

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

369

**CWP-6179-2014
Date of Decision:7.11.2017**

NEHA TANDON

....PETITIONER

Vs.

GURU NANAK DEV UNIVERSITY, AMRITSAR AND OTHERS

..RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Gagandeep Singh, Advocate
for the petitioner.

Mr. Amrit Paul, Advocate
for respondents No. 1 and 2.

Mr. Vikrant Sharma, Advocate
for respondent No.3.

Mr. Rajdeep Singh Cheema, Advocate
for respondent No. 4.

Mr. Veerinder Jit Singh, Advocate for
Mr. Puneet Sharma, Advocate
for respondent No. 5.

AJAY TEWARI, J.(Oral)

By this petition the petitioner has challenged the action of the respondent in cancelling her admission.

Brief facts of the case are that the petitioner had done her B.Sc in Information Technology from the Punjab Technical University through lateral entry course and was seeking admission to B.Ed course in the respondent No.4-college. The respondent No-4 college is affiliated to the respondent No.1-University. The respondent No-4 granted admission to the petitioner in

the session 2013-14 and in due course her documents were sent by the respondent No.4 to the respondent No.1 on 13.8.2013. However by the impugned order dated 13.1.2014 the respondent No.1 cancelled the admission of the petitioner on the ground that under its statutes a graduation course done under lateral entry could not be treated as equivalent to any other bachelor course and consequently, the admission of the petitioner was wrongly granted. It was the further stand of the respondent No.1 that these instructions were very much to the notice of the respondent No.4-college and even in the application form submitted by the petitioner it was clearly mentioned that she had done her B.Sc as a lateral entry student and the college erred in granting admission to her. Mr. Cheema, Advocate appearing on behalf of the respondent No.4 is not in a position to deny that instructions had been brought to the notice of the college and admission to the petitioner was wrongly granted. He however says that a perusal of the document Annexure R-6 which is annexed with the written statement show that the respondent No.1 was issuing different instructions at different times and rather than clarifying the position, ended up muddying the waters. A perusal of the Annexure R-6 show that the instructions are not as clear or as cogent as they should have been.

Counsel for the petitioner is not in a position to deny that prior to her seeking admission the competent authority i.e the respondent No.1 had decided that the course which she had done is not equivalent to a graduation course. In the circumstances, her plea for quashing the order cancelling of admission cannot be accepted. The fact however, remains that the petitioner had sought admission after giving all the necessary information and as a result of the action of the respondents No. 1, 2 and 4 she ended up losing a year.

Counsel for the petitioner has then argued that even if cancelling of the admission has to be upheld, the petitioner is entitled to damages in view of the judgment of this Court in “Yudhanshu Angural vs. Baba Farid University of Health Sciences Faridkot and others” in LPA-321-2017 decided on 25.10.2017 whereas this Court has held as follows:-

*“4. The present Letters Patent Appeal has been filed seeking enhancement of compensation granted by the learned Single Judge. Learned counsel for the appellant submits that although, the case of **S. Nihaal Ahamed** (supra) granted a compensation of Rs.3,00,000/-, the learned Single Judge without any plausible reasons reduced the same to Rs.2,00,000/-. He further relies upon a judgment of the Hon’ble Supreme Court in ‘**Krina Ajay Shah and others Vs. Secretary Association of Management of Unaided Private Medical and Dental Colleges, Maharashtra, 2016 (1), 662**’, wherein the State had been directed to pay an amount of Rs.20,00,000/- to each of the petitioners. On the other hand, learned State counsel submits that no mala-fides have been alleged against any particular person. The mistake was bona-fide in nature and the State has been sufficiently penalized. It is further submitted that no patent illegality has been committed in the admission process.*

*5. We have heard learned counsel for the parties and have perused the record. The judgment in **Krina Ajay Shah** (supra) is distinguishable as the same was delivered in a totally different fact situation. In that case, the Hon’ble Supreme Court of India was dealing with a situation arising out of an unfair and unjust admission process, where the rules of reservation and merit had been ignored. As a result, the petitioners in that case were not able to secure admission/admission to colleges of their choice. In the present case, we are informed that the appellant has subsequently qualified for All India Institute of Medical Sciences (AIIMS), New Delhi, in the subsequent academic session and is pursuing his studies therein.*

*Thus, the said judgment is not attracted in the instant case. However, having regard to the judgment of **S. Nihaal Ahamed** (supra), we find that the learned Single Judge was not justified in reducing the amount of compensation from Rs.3,00,000/- to Rs.2,00,000/-, that too without giving any reasons.”*

In the circumstances, the petitioner has to be held entitled for the following relief ;

1. Refund of fees of Rs. 44930/- which was paid to the respondent No.4 alongwith interest @ 8% per annum from the date of deposit till the date of payment.
2. Further damages of Rs.50000/- each from the respondents No. 1 and 4.

In case due amounts are not paid within 3 months from the date of receipt of certified copy of this order, the petitioner would be entitled to interest on the damages also @ 8% per annum from today till the date of payment.

The petition stands disposed of.

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

7.11.2017
anuradha

(AJAY TEWARI)
JUDGE

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Whether speaking/reasoned	-	Yes/No
Whether reportable	-	Yes/No