

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

CWP No. 13725 of 2016
Date of decision: 14.07.2016

Priyanka

....Petitioner(s)

Versus

Lal Lajpat Rai University of Veterinary and Animal Sciences, Hisar

...Respondent(s)

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

Present: Mr. Manjeet Singh, Advocate,
for the petitioner.

Mr. D.S. Rawat, Advocate,
for the respondent.

G.S.SANDHAWALIA, J. (Oral)

The petitioner seeks direction for production of the original certificates of the matriculation, 10+2, Bachelor in Veterinary Sciences and Animal Husbandry for all the years; composite mark sheets and provisional degree certificate; certificate regarding completion of all the requirements of Bachelor degree in Veterinary Sciences and Animal Husbandry alongwith character certificate of the petitioner. The said documents are required for the purpose of counseling in the Master Degree's programme for the academic session 2016-17 in the Indian Council for Agricultural Research (in short 'ICAR'), New Delhi, which is scheduled for 18.07.2016 so that the petitioner can get admission in the said course. In the alternative, prayer is made for handing over the above said original certificates to the petitioner for the limited purpose of producing the said certificates.

Though the prayer is innocuous on the face of it, however, there is a long drawn history. Accordingly, keeping in view the urgency of the matter due to the fact that admission is scheduled for 18.07.2016, the present petition is being disposed of after issuing notice to the respondent-university, for which Mr. D.S. Rawat, Advocate, accepts notice on the asking of the Court.

Initially, a migration certificate was issued in favour of the petitioner by the respondent-university and the same was cancelled on 07.09.2012. The cancellation was challenged by filing civil suit on 08.09.2012 bearing No. 60-C, in which, interim injunction was granted in favour of the petitioner-plaintiff on 04.10.2012 (Annexure P-1). The suit was decreed on 08.07.2013 (Annexure P-2) by the Civil Judge, Junior Division, Hisar which was challenged by filing appeal. An FIR bearing No. 500 dated 16.06.2013 was also lodged which was, however, cancelled on 20.07.2013 (Annexure P-3). Counsel for the respondent-university submits that protest petition has been filed against the said decision. Thereafter, the university cancelled the admission of the petitioner on 30.01.2016 (Annexure P-4) and the appeal was got dismissed as withdrawn. The said cancellation of admission was also challenged by filing Civil Suit No. 45-C on 25.02.2016 in which, an interim injunction was granted by the Civil Judge (Junior Division), Hisar on 22.03.2016 (Annexure P-5) that the result of the 5th year of the petitioner would be declared within 15 days. The petitioner was to be considered for internship and she was allowed to take practical training subject to the final orders regarding cancellation of admission. However, the request for return of documents was denied by the Trial Court.

Both the parties filed separate appeals before the Additional District Judge, Hisar but vide order dated 25.04.2016 (Annexure P-6), appeal of the petitioner was allowed and interim relief of return of certificates was granted by directing that the attested copies can be retained and originals can be returned by taking an undertaking to deposit the originals. The appeal of the university was dismissed and further directions were issued by the trial Court on 30.04.2016 (Annexure P-7) to ensure that the result of the 1st semester of the 5th year be declared as the petitioner had to fill up the form with ICAR on the same date. The result was accordingly declared and the petitioner has got over all grade of average of 6.611 and a second division as per Annexure P-8.

The respondent-university thereafter filed Civil Revision No. 3400 of 2016 before this Court and counsel for the petitioner-plaintiff had consented that the petitioner would not press for return of the original documents till the decision of the suit and the revision was disposed of accordingly. The relevant portion of the order dated 01.06.2016 (Annexure P-9) reads thus:-

“4. Faced with this situation, learned counsel for the respondent pleaded that at present, respondent-plaintiff Priyanka may be allowed to join the internship and she will not press for return of the original documents till the decision of the suit.

5. Thus, keeping in view the aforesaid submissions made by learned counsel for the parties, the present revision petition is hereby disposed of with the direction that the petitioner-University shall allow respondent-Priyanka to join the internship, which shall be purely subject to the decision of the suit and will not confer any legal right upon the plaintiff respondent.

The petitioner-University shall be entitled to retain the original certificates/documents submitted by respondent-plaintiff till the decision of the suit.”

Thereafter, on 06.06.2016 (Annexure P-10), the course completion certificate was also issued by the respondent-university. It is her case that she also sat in the entrance test for the master's course and the result was declared on 09.06.2016 (Annexure P-14) whereby, she has secured overall rank of 620 and the counseling is fixed for 18.07.2016. It is, thus, the case that in spite of the representation dated 10.06.2016 (Annexure P-15), no heed is being paid to her request that the official of the university should produce the original documents before the ICAR on 18.07.2016 at the time of counseling for the limited purpose.

The above sequence of events would, thus, go on to show that the matter is still to be finally adjudicated as such by the Civil Court regarding the issue of cancellation of the result of the petitioner. However, since the petitioner is within the zone of consideration for admission to the master's course, it would be appropriate that the respondent-university produces the complete record before the ICAR at New Delhi on 18.07.2016. Whatever documents are required by the admitting institution will be supplied by way of attested copies and the originals will be retained by the respondent-university since this Court has already directed in C.R. No. 3400 of 2016 that the originals are not to be returned to the petitioner. The respondent-university shall depute a competent officer with the complete original record of the petitioner to be present before AP Shinde Symposium Hall, NASC Complex (ICAR), Dev Prakash Shastri Marg, Opp. Todapur, Pusa, New Delhi – 110 012 on 18.07.2016 at 8.00 a.m., when the counseling

is stated to take place.

With the above said observations, the present writ petition stands disposed of.

Copy of the order be given under signatures of Special Secretary of the Court.

14.07.2016
shivani

(G.S. SANDHAWALIA)
JUDGE