

In the High Court of Punjab and Haryana at Chandigarh.

**CWP-18591 of 2016 (O&M)
Decided on 24.5.2017**

Rahul

--Petitioner

Vs.

University Grants Commission and others

--Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: Mr. Dhawaljeet Dutta, Advocate, for the petitioner

Mr.Salil Sablok, Advocate, for respondent No.1.

Mr.Amrit Paul, Advocate, for respondent Nos. 2 and 3

Rakesh Kumar Jain,J: (Oral)

The petitioner has prayed for a direction to the respondents to consider his admission to Ph.D Course by giving him relaxation of 5% in the Master Degree as per the UGC norms and Guidelines.

It is alleged that the petitioner belongs to OBC category and has obtained 54.33% marks in LL.M. The request of the petitioner for admission to Ph.D has been rejected on 06.9.2016 on the ground that he does not have the requisite 55% marks in LL.M Course. The petitioner has referred to the University Grants Commission (Minimum Standard & Procedure for Award of M.Phil/Ph.D Degrees) Regulations,2016 to contend that the eligibility criteria is relaxable by 5% in the case of OBC candidates.

After notice, reply has been filed both at the instance of the

University and the UGC. It is conceded by both that as per clause 2.2 of the said Regulations, 5% relaxation can be given to the candidates belonging to the OBC Category.

Learned counsel has submitted that the said guidelines were not adopted by Guru Nanak Dev University, Amritsar and, therefore, relaxation was not to be given but now the said Regulations have been adopted, therefore, the petitioner is entitled to 5% relaxation. It is submitted that since the petitioner had obtained 54.33% marks in the Post Graduation i.e. LL.M and by giving him 5% relaxation, he would have more than 55% marks for the purpose of getting admission to Ph.D Course.

In view of the above, this writ petition is allowed and a direction is issued to the respondents to consider the case of the petitioner for the purpose of admission to Ph.D Course after giving him 5% relaxation in terms of the aforesaid Regulations. The petitioner shall apply on a prescribed form as per the amended Ordinance along-with copy of this order which shall be considered by the respondent/ University within a period of 15 days of the receipt of the application.

24.5.2017
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(Rakesh Kumar Jain)
Judge

Whether Speaking/Reasoned:

Yes/No.

Whether Reportable:

Yes/No