

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

LPA-1156-2016 (O&M)
Date of Decision: July 11, 2016

Ajay Kumar

...Appellant

Versus

State of Haryana and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE DARSHAN SINGH**

Present: Mr. Virender Singh Punia, Advocate,
for the appellant.

1. *Whether Reporters of local papers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

SURYA KANT, J. (Oral)

This intra-court appeal is directed against the order dated 25.5.2016, whereby learned Single Judge has turned down the appellant's claim for conversion of a seat of Ph.D (Biotechnology) reserved for Economically Backward Classes of Haryana State, into General Category and grant him admission against that seat – he being second in the waiting list.

The above stated relief was sought by the appellant against Chaudhary Devi Lal University at Sirsa. The claim pertains to Academic Session 2015-16.

Learned Single Judge has repelled the appellant's claim and in our considered view rightly so for the reasons that admittedly in the Ph.D Ordinance-cum-Information Brochure for the Session 2015-16 for admission

to Doctor of Philosophy in various faculties of the University, there is no provision for conversion of reserved seat into General Category. Certainly, the last date for admission in the said course was 13.8.2015 and classes commenced on 14.8.2015. As per clause 28, Chapter 12 of the PH.D Ordinance, the candidate other than those who are exempted from Pre-Ph.D Course Work shall have to undergo a semester-long course as notified by the University. The said course was for a period of six months and all selected students under Pre-Ph.D Course were mandatorily required to attend the same. The said course had already been completed before the claim of the appellant for conversion of seat from reserved to open category came up for consideration of the Ordinance Committee in its meeting held on 18.11.2015. The university took an objection before learned Single Judge, which appears to be just and fair in the facts and circumstances, that it was difficult to hold separate classes for the appellant alone in the event of his admission at such a belated stage.

Learned Single Judge has also observed that the appellant, regardless of the permission granted by this Court in his previous writ petition which he withdrew on 31.3.2016, did not lay challenge to the decision of the Academic Committee, dated 15.12.2015, whereby the highest academic body turned down his claim for want of an express provision in the Ph.D Ordinance-cum-Information Brochure.

It is not a case where the University or the academic authorities did not consider the claim put forth by the appellant. Not only the Ordinance Committee but the highest academic body, namely, Academic Committee also considered such claim. They did not find any merit for conversion of

the reserved seat and then to accommodate the appellant, who was 2nd in the waiting list. Such being the decision taken by expert body, there is a very little scope of interference by the Writ Court or in an intra-court appeal.

Dismissed.

(SURYA KANT)
JUDGE

(DARSHAN SINGH)
JUDGE

July 11, 2016
P Kapoor