

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.14942 of 2000
Decided on :01.08.2016

Avtar Singh & another

... Petitioners

Versus

Baba Farid University of Health Sciences, Faridkot & others

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present : Mr.Arjun Sharma, Advocate, for
Mr.A.R.Takkar, Advocate, for the petitioners.

Ms.Lavanya Paul, AAG, Punjab.

G.S. Sandhawalia, J. (Oral)

Petitioners seek direction to admit them in the BDS course against the free seats available with the respondent-University on 26.09.2000, with all consequential benefits regarding refund of excess fee etc.

It is their case that at the time of submitting the interview-cum-application form for the admission to the BDS course for the session 2000-2001, they had opted for the free seats and thereafter, they had appeared in the Joint Entrance Test on 18.06.2000.

In the reply filed by respondent No.1, defence taken is that petitioner No.1 had exercised his option for the paid seats, whereas petitioner No.2 had opted for 2 institutes as paid seats and the third choice, he had opted for the free seat at Ludhiana. Reference is also made to Clause A of para 6 of the application form, to submit that the candidate could change the choice at the time of interview, which would be final. Plea has, accordingly, been taken that admissions had been made in terms of the prospectus and the candidates were bound by

the options given, to which institute he wanted to remain in the waiting list.

Respondent No.2, in its reply, also have taken the plea that the petitioner along with the private-respondents were given admission according to their choice and on the basis of their merit and subsequent options exercised by them, at the time of interview, as per the rules laid down in the prospectus.

Counsel for the petitioners has vehemently submitted that subsequently, on account of the vacancies arising for free seats, the petitioners were liable to be considered for admission against the same.

State Counsel submits that the petitioners are bound by the terms of the prospectus, which has the force of law and the petitioners had been given admission in terms of the said prospectus. The said clause reads as under:

“Interview shall be compulsory for all candidates to confirm the choice of station already given in the application Form. However, the candidate may change the choice of station at the time of interview, which will be final. In case the choice given by the candidate at the time of interview is different from that indicate Interview-cum-admission form, the preference of station given at the interview time shall supersede his/her earlier choice. The dates of interview will be such as may be fixed by the Baba Farid University of Health Sciences Faridkot in consultation with the Chairpersons of various selecton committees.”

The terms of the prospectus have not been challenged by the petitioners. At that point of time, they opted for the paid seats.

Admittedly, the settled principle of law is that the prospectus has the force of law. As many as four Full Benches of this Court in *Amardeep Singh Sahota Vs. State of Punjab 1993(2) PLR 212*, *Raj Singh Vs. Maharashi Dayanand University 1994(2) SLR 581*, *Rahul Prabhakar Vs. Punjab Technical University, Jalandhar 1997(5) SLR 163* and *Indu Gupta Vs. Director of Sports, Punjab 1999(4) RSJ 667* have held to the said effect. Once the petitioners had taken a chance, now, they cannot turn around and say that they were entitled for the free seats, which became vacant, subsequently.

Resultantly, finding no merit in the present writ petition, the same is, hereby, dismissed.

AUGUST 1st, 2016
sailsh

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No