

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

LPA No.410 of 2015(O&M)

Date of decision:17.3.2015

Maharshi Dayanand UniversityAppellant

VERSUS

Reena KumariRespondent

CORAM: HON'BLE MR. JUSTICE HEMANT GUPTA

HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Anurag Goyal, Advocate for the appellant.

HEMANT GUPTA, J.(Oral)

The present Letters Patent Appeal under Clause X of the Letters Patent is directed against an order passed by learned Single Bench of this Court on 16.01.2015 whereby while dismissing the writ petition, the present appellant was ordered to pay damages of Rs.25,000/- for denying admission to the writ petitioner wrongfully.

Learned counsel for the appellant has vehemently argued that Aseem Malik said to be son of a senior official of the University is in fact daughter of Sh. Dilbag Singh Malik, retired Sub Divisional Officer from Irrigation Wing of Bhakhra Beas Management Board, Sunder Nagar (H.P.) and has no relation with any official of the University, as per affidavit filed by her. Therefore, the grant of damages is not sustainable.

We have heard leaned counsel for the appellant and find no merit in the present appeal. Even if the admitted candidate is not a son but a daughter that too not of an official of the University but the

fact remains that such candidate lower in merit has been granted admission than the writ petitioner who was higher in merit.

In view thereof, for wrongful denial of admission is one way to avoid damages.

Such is the view taken by Hon'ble Supreme Court in a recent judgment reported as 2014 (10) SCC 521 titled Chandigarh Administration and another v. Jasmine Kaur and others, wherein the court held that "If a candidate is not selected during a particular academic year due to the fault of the institutions/authorities and in this process if the seats are filled up and the scope for granting admission is lost due to eclipse of time schedule, then under such circumstances, the candidate should not be victimised for no fault of his/her and the court may consider grant of appropriate compensation to offset the loss caused, if any".

In view thereof, we do not find any merit in the present Letters Patent Appeal.

Dismissed.

(HEMANT GUPTA)
JUDGE

MARCH 17, 2015
'D. Gulati'

(LISA GILL)
JUDGE