

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

**CWP No.14884 of 2016
Decided on :06.09.2016**

Gurnimrat Kandhola

... Petitioner

Versus

The Panjab University and others

... Respondents

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

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

Mr. Indresh Goel, Advocate
for respondents No.1 to 3.

None for respondent No.4.

G.S. Sandhawalia, J. (Oral)

The petitioner seeks admission in the first semester of M.A. Economics Session 2016-2017, on the strength of being higher in the merit in her category. It is the pleaded case of the petitioner that she had applied in pursuance of the advertisement for admission for the session 2016-2017. Her father had retired as an Army Officer on 29.02.2016, as per the pensioner book Annexure P-3. However, he had been re-employed in the Army in the month of March, 2016, but certificate dated 01.07.2016 (Annexure P-7) had also been issued that he was serving officer in the Indian Army. It is submitted that on account of the subsequent certificate dated 01.07.2016 her case for admission was considered under D-5 category for serving defence persons, whereas, she should have been considered under D-3 category. On account of being considered as serving Army Officer, she was left out from the zone of consideration for admission.

Representation dated 18.07.2016 (Annexure P-8) was also filed that her father was only re-employed with Army after retirement and was an retired officer of the Indian Army. Similarly, representation was also moved on 19.07.2016 (Annexure P-9). It is her categorical case that her merit was 1752, which was higher than of the private respondent No.4 who had merit of 1746 being a dependant of an ex-serviceman and similarly situated. It is only on account of the fact of the misreading of the documents, she has been denied admission.

The stand of the respondent-University is also in the same terms, on account of the document dated 01.07.2016, which depicted the father of the petitioner being serving officer, she was considered in the other category.

As per Clause-2 (vi) of the handbook of information (Annexure P-11) for seats open and reserved preference had to be given to the dependants of the ex-servicemen. Thus, in view of the fact that the petitioner was treated by the respondent-University as dependant of a serving defence personnel, therefore, she lost out for admission, even though her father had already retired, but had been re-employed. It is not disputed that the father of the petitioner is a pensioner and it is only on account of the lack of clarity on the service issues, which had been placed before the Admission Committee, the petitioner has lost out on her right for admission, even though being higher in merit than the private respondent as noticed above.

In such circumstances, this Court is of the opinion that once

the petitioner is higher in merit, she is entitled for admission in the said course.

It is in such circumstances that respondent No.4 has also been given admission, though she is also a dependant of an ex-serviceman. Once there was a discrepancy in the documents, as such the reasoning given by the respondent-University cannot be faulted, which led to the admission of respondent No.4.

Counsel for the respondent-University submits that there are no other vacancies in the said course.

Keeping in view the above fact, this Court is of the opinion that since the course in question is of humanities and there is no statutory body who affixes the number of seats, the petitioner cannot be put to loss of her academic session.

Accordingly, the present writ petition is allowed. Respondent-University is directed to admit the petitioner for the course in question by creating a superannuary seat in the peculiar facts and circumstances. The necessary fees to be deposited by the petitioner be accepted within a period of one week from today.

SEPTEMBER 06, 2016
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No