

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

CWP No.21903 of 2015

Date of Decision:28.04.2016

Vaibhav Passi

.....Petitioner

Vs.

Panjab University and another

.....Respondents

CORAM:- HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present:- Mr. S.S. Chadha, Advocate for the petitioner.

Mr. Indresh Goel, Advocate for respondent No.1.

Mr. Ashish Rawal, Advocate for respondent No.2.

RAKESH KUMAR JAIN, J.(Oral)

The petitioner has challenged the order passed by the College of Architecture dated 8.9.2015 (Annexure P.16) which has been repeated on 21.9.2015 (Annexure P.18) and 28.9.2015 (Annexure P.20) as per which the petitioner has been directed to attend first semester of Bachelor of Architecture Course classes being a new admission in the college on the ground that he had not passed the first semester classes from the College of Architecture and has passed the second semester from the College of Architecture under the order of the Court.

Shorn of unnecessary details, it would be pertinent to mention that the petitioner had filed CWP No.22077 of 2014 titled as Vaibhav Passi v. Union of India and others, which was disposed of by this Court as infructuous on 11.3.2015 in which the following observations have been made :-

“Counsel for respondent No.2- Panjab University states that the University has decided to regularise the admission of the petitioner.

In view of the statement made by the counsel for respondent No.2, the present writ petition has been rendered infructuous.

Disposed of as such.”

Thereafter, there were six writ petitions, which were disposed of by a common order passed by this Court, rendered in the main writ petition No.20542 of 2014, Naina Krishan v. Union of India and others decided on 1.7.2015 in which it was specifically recorded that “two seats can be given to the candidates in General Category quota of UT and in that matter, one seat goes to Naina Krishna, the petitioner in CWP No.20542 of 2014, who is at Sr. No.406 in the merit list and the other seat has been given to Vaibhav Passi, petitioner in CWP No.22077 of 2014. The order dated 1.7.2015 was subject matter of the writ petition bearing No.10099 of 2015 – Ms. Sukriti Bhutani v. Panjab University and others, in which the Division Bench while allowing the writ petition of Sukriti i.e. CWP No.10099 of 2015 observed that “the State rank of Sukriti is 179, she, therefore, admittedly fall in the merit of 5 seats of 40 seats besides she has been provisionally admitted before the cut-off date of 21.5.2016 from a private college besides had appeared in the second semester examination from respondent No.3- College. Therefore, there is hindrance in continuing her course to which she stands provisionally admitted.

Counsel for the petitioner has submitted that the Sukriti Bhutani was a student of a private Architecture College whereas the petitioner was a student of GNDU Amritsar and has passed his second semester from the College of Architecture College Chandigarh and is thus squarely covered by the order passed by this Court in the case of Sukriti Bhutani (supra). Counsel appearing on behalf of the University has been very fair in stating that the case of the petitioner is on a better footing than Sukriti. She had passed her first year semester from a private college whereas the petitioner has passed his first year semester from the GNDU.

After hearing learned counsel for the parties and considering the facts and circumstances in its totality, I am of the considered opinion that the case of the petitioner is squarely covered by the decision rendered in the case of Sukriti (supra) wherein this Court has allowed Sukriti Bhutani to continue with her further studies in the 3rd semester in the College of Architecture.

In this view of the matter, the present petition is hereby allowed. Orders Annexure P.16, P.18 and P.20 are hereby set aside and a direction is given to the respondents to allow the petitioner to continue his study as a regular student and in case his result is not declared, the same may also be declared.

Copy of the order be given dasti on payment of usual charges.

April 28, 2016
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(RAKESH KUMAR JAIN)
JUDGE