

222-A

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

LPA No.378 of 2016 (O&M)

Date of Decision: 14.09.2016

Himanshu

..... Appellant

Versus

Jalbir Singh and others

..... Respondents

**CORAM: HONBLE MR. JUSTICE SURYA KANT
HONBLE MR. JUSTICE SUDIP AHLUWALIA**

- | | |
|--|--------|
| 1. Whether speaking/reasoned? | Yes/No |
| 2. Whether reportable? | Yes/No |
| 3. Whether Reporters of local papers may be allowed to see the judgment? | Yes/No |
| 4. To be referred to the Reporters or not? | Yes/No |
| 5. Whether the judgment should be reported in the Digest? | Yes/No |

Present: Mr. Vinod S. Bhardwaj, Advocate,
for the appellant.

Mr. Deepender Saini, Advocate,
for respondent No.2-YMCA Institute.

Mr. Salil Sabhlok, Advocate,
for respondent No.3.

Mr. K.K. Gupta, Advocate,
for respondent No.4.

Ms. Geeta Singwal, Advocate,
for respondent No.5.

SURYA KANT J. (ORAL)

1. The appellant got admission on 21.05.2012 in the academic session 2012-13 in part-time Ph.D. Programme in MBA in the respondent-YMCA Institute. His admission was challenged by respondent No.1 in a writ petition filed in the year 2013 and learned Single Judge vide order under appeal dated 11.01.2016, quashed the appellant's admission on the ground that he was ineligible for such admission as he had not qualified

GATE in the 'related discipline'. The appellant's contention, on the other hand, is that the provisions relied upon by the learned Single Judge to hold him ineligible, relate to “regular M.Phil Programme” and not the part-time Ph.D. Course to which he was admitted. Considering this contention, operation of the judgment passed by learned Single Judge *qua* the appellant was stayed.

2. Meanwhile, the appellant has admittedly completed the Ph.D. Course and submitted his thesis. Only the evaluation of the thesis is left.

3. In these circumstances, we are of the considered view that without going into the question of eligibility which the appellant, *prima facie* fulfilled, the instant appeal deserves to be allowed and the order of the learned Single Judge to the extent of cancellation of admission of the appellant has to be set aside. Ordered accordingly. Resultantly, the appellant shall be permitted to complete the left out part of the Course, if any, as per the YMCA regulations.

4. Disposed of.

(SURYA KANT)
JUDGE

14.09.2016

Bhumika

(SUDIP AHLUWALIA)
JUDGE