

Sr.No.214

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

CWP No. 23560 of 2016

Date of decision:9.03.2017

Swasti Sharma

.....Petitioner

versus

Kurukshetra University and others

.....Respondents

Coram: Hon'ble Mr.Justice Rakesh Kumar Jain

Present: Mr. Lajpat Sharma, Advocate
for the petitioner.

Mr. A.S.Virk, Advocate
for respondents No. 1 and 2.

Mr. Harsh Aggarwal, Advocate
for respondent No. 3.

Rakesh Kumar Jain, J.(Oral)

The petitioner has challenged the letter/order dated 15.09.2016 (Annexure P-5) passed by the University, canceling the admission of the petitioner in B.A Mass. Com. course for the Session 2016-17 on the ground that the petitioner do not qualify to seek admission as she does not have 50% marks in 10+2 examination.

At the time of notice of motion, the petitioner had relied upon a decision of the Supreme Court rendered in the case of *State of U.P and another vs. Pawan Kumar Tiwari and others*, AIR 2005 SC 658 contending that there is no bar to apply the principle of rounding off. The petitioner was also allowed to join the course though subject to the final decision of the writ petition. It was made clear that the said order was purely provisional and would not entitle the petitioner to claim any right of equity at any subsequent point of time.

After notice, counsel for the University/respondents No. 1 and 2 has put in appearance and has relied upon a decision of the Supreme Court rendered in the case of *The Registrar, Rajiv Gandhi University of Health Sciences, Bangalore vs. G.Hemlatha and others* 2012(4) S.C.T.157 and a division bench judgment of this Court rendered in the case of

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vs. The State of Haryana and others 2013(2) PLR 290 to contend that rounding off is not permissible in admission matters.

I have heard both the learned counsel for the parties and after examining the available record, am of the considered opinion that the judgment relied upon by counsel for the petitioner in the case of *Pawan Kumar Tiwari(supra)* is not at all applicable and rather the judgment relied upon by counsel for respondents No. 1 and 2 in the case of *G.Hemlatha and others(supra)* is fully applicable to the facts and circumstances of this case because it has been authoritatively held by the supreme court and a division bench of this Court that in the matter of admission rounding off is not permissible. Consequently, I do not find any merit in this case and the same is hereby ***dismissed***.

In the end, counsel for the petitioner has submitted that since one year of the petitioner is wasted because of the wrong admission given by the college, therefore, the petitioner may be given liberty to take action against the college.

Keeping in view the facts and circumstances, the petitioner may proceed against respondent No. 3 in accordance with law.

9th March, 2017

Shivani Kaushik

**[Rakesh Kumar Jain]
Judge**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No