

Sr.No.223

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

CWP No. 7862 of 2017

Date of decision:03.05.2017

Rupinderjeet Kaur

.....Petitioner

versus

**University School of Open Learning, Panjab University, Chandigarh
and another**

.....Respondents

Coram: Hon'ble Mr.Justice Rakesh Kumar Jain

Present: Mr. Kamaldip Singh Sidhu, Advocate
for the petitioner.

Ms. Balpreet Sidhu, Advocate
for the respondents.

Rakesh Kumar Jain, J.(Oral)

The petitioner has prayed for the issuance of a writ in the nature of certiorari for quashing the letters dated 13.02.2017(Annexure P-7 colly) and 3.04.2017(Annexure P-9) by which admission of the petitioner has been cancelled.

In short, the petitioner got admission in Bachelor of Commerce First Year(General) (10+2+3 System) with the respondent University and got registered vide PUPIN No. 14412000287. She passed her Ist year B.Com in the month of April, 2013. The petitioner was also issued Result-cum-Detailed Marks Certificate dated 4.06.2013 in this regard. Thereafter, the petitioner got admission in the Elementary Teacher's Training Course, Education Department, Punjab at District Institution of Education, Ajjowal, District Hoshiarpur and passed the same in Ist Division in December, 2015. The petitioner then decided to continue her study of commerce and applied for admission in the B.Com 3rd semester for the session 2016-17 vide application NO. 40299375 and deposited fees of ₹ 13,465/- on 6.10.2016.

The petitioner was issued provisional admit card and Roll No. 16200855 for Under Graduate Examination(Semester-3) Session 2016-17. She appeared in the Examination of B.Com (Semester-3) Session 2016-17 at Govt. College for Girls, Block-II, Ludhiana-2 but the result was not declared. The petitioner thereafter, applied on-line for the 4th semester of the same course vide application No.201733 on 01.02.2017. The petitioner received letter from the office of the respondent in February, 2017 whereby she was informed that as she has not fulfilled the eligibility criteria for not taking the examination within three years of passing the B-Com-I examination, therefore, her candidature has been cancelled. The petitioner served a legal notice raising all her grievances but vide letter dated 3.04.2017 the same was also decided against her. Thereafter, the petitioner approached this Court for seeking a writ in the nature of certiorari as mentioned in the beginning of this order.

After notice, the respondents have put in appearance and filed their reply. They have stick to their stand taken in the impugned order that the petitioner would not be eligible to take admission in B.Com 3rd semester because she has discontinued her studies for 3 years.

In this regard, learned counsel for the respondent has referred to the 'important note' appended with the prospectus of the Session 2016-17 of University School of Open Learning Panjab University, Chandigarh which was within the notice of the petitioner and she should not have applied for the admission. The note read as under:-

“Admission to various courses offered by the USOL will be provisional subject to confirmation by the Panjab University. If on

verification, it is found that a student does not fulfill the eligibility conditions, his/her candidature will be cancelled with no claim whatsoever against the USOL. The students are therefore, advised in their own interest to go through the eligibility conditions carefully and make sure of their eligibility before submitted their Admission-cum-Examination Form.”

It is further submitted that since the petitioner had completed her Ist semester in April, 2013, therefore, the 3 year period was over by April, 2016 whereas the petitioner had admittedly taken the admission in the month of October, 2016 after the expiry of three years and therefore, her admission has been cancelled. She has also submitted that the University can not be blamed for the lapse on the part of the petitioner because there are lakhs of applications submitted to the University for which the considerable time is required to verify the antecedents of the students and in this process, only provisional admit card was issued to the petitioner.

I have heard learned counsel for the parties and after perusing the available record with their able assistance, am of the considered opinion that there is no merit in the present petition because the Note, which is relied upon by the respondent University, was categorically mentioned in the prospectus and is expected to be read and perused thoroughly by the student before applying for admission. There is no dispute that the petitioner has applied for admission after the expiry of three years. In view thereof, there is hardly any reason for this Court, to interfere in this petition. Dismissed.

[Rakesh Kumar Jain]
Judge

3rd May, 2017
Shivani Kaushik