

CWP No.12787 of 2016

KUMAR MANOJ
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**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

**CWP No.12787 of 2016
Date of Order: 27.06.2016**

Vishal Rawal

....Petitioner

Versus

Panjab University, Sector 14, Chandigarh and Another

....Respondents

CORAM: HON'BLE MR. JUSTICE M. JEYAPPAUL

Present: Mr. Ravi Sodhi, Advocate for the petitioner.

Mr. Girish Agnihotri, Senior Advocate with
Mr. Saurabh Gulia, Advocate for the respondents.

M. JEYAPPAUL ,J (ORAL)

Heard the submissions made by learned counsel appearing for
the writ petitioner.

In the present writ petition, the impugned order dated 20.6.2016
(Annexure P.4) passed by respondent No.2 allegedly denying an
opportunity to the petitioner to appear in the counseling for admission to
MBA (IB) and MBA (HR) courses is under challenge.

Admittedly, the writ petitioner cleared the interview for MBA
stream. He was called upon to attend personally for the counseling that was
held on 23.5.2016. In spite of the condition imposed by the respondents
that the petitioner should appear personally for counseling, the petitioner
had given power of attorney to his mother to appear on his behalf before the
Authorities for counseling, which however was rejected. As the personal
appearance of the petitioner was not there, respondents refused to permit his

mother to represent him during counseling. Again, the counseling took place on 15.6.2016. The writ petitioner again sent his mother on his behalf with power of attorney to participate in the counseling. Such an attempt was not considered by the Department.

Learned counsel appearing for the writ petitioner submits that the writ petitioner was, in fact, serving as System Engineer with Edgeverbe System Limited, Bangalore. Hoping that he would secure admission as he had cleared the interview conducted, he had also put in his papers with the said Company. Citing the decision of Hon'ble Delhi Court reported as **Kuldeep Singh Vs. State Council of Education Research, 2006 (1Sup) DLT 468**, learned counsel for the writ petitioner submits that counseling is only a formality, where the presence of the candidate is not very much required.

Learned senior counsel appearing for the respondents vehemently submitted that the writ petitioner, who flouted the condition for personal appearance imposed by the respondents for appearing in counseling is not entitled to attend the counseling in future as well. It is his submission that if the condition imposed by the respondents is relaxed, the other candidates, who made an attempt to appear through power of attorney also will seek such a relief in due course and the same will open floodgate. Learned senior counsel further submitted that the condition that the candidate himself shall appear for counseling is *sine qua non* for securing MBA seat, therefore, the same shall not be treated as a mere formality.

I find that the petitioner having been selected in the interview has resigned from his job. As contended by the writ petitioner, personal appearance would not be required for counseling as it is only a formality for

allotting the seat on payment of fee.

In view of the above, the respondents are directed to permit the petitioner to appear for the counseling that is taking place today. It is made clear that the above relief granted to the petitioner is restricted only to the petitioner and not to others.

The petitioner shall join the regular class on 07.7.2016, if at all he is offered MBA seat by the respondents. It is also made clear that the petitioner shall not seek leave on the ground that he is not in a position to relieve himself from his employer. Any student, who was affected by this order permitting the writ petitioner to participate in the counseling, can very well approach this Court.

In view of the above, the writ petition stands disposed of. Anything observed herein shall not be treated as a precedent.

A copy of this order be supplied to learned counsel for the petitioner under the signatures of Bench Secretary.

June 27, 2016
manoj

(M. JEYAPPAUL)
JUDGE