

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

**LPA No. 1732 of 2015 (O&M) in
CWP No. 14956 of 2014**

Date of Decision: 03.12.2015

Vikas Sharma

.....Appellant

Versus

Guru Jambheshwar University, Hisar and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE S.S. SARON
HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Kunal Dawar, Advocate,
for the appellant.

S.S. Saron.J.

This appeal has been filed by the appellant against the judgment and order dated 02.09.2015, passed by the learned Single Judge in CWP No. 14956 of 2014, whereby his petition has been dismissed. Along with the appeal, CM No. 3703-LPA-2015 seeking condonation of delay of 13 days in filing the appeal and CM No. 3704-LPA-2015 seeking condonation of delay of 7 days in re-filing the appeal have been filed.

The appellant by way of his writ petition in this Court assailed the letter dated 22.10.2013 issued by the Guru Jhambheshwar University, Hisar (respondent No. 1) cancelling his admission to the Masters of Architecture (Face to Face) ('M. Arch' –

for short) Course in the Session 2011-2012. The appellant claims that gross injustice has been committed against him by respondent No.1 - Guru Jhambheshwar University ('University' - for short) and by respondent No.2 - Om Institute of Architecture and Design, Juglan, Hisar ('Institute' – for short) by denying to him the award of degree in M.Arch and that too after he was given admission in the said course in December 2011 and after he had successfully cleared all the four semesters of the said Course.

The appellant did his matriculation in 1994 and then his plus two from the Haryana Board. Then he did three years' diploma in Architecture from Government Polytechnic, Ambala City in the year 2001. He then took admission in the B.Tech (Civil Engineering) in Janardhan Rai Nagar, Rajasthan Vidhyapeeth (Deemed) University in 2008, which he completed successfully in the year 2010. The appellant then took admission in the respondent No.2 – Institute for doing M.Arch. According to the prospectus the required qualification for M.Arch was a degree in Bachelor of Architecture ('B.Arch' – for short) awarded by a recognized University. The appellant, however, on the basis of his B. Tech (Civil Engineering) degree was given admission to the M.Arch Course in respondent No.2 - Institute. The respondent No.2 - Institute was given approval by the Council of Architecture on 17.06.2011 to start two years' M.Arch Programme with intake of 20 students from the academic Session 2011-12.

The eligibility condition for admission to M.Arch was a degree in B.Arch course or its equivalent from a recognized University. The degree of B.Tech (Civil Engineering) which the appellant had was admittedly not a valid degree for admission to the M.Arch Course. However, despite the said defect of the appellant having a B.Tech (Civil Engineering) degree instead of a B.Arch or its equivalent degree from a recognized University, he was granted admission by respondent No. 2 - Institute. According to the appellant, the said Institute had in fact assured him that the qualification which he had was valid and recognized.

The relevant conditions for admission to the M.Arch Course were as follows:-

“M. Arch
(Master of Architecture)

Sanctioned Seats
20 seats

Eligibility Conditions
B. Arch from recognized university with at least 50% marks.

Admission Criteria
.
Direct admission on the basis of merit, portfolio review
(Maximum 10 pages) followed by an interview.
.
Candidate with valid GATE score will be preferred.

Fees
Fee for M.Arch. course is Rs.75000 p.a.”
Learned counsel for the appellant has not been able to

show as to how the B.Tech (Civil Engineering) degree that he had from Janardhan Rai Nagar, Rajasthan Vidhyapeeth (Deemed)

University in 2008 was equivalent to B.Arch degree from a recognized University with at least 50% marks, which was the eligibility condition for seeking admission to the M.Arch Course.

Learned counsel for the appellant has contended that there is an estoppel on the part of the respondents inasmuch as they had allowed the appellant to appear and complete both years of his M.Arch degree course and therefore, he should now be given the necessary degree. He has referred to the case law in support of his contention regarding there being an estoppel on the part of the respondents.

After giving our thoughtful consideration to the matter, we are of the view that the B.Tech (Civil Engineering) degree which the appellant had, cannot by any means be treated as equivalent to B.Arch degree for the purpose of seeking admission to the M.Arch unless there is some equivalence certificate given by an authorized authority. None has been shown by the appellant. The learned Single Judge has rightly considered all the facts and circumstances and held that the B. Tech (Civil Engineering) degree possessed by the appellant was not the recognized degree for the M. Arch Course, in which the appellant had been admitted. Therefore, his admission cannot now be regularized and there cannot be an estoppel to the defect in the degree for the admission to the M.Arch two years degree Course. In fact the appellant, who was holding a B.Tech (Civil

Engineering) degree ought to be well-aware that the same cannot be a degree for a professional course of M.Arch as Architecture is a different field from that of Engineering. In the matter of professional degrees like M.Arch, this Court cannot validate a wrong in securing admission to the Course on the plea of estoppel as that would be compromising to the professional nature of the degree. The reliance on the case law placed by the learned Counsel in support of his plea for estoppel has been considered by the learned Single Judge but did not find any acceptance.

There is no infirmity with the order of the learned Single Judge in dismissing the writ petition of the appellant. In fact, the learned Single Judge has granted an amount of Rs. 1,00,000/- payable by each of the respondents i.e. the respondent No.1 - University and the respondent No.2 - Institute to the appellant for the loss of two years that has been caused to his academic life, besides, has directed the respondent No.2 - Institute to refund the fee of Rs.1,68,000/- paid to it. The appellant has also been given liberty to seek further damages by approaching the appropriate Court of law if he was in a position to show that the damage which had been caused to him is much more than what the Court had awarded.

In the circumstances, there is no merit in the appeal and the same is accordingly dismissed. As the appeal has been dismissed on merits, the question of delay of 13 days in filing the

appeal and 7 days in re-filing the appeal is only academic and the same is condoned for the reasons recorded in the Civil Misc. applications. There shall be no order as to costs.

(S.S. SARON)
JUDGE

(AMOL RATTAN SINGH)
JUDGE

December 03, 2015
nitin/amit

Note: Whether to be referred to the Reporter: Yes/No.