

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

**CWP No.16070 of 2016
Decided on :31.08.2016**

Mukul Sadiura

... Petitioner

Versus

Panjab University and another

... Respondents

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

Present : Mr. Palwinder Singh Sadiura, Advocate
for the petitioner.

Mr. Piyush Khanna, Advocate
for the respondents.

G.S. Sandhawalia, J. (Oral)

The petitioner challenges the communication dated 21.07.2016 (Annexure P-12), whereby his candidature for admission to the L.L.B. 3 year course has been rejected, on the ground that it was received late on 05.07.2016. He has further been informed that he did not figure in 25% of the candidates in the 1st merit list for late applicants, as per PU guidelines. Therefore, on account of not being responsible for delay in receiving the application form sent through post/courier, the admission has been denied.

It is the case of the petitioner that he is more meritorious and has scored 63.44 marks, whereas the last selected candidate has scored 60.92 marks.

It is not disputed that the entrance test was held on 19.06.2016 and the result was declared on 27.06.2016. The fact is that the candidates had to apply by 30.06.2016 with the concerned Department/Regional Centres, irrespective of the declaration of the result of qualifying

exam/entrance test. The date was extended upto 04.07.2016. This fact had been noticed by this Court in **CWP No.14597 of 2016 'Adhi Shree Goyal Vs. Punjab University and another'** decided on 27.08.2016 in which a similar controversy arose.

It is the pleaded case of the petitioner himself that he had applied on 02.07.2016 through Indian Speed Post, on the ground that there was an assurance that the it would reach by 04.07.2016, which was the extended date.

As noticed, the respondents have denied the admission on the ground that the application was received after the cut-off-date on 05.07.2016. The Full Bench of this Court in **'Rahul Prabhakar Vs. Punjab Technical University, Jalandhar' 1997 (3) SCT 526** has held that the Indian Post Office is not an agent of the University. The relevant observations read as under:-

“35. I am, therefore, of the opinion that when the date or time has been stipulated in the advertisement and also in the Information Brochure, it must be strictly adhered to as otherwise it leads to uncertainty, unending process, anomaly and deprivation of equality clause and further it widens the competition amongst the candidates seeking admission into professional courses. It is also difficult to determine upto what period the time limit can be extended. If such power is to be exercised, it will lead to arbitrariness.

36. The condition in the advertisement and the information brochure enabling the candidates to have their applications delivered either in person or by registered post is to ensure safe delivery within the stipulated time and the stipulation of time and date operates as a condition precedent for entertaining and

considering the application of the candidate. It is for the applicant concerned to ensure that delivery of the application within the stipulated time to the concerned authority, whatever may be the mode of such delivery which he himself chooses to adopt or avail out of the alternatives available to him. If he is unable to send the application so as to reach the Coordinator, he forfeits his right to have his application considered. Mere personal hardship or general notions of justice or abstract considerations of sympathies cannot be taken into consideration to exonerate an applicant from his obligation to ensure delivery of this application to the Coordinator within the stipulated time. The fact that the applicant expected his application to reach the Coordinator in time in the ordinary course or the lapse on the part of the postal authorities resulting in the belated delivery of the envelope containing the application is no ground to compel the Coordinator to consider the application of the candidate even though it reached him after the stipulated time, the Coordinator is not obliged and has no duty in law to entertain such a belated application and consider the claims of such a candidate alongwith claims of others whose applications were delivered within time.”

It is on this account that the petitioner has been put in the wait list of late candidates. As per the written statement filed the University has considered the case of the petitioner in the said category also. The communication dated 22.07.2016 (Annexure R-2) issued by the Director of the Regional Centre has also been appended to aver that the petitioner does not stand in the 25% of the admitted candidates, as per Rule 23 regarding admissions of late applicants. It is the case of the respondents that 25% of the 32 seats comes to the 8 seats and the merit of the candidate at Sr. No.8 is 68.24. The petitioner is having less marks i.e. 63.44 and is, thus, not entitled for admission, even in the said category.

Accordingly, in such circumstances, keeping in view the stand taken by the respondent-University, which has not been denied by filing any replication, the present writ petition is dismissed.

AUGUST 31, 2016
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No