

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

102+262

CM-12364-2017 in/and
CWP-15691-2017
Decided on : 27.9.2017

LOVNISH GOYAL

....PETITIONER

VS

PUNJABI UNIVERSITY, PATIALA AND OTHERS

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Deepak Aggarwal , Advocate
for the petitioner.

Mr. Gurpreet Singh Dhillon, Advocate
for respondent No. 1.

Mr. Manuj Nagrath, Advocate
for respondent No. 2.

AJAY TEWARI, J.(Oral)

CM-12364-2017

This is an application for placing on record written statement on
behalf of respondent No.1.

For the reasons mentioned in the application, the same is allowed
and written statement is taken on record.

Main Case

Petitioner has sought migration from respondent No.-2 college to
respondent No.3-college. Learned counsel for the petitioner has argued that
an identical issue case involving the same college had come up in CWP No.

18364 of 2016 and connected cases titled as Gurjinder Singh vs. Punjabi University, Patiala and others which were decided on 7.11.2016 and the facts are identical. Counsel for respondent No.2 has relied upon a decision of this Court in CWP Nos. 3765 and 5636 of 1989 titled as Dhiraj Sarwal and another vs. The State of Punjab and others decided on 2.6.1989 In that judgment it was held that no student has a vested right to migration. There can be no quarrel with this proposition in the abstract. However, that judgment related to the migration of the medical students from one Government college to another. It has to be remembered that medical students are given highly subsidized education in the Government colleges, whereas in the present case respondent No.2 is self-financing college and there is no question of subsidized education being given to the petitioner. Consequently, the judgment in Dhiraj Sarwal and another vs. The State of Punjab and others must be held to be distinguishable. On the other hand, the facts of the judgment cited by the counsel for the petitioner are identical to the present case.

In the circumstance, the petition is allowed in the same terms as CWP No. 18364 of 2016 and connected cases. The petitioner would however be liable to pay the fees of the respondent No.2 till the date he studies in the college.

27.9.2017
anuradha

(AJAY TEWARI)
JUDGE

-

Whether speaking/reasoned	-	Yes/No
Whether reportable	-	Yes/No