

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

LPA No.1620 of 2015

Date of Decision:06.11.2015

National Council for Hotel Management and Catering Technology
and others

...Appellants

Versus

Manav (Minor) and another

...Respondents

**Coram: Hon'ble Mr. Justice S.S. Saron
Hon'ble Mr. Justice Amol Rattan Singh**

Present: Mr. Sarfaraz Khan, Advocate
for the appellant.

S.S. Saron, J.

The letters patent appeal has been filed by the National Council for Hotel Management and Catering Technology and others against the respondent-Manav, assailing the interim order dated 21.10.2015 passed by the learned Single Judge in CWP No.22807 of 2015.

The learned Single Judge vide impugned order has allowed the respondent-Manav to sit in the 1st Semester of B.Sc in Hospitality and Hotel Management and allowed him to continue the course. It was made clear that the order was purely interim and provisional and would be subject to the final decision in the writ petition. The petitioner was not entitled to claim any equity at a subsequent point of time.

Learned counsel for the appellant, however, submits that
para 4.1 of the Information Brochure 2015 for Joint Entrance

Examination (JEE) for admission to the National Council for Hotel Management and Catering Technology and others, envisages that provisional admission is to be cancelled in case proof of having passed qualifying 10+2 or its equivalent examination is not submitted at the time of counselling or at the time of admission or latest by 30.09.2015. Therefore, according to the learned counsel the admission is to stand automatically cancelled.

After giving our thoughtful consideration to the matter, we find no merit in the contentions' of the learned counsel for the appellant.

The learned Single Judge noticed the contention raised on behalf of the respondent that the respondent had to re-appear in the subjects of Physics and Mathematics of his 10+2 examination. He was, therefore, given conditional admission. The re-appear examinations were conducted only on 06.10.2015 and 09.10.2015, i.e. after 30.09.2015, the last date fixed by the appellants. The result, it was contended on behalf of the respondent, was likely to be declared in December 2015.

In the circumstances, the learned Single Judge has allowed the respondent-Manav to sit in the said 1st Semester Examination of B.Sc. in Hospitality and Hotel Management and he has been allowed to continue with the said course, which has been ordered to be purely an interim and provisional measure and would be subject to final decision of the writ petition.

In the circumstances, there is no merit in the appeal and the same is accordingly dismissed.

(S. S. Saron)
Judge

06.11.2015
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(Amol Rattan Singh)
Judge