

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

378

**CWP No. 24922 of 2014 (O&M)
Date of decision: 14.09.2017**

..Petitioner

Manpinder Kaur

Vs.

**Deputy Director General Education Indian Council
of Agricultural Research, New Delhi and Others**

..Respondents

CORAM: HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Harsh Manocha, Advocate
for the petitioner.

Mr. Aman Chaudhary, Advocate
for respondents No. 1 to 4.

Mr. Naveen Gupta, Advocate
for respondent No. 5.

AJAY TEWARI, J.(ORAL)

By this petition, the petitioner had challenged the admission of respondent No. 5 to the course of Master degree in Dairy Microbiology for the academic session 2014-15. Before proceeding further it would be necessary to reproduce the order dated 25.02.2016:-

“The petitioner, herein, is seeking admission in the Course for the session 2014-15. The course is of a period of two years, which is nearing completion.

Learned counsel for the petitioner submitted that the only relief, which can be claimed at this stage is compensation for wrongfully denying him the admission.

Admitted”.

Consequently, today learned counsel have limited their arguments only to the issue of compensation which remained pending as

per the said order. The admission to the course is on the basis of a written examination in which admittedly the petitioner scored maximum marks than respondent No. 5. As per the prospectus first counselling was held in which certain seats remained unfilled and all the seats were filled up in the 2nd counselling. The last date for admission to the Ist semester was 31st August. However, on 31st August one student left and consequently the respondent institute had one more resultant vacancy. On 2nd September, the institute-respondent No.2-ICAR posted this fact on its web site and called upon the wait listed candidates for admission on 4th September. On that date the petitioner did not appear and consequently, admission was granted to respondent No. 5.

The precise argument of the petitioner is that if a vacancy had arisen it was incumbent upon the institute respondent No. 4 to have informed all the waiting list candidates personally about the fact that vacancy has arisen and by merely posting it on the web site would not be adequate notice.

Counsel for respondents No. 1 to 4 mentioned that respondent No. 1 had clearly stipulated (and this finds mentioned in Annexure P-5 of petition itself) as follows:-

“All announcements including roll number, admit card information, declaration of result, calling for counselling, general notice, etc. will be available on Internet at the ICAR website www.icar.org.in.Candidates are advised in their own interest to keep in touch with the website or contact on telephone contact the Nodal Officer of the city of examination for venue of centre and roll number only”.

As per learned counsel, in the face of this stipulation, the petitioner could not again claim that individual notice had to be sent to her.

I find merit in this argument. Counsel for the petitioner then argued that there was no provision for 4th counseling. I find truth in this argument of learned counsel. However, it is clearly mentioned in the brochure (Annexure P-10) that there will be no separate correspondence with any wait-listed candidates and this was put on the web site and was applicable to all. The 4th counseling was done by the University to fill up the vacant seats after 3rd counseling. The petitioner should have remained vigilant as other candidates. No separate criteria was followed for any of the candidates.

In view of this, the writ petition is dismissed.

Since the main case has been decided, the pending C.Ms , if any, also stand disposed of.

September 14, 2017
Poonam (II)

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No