

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.22959 of 2015
Date of Decision:-23.03.2017

National Welfare Health and Educational Awareness Charitable Society
(regd.)

..... Petitioner

Vs.

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: - Mr.Nitin Kant Setia, Advocate,
for the petitioner.

Mr.Suresh Singla, Addl. A.G. Punjab.

Mr.J.S. Rattu, Advocate,
for respondent No.2.

RAKESH KUMAR JAIN, J. (ORAL)

This petition is filed seeking direction to the respondents to accept the examination forms of 60 students, shown in the list attached as Annexure P-2, for the session 2014-15 of GNM course and to allow them to appear in the examinations which were to be held from 28.10.2015 for 1st year of GNM course.

In brief, the petitioner-institute was granted admission to 60 students to the GNM course for the session 2014-15. The last date for admission was extended from 31.10.2014 to 15.11.2014. The petitioner-institute allegedly admitted 60 students before the last date of admission and the admission forms of all the 60 students were sent to

students, who were admitted by the petitioner-institute, started attending the classes and appeared in the examinations, which were held on 28.10.2015 for the 1st year GNM course.

Learned counsel for the petitioner has submitted that the cut off date was 1.12.2014 for the purpose of submitting the admission form with the requisite fee and the petitioner-institute had submitted the requisite documents much less the admission forms with the requisite fee on 27.11.2014. A draft of ₹60,000/- was received by respondent No.2 against receipt No.6875 dated 1.12.2014 and it is an admitted fact that the said draft has been encashed as well. Since, the petitioner-institute did not allow the students to appear in the examinations, therefore, by an interim order passed by this Court, they were allowed to sit in the examinations of 1st year of GNM course and also in 2nd year of GNM Course during the pendency of this petition.

The issue involved in this case is only to the extent that as to whether the petitioner-institute had actually deposited the admission forms of the students before the cut off date with the requisite fee or not?

Learned counsel for respondent No.2 has not disputed that the petitioner had submitted the requisite fee of ₹60,000/-, which has actually been encashed. The only objection raised by respondent No.2 is that the admission forms are not available with them.

Learned counsel for the petitioner has submitted that the deposit of fee is the last step in the process of submitting the application forms because once the application forms are submitted and scrutinized, the petitioner is asked to deposit the requisite admission fee. It is also submitted that at no point of time, respondent No.2 ever informed the petitioner-institute about non-submission of admission forms after the

receipt dated 1.12.2014 was issued regarding deposit of admission fee of ₹60,000/-. All that has been done by respondent No.2 was the issuance of letters dated 17.10.2014 and 3.11.2014 asking the petitioner to submit the examination forms, which were deposited by the petitioner much earlier than the cut off date.

In support of his submissions, learned counsel for the petitioner has relied upon a decision of this Court rendered in *CWP No.21075 of 2015* titled as “*Sardar Patel Medical Institute of Nursing and Hospital Vs. State of Punjab and another*” decided on 4.8.2016, in which similar controversy was involved and this Court had observed that if the students were not on the roll of the institute then there was no fun on the part of the institute to submit the fee to respondent No.2 and in case the admission forms were not submitted by the petitioner within time then it was the duty of respondent No.2 to have written at an earlier point of about the discrepancy before accepting and encashing the draft.

Thus, keeping in view the totality of facts and circumstances, I am of the considered opinion that this petition has merit and the same is hereby allowed, directing respondent No.2 to declare the result of the students of the petitioner-institute, who had appeared in the examinations of 1st and 2nd GNM course, under the order of this Court. The needful shall be done within a week from the date of receipt of certified copy of this order.

(RAKESH KUMAR JAIN)
JUDGE

23.03.2017
Vivek

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No