

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

CWP No. 26148 of 2015 (O&M)

Date of decision : 9.2.2016

Amita Dhawan and another

.. Petitioners

versus

Dr. B. R. Ambedkar

National Institute of Technology and others

.. Respondents

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. Sandeep Arora, Advocate, for the petitioners.

Mr. Vivek Singla, Advocate, for the respondents.

Rajesh Bindal, J.

The petitioners have approached this Court seeking a direction to the respondents for admission in Ph.D (Linguistic) full time course in the academic session 2015-16. They were eligible as per the criteria laid down in the advertisement. In the process of admission, a written test was to be conducted. The petitioners appeared in the written test and were placed in the merit list. After the interview, names of the petitioners were recommended for admission. Despite this fact, when the petitioners went to the office for deposit of fee before the last date fixed, the same was not accepted and it was informed that their admission had been cancelled as the petitioners were not UGC/ NET qualified. The submission is that there was no such condition laid down in the advertisement and even with the reply filed, the respondents have not produced any such rules or instructions, on the basis of which the petitioners could be denied admission despite being in merit.

On the other hand, learned counsel for the respondents stated that for the purpose of admission to Ph.D (Linguistic) full time course, a candidate should have been UGC/ NET qualified. However, he did not dispute the fact that no such condition was mentioned in the advertisement. He has not produced any instructions or provisions of rules in support of his arguments.

Heard learned counsel for the parties and perused the paper book.

The fact that the petitioners were eligible in terms of conditions of eligibility laid down in the advertisement and further that they were in the merit list after having passed the written test and facing the interview, is not in dispute. The only dispute sought to be raised by the respondents is that the petitioners cannot be granted admission as they are not UGC/ NET qualified. There is no such condition laid down in the advertisement issued. The respondents have neither placed on record with the reply or otherwise produced in Court any rules/ instructions in support of the ground that for seeking admission in Ph.D (Linguistic) full time course, a candidate must be UGC/ NET qualified. In the absence thereof, the action of the respondents in denying the admission to the petitioners cannot be legally sustained. The respondents are directed to grant admission to the petitioners in Ph.D (Linguistic) full time course in terms of recommendations made.

The petition stands disposed of.

9.2.2016
vs

(Rajesh Bindal)
Judge