 2nd year of Bachelor of Computer Application in session 2014-15. She was given provisional admission for Graduate course in Bachelor of Computer Application 1st year with respondent-College. She was not allowed the benefit of declaration of result for the first year as well as permission to continue with registration for second year on the premise that she had not passed Hindi core examination of +2 level which is a prerequisite in case of candidates like the writ petitioner who had completed diploma course in Computers by

Haryana State Board of Technical Education, Panchkula. This diploma course could be considered equivalent to +2 examination only if she had passed the Hindi core examination of +2 level in the same year as she sought admission. Writ petitioner took a specific stand that she was never informed about lacking the basic eligibility and in case it had been intimated to her she would have taken steps for fulfilling the necessary qualification. She has cleared +2 Hindi core examination, though subsequent to the year of admission.

Learned Single Bench while taking note of the equivalence set forth by the Haryana School Education Board observed that ultimately it is the University's imprimatur that lends credibility to a degree and not the college from where a person studies. Therefore, once the University had issued specific instructions regarding standards of equivalence it was not understandable how Secretary, Haryana School Education Board could relieve such instructions. However, taking into account the seeming inconsistency between what was stated in the Haryana School Education Board letter of the resolution dated 07.07.1999 by the University's Equivalence Committee as well as the fact that the petitioner had indeed subsequently cleared Hindi examination, it was deemed appropriate that benefit of continuance of the course be granted to the petitioner subject to her depositing ₹50,000/- with the University and a sum of ₹1,00,000/- to be paid by the College to the University.

Learned counsel for the appellant-writ petitioner submits

that she had never ever been conveyed this defect/default/shortcoming. Correspondence was between the University and college and was never conveyed to her. She would have taken necessary requisite steps immediately if this shortcoming had been brought to her notice. Therefore, she should not be burdened with such costs/penalty especially keeping in view the instructions by the Haryana School Education Board as well which created an impression that she was not required to clear +2 Hindi examination.

Learned counsel for the respondent-college argues that imposition of such heavy costs upon the respondent, which is a Government college, is not justified in the facts and circumstances of the case. Provisional admission had been afforded to the writ petitioner on the basis of instructions of Haryana School Education Board. Furthermore, all intimation as received from the University were faithfully displayed on the notice board. Reference is made to communication dated 21.11.2013 as well as 16.01.2014, Annexures A12 and A11 respectively with C.M. No. 1281 of 2015 in LPA No. 539 of 2015. It is further submitted that pursuant to this communication being put up on the notice board, similarly situated candidate namely Vikas Bansal having Roll No. 11316, taking advantage of the policy of the University, passed the Hindi core subject. He submitted his detailed mark sheet within stipulated period. In the same notice, roll number of the petitioner finds mention i.e. 11309. In case, the appellant had been negligent, college should not be saddled with such costs for no default of its own.

We have heard learned counsel for the parties.

It is an admitted position that Haryana School Education Board has indeed issued instructions dated 17.09.2010 to the effect that two year diploma conducted by the Haryana State Technical Education Board is equivalent to the Senior Secondary Examination Board on the condition that the candidate has qualified five subjects including atleast one language and in case the polytechnic exam has been passed according thereto there is no necessity to pass any other subject examination. Furthermore, Haryana State Board of Technical Education had adopted the nomenclature 'Communication skills - I' for the 1st semester and 'Communication skills - II' for the 2nd semester in three year diploma course for English language. This was followed by the college due to which provisional admission was afforded to the petitioner for the 1st year of Bachelor of Computer Application. Doubtlessly the University has relied upon clause 33.3 of the Book of Equivalence of Kurukshetra university wherein the candidate is required to have passed Hindi core at +2 level examination if she had a diploma course conducted by the State Board of Technical Education and that too pursuant to the year of admission claimed. Observation by learned Single Judge that it is university's imprimatur, which would run in such a situation is doubtlessly correct but at the same time in the peculiar facts and circumstances of the case, no case is made out for burdening the college with costs. College while placing reliance on the instructions of the Haryana School Education Board had granted provisional

admission to the candidate. Communications by the University were duly put up on the notice board. It is not denied that a candidate similarly situated as the writ petitioner i.e. one Vikas Bansal had indeed taken corrective measures by clearing the necessary examination of Hindi core subject and submitted his detailed mark sheet within the stipulated period. He was allowed to continue to pursue his further classes by the University. Indeed the writ petitioner was remiss in not having taken necessary remedial measures immediately on putting up of the information on the notice board. She has rightly been put to terms by the learned Single Bench while holding that this cannot be treated as an precedent. However, keeping in view the facts and circumstances of the case it is considered just and expedient to reduce the amount of ₹50,000/- imposed upon the writ petitioner to ₹10,000/- to be paid by her to the University within four weeks as stipulated in the impugned order failing which the decision of the University shall stand and also to set aside the costs of ₹1,00,000/- imposed on the appellant-College.

Both the above said appeals are, accordingly, disposed of.

(Hemant Gupta)
Judge

(Lisa Gill)
Judge

May 11, 2015
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