

CWP Nos.21210 & 21722 of 2016

[1]

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

(1)

**CWP No.21210 of 2016
Date of decision:18.04.2017**

Minakshi and others

...Petitioners

Versus

Pt. B.D. Sharma University of Health Sciences, Rohtak & Ors. ...Respondents

(2)

**CWP No.21722 of 2016
Date of decision:18.04.2017**

Chirag Mehta and others

...Petitioners

Versus

Pt. B.D. Sharma University of Health Sciences, Rohtak & Ors. ...Respondents

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. B.S.Rana, Sr. Advocate, with
Mr. Gagandeep Rana, Advocate,
for the petitioners in CWP No.21210 of 2016.

Mr. Brijender Kaushik, Advocate,
for the petitioners in CWP No.21722 of 2016.

Mr. Ramesh Hooda, Advocate,
for the respondent-University.

Mr. R.S.Dhanda, Advocate,
for respondent No.2 in CWP No.21210 of 2016.

Mr. S.K.Sharma, Advocate,
for respondent No.4 in CWP No.21210 of 2016 and
for respondent No.5 in CWP No.21722 of 2016.

Mr. Siddharth Sanwaria, DAG, Haryana.

Rakesh Kumar Jain, J.

This order shall dispose of two petitions bearing CWP No.21210

and 21722 of 2016 as the issue involved in both the petitions is common. However, for the sake of convenience, the facts are being extracted from CWP No.21210 of 2016.

The petitioners are the students who have alleged that the respondent no.2-college is approved from the All India Council of Technical Education (hereinafter referred to as the “AICTE”), Pharmacy Council of India (PCI) and affiliated to the Pt. B.D.Sharma University of Health Sciences, Rohtak (hereinafter referred to as the “University”) for M. Pharmacy course with intake of 18 seats each in Masters in Pharmaceutics and Masters in Pharmacology for the session 2016-2017.

The University issued prospectus for admission to a 2 years course of Master of Pharmacy (Pharmaceutics and Pharmaceutical Bio-Technology) for the session 2016-2017, in which it was provided that in case the result of final year of B. Pharmacy of the University is not declared till 30th June, then last date of receipt of application forms would be considered as seven days after the date of declaration of result. The date and time for counselling for admission in the said course was given as 12.07.2016.

Respondent No.2 issued advertisement in the newspapers, intimating that the counselling for admissions to M. Pharmacy course would be held on 15.07.2016. It is further submitted that the petitioners could not apply for admission because their result of B. Pharmacy was declared on 22.08.2016 but after declaration of result, they applied for admission in M. Pharmacy course upto 29.08.2016 in terms of the provisions of the prospectus issued by the University. It is further submitted that the last date for application in M. Pharmacy course was extended upto 31.07.2016 and counselling for

admission was held on 05.08.2016. Respondent No.1, after receipt of applications for admission in M. Pharmacy course from the petitioners, made a request to the University for appointment of an Observer for holding the counselling on 31.08.2016 so that the admission process could be completed but when no Observer was deputed by the University, then various reminders were sent to the University in this regard on 16.09.2016 and 19.09.2016 but no Observer was appointed by the University and counselling could not be held in absence of the Observer deputed by the University.

In the reply filed by the University, it is averred that in the case of **Parshavanath Charitable Trust and others vs. All India Council for Technical Education and others**, 2013(2) SCT 163, the Supreme Court has decided that the admission to the academic courses should start by 1st August of the relevant year and all seats should be filled positively by 15th August after which there shall be no admission. It is further submitted that the course of M. Pharmacy also comes under the purview of AICTE, therefore, no admission can be made in the said course after the cut off date, as held by the Supreme Court, and the petitioners cannot take advantage of extension given to the students of Jammu and Kashmir upto 30th September, 2016 admitted under the Prime Minister's Special Scholarship Scheme. It is also submitted that even the University has not given any admission after 15th August, 2016 in its constituent College of Pharmacy.

The writ petition is dated 05.10.2016 in which notice was issued on 07.10.2016 but no interim order has been passed by the Court. Now, with the efflux of time, the prayer made in the present petitions has become infructuous because at this stage, the Observer cannot be ordered to be

appointed for the purpose of admission.

Consequently, both the writ petitions are hereby dismissed being denuded of any merit.

April 18, 2017
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(Rakesh Kumar Jain)
Judge

Whether speaking / reasoned: Yes/No

Whether Reportable: Yes/No