

HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-16937-2017

Date of Decision: August 31, 2017

Bhawani Shanker Anangpuria Charitable Trust and another
.....Petitioners

Versus

The State of Haryana and others
.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR. JUSTICE SUDHIR MITTAL

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

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Present: Mr.Abhimanyu Tewari, Advocate
for the petitioners.

Mr.Kapil Bansal, DAG, Haryana.
Mr.Bhuwan Vats, Advocate for respondent No.3.
Mr.Vaibhav Gupta, Advocate for
Mr.K.K.Gupta, Advocate for respondent Nos.5 and 6.

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SURYA KANT, J.

The petitioner-Institute has approached this Court seeking a direction to the State Committee, if any, constituted under Section 3 of the Haryana Private Technical Educational Institution (Regulation of Admission and Fee) Act, 2012 or alternatively to respondent No.3-University to evolve a transparent procedure for effectuating admissions in B-Pharmacy or other technical courses imparted by it. It may be mentioned that though the University, in its multiple circulars, has laid emphasis on “fair and transparent mode” to be followed by the Institutes for making admissions but what is that 'fair' and 'transparent' mode has not been expressly defined.

Observer to be appointed by the University is one of the fair and transparent mode, for there being no common entrance test, the candidates who reached the college for admissions were to be offered admissions strictly in accordance with their academic merit. In the instant case, the petitioner-Institute was awaiting appointment of an Observer till August 09, 2017 though it was known to one and all that the last date for admission was August 15, 2017. This Court, thus, directed the University on August 09, 2017, to appoint an Observer by August 10, 2017 so as to enable the petitioner-Institute to complete the admission process by August 15, 2017.

[2] It is stated by counsel for the parties that in deference to the directions, referred to above, an Observer was indeed appointed and 85 seats have been filled up. Since the last date for admissions has expired, no other admission can now be made by the petitioner-Institute.

[3] Regardless of the fact that the writ petition as such has become infructuous, we are constrained to observe that the respondent-authorities have failed to perform their duties by not evolving a definite, clear, fair and transparent mode of admission, which could be followed by the petitioner or such other Institutes. State of Haryana is, thus, directed to ensure that from the next academic session, whosoever is the authorised authority, namely, whether the 'State Committee' or the 'University', shall (i) lay down the guidelines for admissions at least two months before the expiry of the last date, i.e. August 15 of each year; (ii) if it is decided that the admissions are to be made by the colleges in the presence of Observer(s), a panel with adequate number of Observers shall be prepared latest by July 15; (iii) the

month before the expiry of last date of admission; (iv) the Observer(s) from such panel shall be allocated the Institute(s) 15 days before the last cut off date, i.e. August 15; (v) the Observer shall remain present on the dates which he may fix for the first, second and third counselling in consultation with the Management of the Institute(s); (vi) admissions shall be made only on the dates of such first, second or third counselling and not before or thereafter; and (vii) the third counselling shall be held, except in extraordinary circumstances, on 14th and 15th August of the year.

[4] Disposed of.

**(SURYA KANT)
JUDGE**

August 31, 2017
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**(SUDHIR MITTAL)
JUDGE**

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| 1. Whether speaking/reasoned ? | Yes/No |
| 2. Whether reportable ? | Yes/No |