

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

**CWP No.21752 of 2016
Reserved on: 08.12.2016
Decided on : 14.12.2016**

Yudhanshu Anugural

... Petitioner

Versus

Baba Farid University of Health Sciences and others

... Respondents

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

Present : Mr. Arvind Thakur, Advocate
for the petitioner.

Mr. Gautam Pathania, Advocate
for respondent-University.

Mr. S.S. Chandumajra, Addl. AG, Punjab.

G.S. Sandhawalia, J.

The present writ petition has been filed seeking directions to allow the petitioner to attend classes in the MBBS First Year for the year 2016 having been admitted to the course on 19.09.2016. It is the case of the petitioner that he had done his 10+2 from the Modern Sandeepni School, Mamoon Dalhousie Road, Pathankot (Annexure P-1 colly.). In pursuance of the advertisement for admission for the MBBS and BDS Courses with the respondent-University under the Punjab Medical Entrance Test (PMET-2016) he had given the same under the reserved category of Scheduled Caste (SC), which was mentioned as Category No.12. He had scored total number of 92.7866155 as per the revised result (Annexure P-4) and had a rank of 32 in his category and had open merit of 1083. He belongs to the State of Himachal Pradesh being a

permanent resident of District Kangra and, therefore, had opted for the Government Medical College at Amritsar as it was closer to his permanent residence. He was issued provisional allotment letter (Annexure P-6) in the said quota and was directed to deposit tuition fee of ₹80,000/- and the online counselling fee of ₹3,000/-. His testimonials and eligibility documents were checked and everything was found satisfactory and resultantly the admission was granted on 19.09.2016. He deposited the said amount of ₹83,000/- (Annexure P-8) and attended classes from 23.09.2016 to 28.09.2016. However, no roll number was issued to him. He had gone to his native place on 29.09.2016 on account of a holiday and was, thereafter, informed telephonically that his admission has been cancelled as his caste certificate was of a different State. He had given representations as such, thereafter, but of no avail. He had also qualified in the All India Quota under Graduate Medical/Dental Seats and had figured at Serial No.4 in his category against the 7 reserved seats for Dr. Yashwant Singh Parmar Government Medical College, Nahan, District Sirmour (Himachal Pradesh), but had opted not to attend counselling.

The State in its response filed by respondent No.3 has submitted that as per the letter dated 17.01.1996 (Annexure R-3) of the Government of Punjab Welfare Department, the petitioner is not entitled to the concessional benefits admissible to the reserved candidates of Punjab State, because he belongs to the State of Himachal Pradesh. It is

further averred that the letter itself is part of the prospectus PMET-2016, which has been appended as Annexure R-1. It is the case of the State that the petitioner had been given provisional admission, but after seeing the SC category certificate it was not approved by the District Welfare Department, Amritsar. Therefore, the petitioner was not entitled to attend his classes and he was informed telephonically on 29.09.2016 regarding his discrepancy in the caste certificate. The respondent-University was also informed about this. Reference has been made to the appointment of the Committee by the Principal of the college on 19.09.2016 for checking the documents of the allotted candidates. The Committee had met on 29.09.2016 and checked the original documents of the candidates and decided to take the opinion of the Welfare Department and got clarified the point and acted accordingly. Resultantly, he was not allowed to attend the classes till the opinion was obtained on 03.10.2016. It is further submitted that after complete verification in all respects, the roll number of the students were issued. The University Authorities had been informed on 25.10.2016 stating the fact of vacant seat of the reserved category.

Counsel for the petitioner has thus submitted that in view of the above there is no dispute that the petitioner has been given the admission. Therefore, there was a principle of promissory estoppel, which would come into play as he had altered his position. Mr. Thakur has pointed out that on 28.09.2016 (Annexure P-11), the petitioner was at Sr. No.4 against the 7 reserved seats in the Dr. Yashwant Singh Parmar

Government Medical College and had he has been informed at earlier point of time about that his admission was liable to be cancelled, he could have opted to take admission in the said institute. It is, thus, submitted that he has been put to great loss and resultantly his admission should be regularized. Reliance has been placed upon the judgments *Sanatan Gauda vs. Berhampur University and others* 1990 AIR (SC) 1075, *Ashok Chand Singhvi vs. University of Jodhpur and others* 1989 AIR (SC) 823, *Rajendra Prasad Mathur vs. Karnataka University and another* 1986 AIR (SC) 1448, *P. Ranjitha vs. University Grants Commission* 1990(41) DLT 444, *Manish Tanwar vs. Principal Rajdhani College* 1996(63) DLT 906, *Kanishka Aggarwal vs. University of Delhi and others* 1992 AIR (Delhi) 105, *Dental Council of India vs. Harpreet Kaur and others* 1995(Sup1) SCC 304 and *Javed Akhtar and another vs. Jamia Hamdard & another* decided on 05.12.2006 of the Delhi High Court to argue that once the fees have been deposited he is entitled to continue with the course as it has prejudicially affect him and would lead to loss of a precious academic year.

Counsel for the State and the respondent-University on the other hand has defended the action by saying that he was not entitled for the benefit of admission against the reserved category as he did not belong to the State of Punjab. As per the prospectus itself the instructions of the Government were very clear and therefore the provisional admission was, accordingly, cancelled.

After hearing counsels for the parties, this Court is of the

opinion that the fact remains that the petitioner belongs to reserved category of 'Chamar' and is a permanent resident of District Kangra, Himachal Pradesh, which would be clear from the certificate dated 19.02.2016 (Annexure P-1 colly.), which reads as under:-

“Office of the Tehsildar

INDORA DISTRICT KANGRA (HP)

Certificate of Schedule Caste/Tribe

*Unique Certificate ID:0202TE/205/2016 Validity: Permanent Certificate
(subject to the instructions issued by the Deptt. of Personnel from time to time)*

*This is to certified that **SH YUDHANSHU ANGURAL**
S/O MOHINDER PAL resident of **VILLAGE CHUHARPUR**
Tehsil **INDORA** District **KANGRA** of Himachal Pradesh belongs
to **CHAMAR** which is recognized as a **Schedule Caste** under:*

The Constitution (Scheduled Caste) order, 1950 the
Constitution (Scheduled Tribe) order, 1950**

*The Constitution (Scheduled Caste) (Union Territories)
order, 1951*. The Constitution (Scheduled Tribe) (Union
Territories) order, 1951*.*

*As amended by the Scheduled Caste and Scheduled Tribe
(Modification) order, 1958. The Bombay Recognition Act,
1960. The Punjab Recognition Act, 1966. The State of H.P.
Act, 1970 and North Eastern Areas (Recognition) Act, 1971 and
the Scheduled Caste and Scheduled Tribe order (amendment) Act,
1976.*

***SH YUDHANSHU ANGURAL** and his/her family
ordinarily reside in **VILLAGE CHUHARPUR** of District
KANGRA of the state of Himachal Pradesh.*

Place: INDORA DSTRIC KANGRA

Date: 19/02/2016”

The prospectus issued by the respondent-University contains the letter dated 17.01.1996 in which it is expressly provided that the

Schedule Caste person on migration from his origin will not be entitled to the concessions and benefits admissible from the State to which he has migrated. The letter issued by the Department of Welfare reads as under:-

“Sub:- Regarding giving benefits to migrated (from other states) S.C/ST to the state of Punjab.

Sir,

This is to bring to your kind notice that a letter was issued from the Govt. of India vide letter No.B.C-16014/1/92 S.C; S.D.1 dated 06.08.1984, a reference to which a circular by Govt. of Punjab was issued vide letter No.2/223/79_____dated 20.08.93, which has already been sent to you for the necessary action. Direction of Govt. of India reads as below

(Regarding giving benefits to migrated S.C/S.T)

“It is, however, clarified that the Scheduled Caste/Scheduled Tribe person on migration from the state of his origin to another state will not lose his status as Scheduled Caste/Scheduled Tribe but he will be entitled to the concessions/benefits admissible to the Scheduled Caste/Scheduled Tribes from the state of his origin and not from the state where he has migrated.”

So, according to the above given directions, it becomes clear that no benefits can be given to migrated (from other state) S.C/S.Ts to the state of Punjab. But now it has been brought to Govt. that some department/Govt. Department are giving the benefits of reservation to the candidate of SC/ST who has come from other states, which are violation of these instructions. Therefore, you are directed to send a report to the Govt. after compliance of these instructions. Acknowledgment of receipt of this letter may be sent.”

The prospectus itself provides the candidates who are not eligible as per the Government notification would not be considered for

admission. The Government notification was issued on 18.03.2016 and, thereafter, fresh notification was issued on 10.06.2016. Clause-11 of the prospectus of important notes reads as under:-

“11. The candidate should read the eligibility conditions carefully and just appearing in PMET does not entitle him/her for admission. Eligibility conditions for admissions are given in the Notification. The candidates will appear in PMET at their own risk & responsibility. Allocation of seat is provisional subject to verification of original documents/checking of eligibility by the Principal of concerned Medical/Dental College. It is sole responsibility of the Principal to authenticate the eligibility of the allocated candidate before joining/admission. Those who are not eligible as per Punjab Government Notification will not be considered for admission.”

Similarly, it has been specifically mentioned that candidates have to follow instructions as given in the prospectus and on the University website and that the candidates are required to go through the prospectus carefully and acquaint themselves with the prospectus. This would be clear from the following part of the prospectus:-

“PLEASE NOTE-READ CAREFULLY

- 1. Candidates are required to go through the Prospectus carefully and acquaint themselves.*
- 2. Candidates can apply for PMET- 2016 only “Online”.*
- 3. Prospectus can be downloaded from the University website www.bfuhs.ac.in and also obtain from University office after paying cost thereof Rs. 300/-.*
- 4. Online submission of Application Form for PMET – 2016 may be made by accessing University website www.bfuhs.ac.in.*
- 5. Instructions for Online submission of Application Form are available in the Prospectus and on the University website www.bfuhs.ac.in.*

6. Candidates must follow the instructions strictly as given in the Prospectus and University website. Candidates not complying with the instructions shall be summarily disqualified.”

As per Clause 25 (g) of the notification dated 10.06.2016 (Annexure P-7) students who have to claim benefits of reservation were required to get a certificate from the competent authority, which reads as under:-

“(g) Students claiming benefits of reservation under SC/BC category shall be required to produce a certificate from the competent authority as per latest instructions. The Backward Class Certificate must be as per the latest instructions of the Government of Punjab in which the annual income of the family is specifically certified.”

The certificate as per the Category Code 12 to which the petitioner belongs was to be in the prescribed form as per Page-50 of the prospectus, which reads as under:-

“Categories Code-12

CERTIFICATE OF SCHEDULED CASTE

As per letter No.1/41/96-RCI/110001-17, dated 5.12.1996 of Govt. of Punjab, Department of Welfare (Reservation Cell)

It is certified that
Shri/Shrimati/Kumari _____
son/daughter of Sh. _____ of village/town
_____ District/Division
_____ state of Punjab belongs to
_____ caste which has been recognised as Scheduled
caste as per “The Constitution (Scheduled Castes) Order, 1950”
2. Shri/Shrimati/Kumari _____ and his/
her family lives in village/ town _____ District/
Division _____ of Punjab State.

Signature

Date _____

Place _____

Designation

Seal of office”

It is, thus, apparent that the petitioner had to be well aware with the terms of the prospectus, which have been held to be having force of law which is to be strictly followed. Reference can be made to 6 Full Bench Judgments of this Court in ***Amardeep Singh Sahota Vs. State of Punjab 1993(4) S.C.T. 328, Raj Singh Vs. Maharishi Dayanand University 1994(2) S.C.T. 766, Sachin Gaur Vs. Punjabi University 1996(1) S.C.T. 837 Rahul Prabhakar Vs. Punjab Technical University, Jalandhar 1997(3) S.C.T. 526, Indu Gupta Vs. Director of Sports, Punjab 1999(4) S.C.T. 113 and Rupinder Singh and others Vs. The Punjab State Board of Technical Education & Industrial Training, Chandigarh and others 2001(2) S.C.T. 726***. The relevant observations made in ***Rahul Prabhakar's*** case (supra) read as under:-

“7. A Full Bench of this Court in ***Amardeep Singh Sahota v. State of Punjab, (1993) 4 SLR 673 : 1993(4) SCT 328 (P&H) (FB)*** had to consider the scope and binding force of the provisions contained in the prospectus. The Bench took the view that the prospectus issued for admission to a course, has the force of law and it was not open to alteration. In ***Raj Singh v. Maharshi Dayanand University, 1994 (4) RSJ 289 : 1994(2) SCT 766 (P&H) (FB)*** another Full Bench of this Court took the view that a candidate will have to be taken to be bound by the information supplied in the admission form and cannot be allowed to take a stand that suits him at a given time. The Full Bench approved the view expressed in earlier

*Full Bench that eligibility for admission to a Course has to be seen according to the prospectus issued before the Entrance Examination and that the admission has to be made on the basis of instructions given in the prospectus, having the force of law. Again Full Bench of this Court in **Sachin Gaur v. Punjabi University, 1996 (1) RSJ 1 : 1996 (1) SCT 837 (P&H) (FB)** took the view that there has to be a cut off date provided for admission and the same cannot be changed afterwards. These views expressed by earlier Full Benches have been followed in **CWP No. 6756 of 1996** by the three of us constituting another Full Bench. Thus, it is settled law that the provisions contained in the information brochure for the Common Entrance Test 1997 have the force of law and have to be strictly complied with. No modification can be made by the Court in exercise of powers under Article 226 of the Constitution of India.”*

In **Priyadarshini College of Computer Science v. Manish Kumar, (2013) 11 SCC 802**, the Apex Court held that every candidate applying for a particular course is required to follow the advertisement including the eligibility criteria and after fulfilling the conditions in the application form and he cannot claim any benefit of his own wrong. In such circumstances, the petitioner cannot claim any equitable right as such to continue with the studies on the basis of an ineligibility, which is the root of the matter.

Once that is so and he was not eligible the observations of the Apex Court in **Central Board of Secondary Education vs. Nikhil Gulati and another, 1998 (2) RSJ 153**, while declining to interfere under Article 136 of the Constitution can be noticed that ineligible students were being promoted under Court orders which were instances of

aberrations which should not be treated as precedents in future. That the Rule of Law was being put to mockery and the Rule of Man was being promoted, was put forth.

In similar circumstances the Apex Court in ***Central Airmen Selection Board vs. Surender Kumar Das***, (2003) 1 SCC 152, it was held that the principle of promissory estoppel is based on equitable principles and once admission was being made on the basis of a claim being stated to which he was not entitled, the said principle would not be applicable as it would amount to misleading to the authorities that he was a reserved candidature. The observations read as under:-

"7. The question, therefore, is whether in a case of this nature the principle of promissory estoppel should be invoked. It is well known that the principle of promissory estoppel is based on equitable principles. A person who has himself misled the authority by making a fake statement, cannot invoke this principle, if his misrepresentation misled the authority into taking a decision which on discovery of the misrepresentation is sought to be cancelled. The High Court has proceeded on the basis that the petitioner had not made any misrepresentation in his application to the effect that he had passed the Intermediate examination. As we have found above, this finding of the High Court is erroneous, contrary to record and therefore must be set aside. In his application, the respondent had claimed that he had passed the Secondary examination as well as the Higher Secondary +2 examination, and it is clear from the counter affidavit filed on behalf of the appellants that his candidature was considered on the basis that he had passed the Higher Secondary +2 examination, as in that case he was entitled to claim relaxation in the matter of age. However, the mark sheet annexed to the application disclosed that the respondent had failed in the subject Chemistry and therefore, his claim in the

application, that he had passed the Higher Secondary +2 examination, was factually incorrect and a clear misrepresentation. In these circumstances we are satisfied that the respondent could not be permitted to invoke the principle of promissory estoppel, and the High Court was clearly erred in law in invoking the said principle in the facts of this case. The judgment and order of the High Court therefore cannot be sustained."

In similar circumstances, the Supreme Court in ***Mahatma Gandhi University and another vs. Gis Jose and others, 2009 (1) RSJ 438*** set aside the order of the High Court wherein, the student had secured only 53.3% marks in a qualifying examination against the minimum requirement of the cut off marks as 55%. The submission that the student had never misrepresented was rejected. It was held that once an irregular admission had been given in breach of Rules, she should not be allowed to complete the course and to write the examination and the same would be illegal. It was held that misplaced sympathy should not be shown in total breach of rules. The relevant observations read thus:-

*"9. The misplaced sympathies should not have been shown in total breach of the Rules. In our opinion, that is precisely what has happened. Such a course was disapproved by this Court in **Regional Officer, CBSE vs. Ku. Sheena Peethambaran and Others [(2003) 7 SCC 719]**. In paragraph 6 of the Judgment, this Court observed as follows :*

"6. This Court has on several occasions earlier deprecated the practice of permitting the students to pursue their studies and to appear in the examination under the interim orders passed in the petitions. In most of such cases, it is ultimately pleaded that since the course was over or the result had been declared, the matter deserves to be

considered sympathetically. It results in very awkward and difficult situations. Rules stare straight into the face of the plea of sympathy and concessions, against the legal provisions.....".

10. In the present case, the college where the student was admitted, in breach of all possible rules allowed her not only to complete the course but also to write the examination which was totally illegal."

Reliance can also be placed upon the judgment of the Apex Court in ***The Registrar, Rajiv Gandhi University of Health Sciences, Bangalore vs. G. Hemlatha and others, 2012 (8) SCC 268***, where it had been held that once the eligibility criteria is prescribed, it must be strictly adhered to and any dilution or tampering with it will work injustice on other candidates

A perusal of the letter dated 17.01.1996 would go on to show that it was very clear that the person had to be a resident of Punjab and should belong to the caste which has been recognized as a SC to get the benefit of reservation.

In the present case, as noticed above the petitioner's certificate of SC was only from the Executive Magistrate, Indora, Kangra. It has not been averred that at any point of time he had applied in the certificate as per the requirement of the prospectus. The admission which has thus been granted to him was purely provisional, which would be also clear from the fact that the admission card, which has been signed by the Principal (Annexure P-7) also mentions the same factum and similarly the provisional allotment letter issued by the respondent-University also

mentions the same.

In such circumstances, it would not be justified to regularize the admission of the petitioner against the reserved category, since as per the terms of the prospectus he was not entitled for the same. Reliance upon the abovesaid judgments would be no value to the petitioner in the above facts and circumstances.

Coming to the judgment cited by the counsel for the petitioners, the same are liable to be distinguished, as they did not pertain to the similar facts as noticed above.

In *Sanatan Gauda's case (supra)*, the issue was regarding the admission to the final law classes when the result of pre-law examination and inter-law examination were not declared. The appellant had secured less than 39.5% marks in M.A. Degree and his admission was being denied as 40% was the requirement. An interim order had been passed by the Apex Court whereby, the petitioner had been permitted to continue his final law course and Apex Court finally held that the requirement of 39.5% marks was only for Graduates of Bachelor of Arts and not to the higher degree examination, taking into consideration the rules and accordingly, keeping in view that the student had studied, the appeal was allowed. Further directions were also issued that it was the bounden duty of the university to scrutinize the matter thoroughly before permitting the appellant to appear in the examination. It was not a case where the petitioner did not have the requisite eligibility right from day one.

In *Ashok Chand Singhvi's case (supra)*, the question before the Apex Court was whether an application had been submitted for the study leave for prosecuting the studies in the B.E. Degree course. It was accordingly noticed that there was no suppression on the part of the appellant and there was a mistake committed by the Vice Chancellor and the Dean of the faculty of Engineering while considering his application. The permission had been granted though the employee had less than 60% marks in the diploma examination passed by him, which was done by observing that the faculty staff should be given a chance to improve their qualifications and it was a special case. But subsequently, the order granting admission was put in abeyance, which was the subject matter of challenge. It was, in such circumstances, on account of no fault of the petitioner therein, the benefit of continuing with the admission was given.

The judgment in *Rajendra Parsad Mathur's case (supra)* would show that the students were not aware that the Ist year B.Sc. examinations of the Rajasthan and Udaipur universities were recognized as equivalent to the pre-university examinations of the Pre-University Education Board, Bangalore and, therefore, it was held that they should not suffer for the sins of the management of the engineering colleges.

The judgments of the Delhi High Court which have also been relied upon would pale into insignificance, keeping in view of the observations of the Apex Court as noticed above. Therefore, the principle of promissory estoppel cannot be put forth by the petitioner

himself regarding the right to continue with admission, as there is no estoppel against law. In the case of the petitioner he was well aware as to who could take the benefit of the reserved category, but he took a calculated chance to apply for the same and thereafter cannot claim any absolute right.

However, the fact remains that there is no dispute that the petitioner was given admission and allowed to deposit the fees as noticed on 19.09.2016 as noticed above. The said exercise of the fulfillment of eligibility of the candidate by the Principal of that college was after proper scrutiny and issuance of the provisional allotment letter. The same reads as under:-

“Important Instructions

1. Allocation of seat is purely provisional subject to the final document verification and fulfillment of eligibility of the candidate by the Principal.

2. Candidates have to report in the allocated colleges as mentioned in the allotment slip/letter alongwith printout copy of admission Application form and all original relevant certificates from 19.09.2016 to 20.09.2016. Those candidates who will not report in allotted college on due date, their allotted seat will be treated as cancelled (as not joined) and no claim will be considered thereafter for that seat.

3. After verification of documents by the allocated college, candidate is required to deposit requisite tuition fee in the University Bank account through prescribed Bank challan to be received from the allocated college from 16.09.2016 to 20.09.2016. Failing to deposit the requisite fee by due date, allocated seat will be cancelled automatically.

Please show the following certificates/documents to the

allocated college for document verification & checking of eligibility:

- 1. Matric (10th Class Certificate) for verification of age.*
- 2. 10+1 Detailed Marks Card for verification that candidate has studied Physics, Chemistry, Biology and English.*
- 3. 10+2 Detailed Marks Card for verification of Eligibility as per Punjab Govt. notification.*
- 4. If 10+1, 10+2 passed from outside Punjab, then Exemption Certificate as given in the Prospectus.*
- 5. Residence Certificate.*
- 6. Caste Certificate.*
- 7. Other Reserved category certificates.*
- 8. Copy of Bank Challan form.*
- 9. Certificate from the Head of the Institute where passed 10+1 and 10+2 examination.”*

In pursuance of the said allotment letter, the petitioner was also given admission, which was also duly signed by the Principal of the college and he deposited the fees on 19.09.2016 as noticed above.

It is also matter of record that the Admission Committee was constituted on 19.09.2016 of respondents No.4 to 6, who checked the eligibility of the candidates as per the Punjab Government notification dated 10.06.2016 and the University prospectus, which is the case of the respondents itself.

In such circumstances, it is apparent that they failed to check the certificates properly and allowed the petitioner to deposit his fees and attend the classes from 23.09.2016 to 28.09.2016. It resultantly led to the denial of admission in the other medical college in Himachal Pradesh in which the petitioner was entitled. On account of this fact, the petitioner

has lost out a valuable academic year, as he was kept away from trying to get his admission in the college in Himachal Pradesh. The action of the respondents, thus, make out a cause for awarding compensation to the petitioner who has been wrongly given admission, on account of lack of proper verification of documents. As noticed above, in the absence of the proper reserved category certificate, the admission should have been timely rejected by the private respondents, who were part of the Admission Committee.

In similar circumstances, the Apex Court in ***Chandigarh Administration and another Vs. Jasmine Kaur and others AIR 2015 SC 34***, has held that the authorities can be liable to be proceeded against for their fault on account of time-bound nature of admissions and there should be no hesitation to deny such relief. The relevant portion reads as under:-

“30. (3) If a candidate is not selected during a particular academic year due to the fault of the Institutions/Authorities and in this process if the seats are filled up and the scope for granting admission is lost due to eclipse of time schedule, then under such circumstances, the candidate should not be victimised for no fault of his/her and the Court may consider grant of appropriate compensation to offset the loss caused, if any.

XXXXXXX

38. As time and again such instances of claiming admission into such professional courses are brought before the Court, and on every such occasion, reliance is placed upon the various decisions of this Court for issuing necessary directions for accommodating the students to various courses claiming parity, we feel it appropriate to state that unless such claims of exceptional nature are brought before the Court within the time

schedule fixed by this Court, Court or Board should not pass orders for granting admission into any particular course out of time. In this context, it will have to be stated that in whatever earlier decisions of this Court such out of time admissions were granted, the same cannot be quoted as a precedent in any other case, as such directions were issued after due consideration of the peculiar facts involved in those cases. No two cases can be held to be similar in all respects. Therefore, in such of those cases where the Court or Board is not in a position to grant the relief within the time schedule due to the fault attributable to the candidate concerned, like the case on hand, there should be no hesitation to deny the relief as was done by the learned Single Judge. If for any reason, such grant of relief is not possible within the time schedule, due to reasons attributable to other parties, and such reasons are found to be deliberate or mala fide the Court should only consider any other relief other than direction for admission, such as compensation, etc. In such situations, the Court should ensure that those who were at fault are appropriately proceeded against and punished in order to ensure that such deliberate or malicious acts do not recur.”

The said view was follow in ***S. Nihaal Ahamed Vs. The Dean, Velammal Medical College Hospital and Research Institute and others 2016 (1) SCC 662.*** The Apex Court upheld the award of compensation of ₹3 lakhs to the students payable by the medical college.

Resultantly, the writ petition is partly allowed to the extent that respondent No.3-college shall refund the fee of the petitioner and pay a sum of ₹2 lakhs to the petitioner as compensation for wrongfully granting him provisional admission and, thereafter, not allotting the seat on account of his ineligibility at a belated state, which has led to denial of admission in the other college in Himachal Pradesh, on account of cut-

off-date i.e. 30.09.2016.

In view of the disposal of the main petition, all the pending miscellaneous applications stand disposed off, accordingly.

DECEMBER 14, 2016
Naveen

(G.S. SANDHAWALIA)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>Yes</i>