

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CWP No.21430 of 2016 (O&M)
Date of Decision : 07.11.2017

Saachi Mahajan

..... Petitioner

Versus

Punjab University and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Sudeep Mahajan, Advocate
for the petitioner.

Mr. Suraj Preet Singh Kaang, Advocate
for the respondents-University.

AJAY TEWARI, J. (Oral)

Supplementary affidavit of Prof. Parvinder Singh, Officiating Registrar, Panjab University, Chandigarh on behalf of respondents-University has been filed and the same is taken on record. Copy supplied to the counsel opposite.

By this petition the petitioner has sought a writ of mandamus directing the respondents-University to treat her as a student of General category for her M.A. (English) course. In the alternative the prayer made is that atleast for M.A. (English) 2nd year she be treated as General category student.

The brief facts are that the petitioner had applied for M.A. (English) in the respondents-University and had appeared for the entrance test in June, 2015. On 02.07.2015 the respondents-University put up a notice on its official website notifying that counselling for M.A. (English)

admission would take place from 08.07.2015. At that time the petitioner was away to the U.S.A. on a holiday and returned only on 14.07.2015. Her father met the Vice Chancellor, Panjab University, Chandigarh on 07.07.2015 and gave application (Annexure P-6) requesting the Vice Chancellor, Panjab University, Chandigarh to exempt her from personal appearance on 08.07.2015. However, when her father went on 08.07.2015 he was informed that his daughter could only be considered under NRI quota and at that time the father of the petitioner was in a hopeless position (even though the petitioner was entitled to admission in the General quota on the basis of her merit) and was forced to deposit fees as NRI student. Thereafter, in the Second year there were certain vacancies and the petitioner again applied to the respondents-University to transfer her in the Second year to the General quota instead of NRI quota because she was otherwise not NRI. Even this reasonable request was not accepted because of which the present petition has been filed.

In the reply filed by the respondents-University it is stated that under the statutes it is mandatory that a candidate should appear personally for counselling and consequently her prayer for exemption could not have been acceded to. Learned counsel for the petitioner further states that it was only on account of high merit position obtained by the petitioner and in a bid to avoid wastage of a precious year of her education that she was granted admission in NRI quota and that was done only because there were more seats in the NRI quota than the number of aspirants and that is why admission could have been granted to her in infraction of the Rules because nobody was going to be prejudicially affected. However, for General

in merit) this benefit could not have been given to the petitioner as that would have been challenged successfully by any person who was ignored. Further counsel for the respondents-University has argued that there was nothing to stop the petitioner from cutting short her trip and coming back for the counselling because there may be many circumstances where a person may have to cut short a trip and return for pressing reasons but the petitioner chose not to do so. As regards the shifting in the Second year learned counsel for the respondents-University has pointed out that under another statute of the respondents-University NRI candidate can not be shifted to a General seat in the Second year.

It was in these circumstances, that the following order was passed on 11.10.2017 :-

“After arguing for some time the issue boiled down to one question viz whether the notice regarding the counseling was put up at the web site of the University in such a manner as to give reasonable time to candidates to appear for the same. I find that neither the petitioner has specified the date on which this information was put up on the website and nor the University given the details.

In the circumstances, I deem it appropriate to direct counsel for the respondent-University to file supplementary affidavit indicating the date on which the schedule of counseling for M.A. English course for the Academic session 2015-16 was put up on the website.

Adjourned to 2.11.2017.”

In the totality of circumstances, I am not persuaded to hold that the time provided for counselling was so unreasonably short that the petitioner could not attend the same.

Petition is dismissed.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

07.11.2017

Pooja sharma-I

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No