

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

**CWP No.15795 of 2016 (O&M)
Decided on :03.10.2016**

Nikhil Karnwal

... Petitioner

Versus

The Secretary/Chairman, Punjab State Board Technical Education and
others

... Respondents

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

Present : Mr. Sharad Aggarwal, Advocate for the petitioner.

Mr. Amrinderjit Singh Sandhu, Advocate
for respondents No.1 and 2.

Mr. Subhash Ahuja, Advocate for respondents No.3 and 4.

Mr. Puneet Gupta, Advocate for respondent No.5.

G.S. Sandhawalia, J. (Oral)

The petitioner seeks the relief of allowing him to be provisionally counselled for the lateral entry of B.E. Course in the 2nd year in Computer Engineering, which was to be held on 05.08.2016. Further directions have been sought to declare the result of the re-evaluation of the petitioner in the 3 year Diploma of Computer Engineering.

The case of the petitioner is that he had a rank of 15 in the Joint Entrance Test (Annexure P-5) and only on account of the fact that he had got re-appear in the diploma, he was not being considered in counselling, which was to take place on 05.08.2016, in spite of the fact that he had applied for re-evaluation on 27.06.2016 (Annexure P-3 colly.).

Vide order dated 04.08.2016, the petitioner was permitted to participate in the counselling, subject to the final decision of the writ

petition. A condition was put that the order is purely interim and no right of equity would accrue to the petitioner. In the meantime, as per the result of the re-evaluation dated 17.08.2016 (Annexure R-1) the petitioner has passed the diploma course and his detailed mark card dated 06.09.2016 has been appended as Annexure R-2.

It is, thus, apparent that the petitioner has thus become eligible as such for confirmation to the extent of the provisional admission, which was granted by the order of this Court. However, respondent No.5 filed an application for being impleaded and has raised a issue that since the petitioner was not eligible on the cut-off-date i.e. 01.08.2016 and 05.08.2016 when the counselling was to be held, therefore, the admission cannot be confirmed in his favour, as per the terms of the prospectus, since only the eligible candidates on the cut-off-date would be entitled. It is, accordingly, submitted that respondent No.5 who has been granted admission at Hoshiarpur by the Joint Admission Committee, as per merit would, thus, be entitled for admission at Chandigarh.

On 29.09.2016 after hearing arguments, the following order was passed:-

“Arguments have been heard.

Prima facie, this court is of the opinion that interim relief granted to the petitioner is liable to be vacated. Since respondent No.5 was contesting the petition and is already studying at Hoshiarpur, having got admission there and is adversely effected as she would be liable for adjustment at Chandigarh. At this stage, it has been put to the counsel for the petitioner that if they cannot sort out the matter regarding adjustment as such, the petitioner would loose a year in the

process. Necessary adjustment would however, protect both the sides if the petitioner accepts admission at Hoshiarpur in place of respondent No.5.

Accordingly, learned counsel for the petitioner sought an opportunity to seek appropriate instructions in the matter. Adjourned to 03.10.2016.”

Counsel for the petitioner in pursuance of the abovesaid order has taken necessary instructions and is, thus, agreed that the petitioner's admission as such be made final at the Regional Centre of the Panjab University, namely, Swami Sarvanand Giri Regional Centre, Hoshiarpur in place of respondent No.5-Komal Parashar.

Accordingly, keeping in view the consensus, which has been arrived *inter se* the parties, the present writ petition is disposed of with the direction to respondent No.4-Coordinator to adjust the petitioner and respondent No.5, accordingly.

The petitioner shall be entitled to continue with the course at abovesaid institute at Hoshiarpur, whereas the respondent No.5-Komal Parashar will accordingly be shifted at Chandigarh in place of the petitioner. The fees paid by both the candidates be accordingly adjusted. The benefit of the attendance at the institutes at Hoshiarpur and Chandigarh will be given to both the parties.

With the aforesaid observations, the present writ petition stands disposed of.

(G.S. SANDHAWALIA)
JUDGE

OCTOBER 03, 2016
Naveen

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No