

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

CWP-5205-2017

Date of Decision: September 18, 2017

Shivam Chauhan and others

.....Petitioners

Versus

Pt.Bhagwat Dayal Sharma University of Health Sciences, Rohtak and
another

.....Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR. JUSTICE SUDHIR MITTAL**

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|----|---|---------|
| 1. | To be referred to the Reporters or not? | Yes/No |
| 2. | Whether the judgment should be reported in the Digest? | Yes/No. |
| 3. | Whether Reporters of local papers may be allowed to see the judgment? | Yes/No |

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Present: Mr.Rajesh Dhankar, Advocate
for the petitioners.

Mr.Bhuwan Vats, Advocate for respondent No.1.

Mr.Kuldeep Tewari, Addl.AG, Haryana.

Mr.Ramesh Malik, Advocate for respondent No.2.

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SURYA KANT, J.

The petitioners are aggrieved by the communication dated 23.11.2016 (Annexure P-11) whereby Pt.B.D.Sharma University of Health Sciences, Rohtak-respondent No.1 has cancelled their admissions in B.Pharmacy 1st year and B.Pharmacy 2nd year (LEET) for the Session 2016-17 and the representation made by their Institute for recalling the order of cancellation of admissions has also been turned down vide subsequent order dated 17.01.2017 (Annexure P-14).

[2] It may be mentioned here that the ground for cancellation of admissions was that the petitioner-students were statedly admitted by respondent No.2- Institute in the absence of the Observer appointed by the University.

[3] It could not be disputed that somewhat identical controversy came up before consideration before this Court in CWP No.851 of 2017 (**(B.S.Anangpuria Charitable Trust and another vs Pt.B.D.Sharma,**

University of Health Sciences, Rohtak) and another connected case which

have been allowed on 31.08.2017 by observing as follows:-

“4. Having heard learned counsel for the parties, we are of the view that these writ petitions deserve to be allowed. It has been brought to our notice that the number of students applying for the various Pharmacy courses are less than the number of seats available. This has not been denied by the respondent–University. Further, there is no allegation that in the admissions made in the absence of an observer, the rule of merit has not been observed. There is no complaint from any student that either an unqualified candidate has been admitted or a person lower in merit has been granted admission. Under these circumstances, the violation of the rule of the respondent-University that an observer should be present at the time of admissions, is only a technical violation because the purpose of making admissions in the presence of an observer is only to ensure that the rule of merit is not violated.”

[4] On the same analogy claim of the petitioners also deserves to be allowed. Hence, the writ petition is allowed. The impugned communication is quashed and the University is directed to accept the admission returns submitted by respondent No.2 in respect of the petitioners and issue registration numbers to them.

(SURYA KANT)
JUDGE

September 18, 2017
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(SUDHIR MITTAL)
JUDGE

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| 1. | Whether speaking/reasoned ? | Yes/No |
| 2. | Whether reportable ? | Yes/No |