

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No. 851 of 2017

B.S. Anangpuria Charitable Trust and another

.....Petitioners

versus

Pt. B.D. Sharma, University of Health Sciences, Rohtak

.....Respondent

Civil Writ Petition No. 832 of 2017

Dipanshu Sharma and others

.....Petitioners

versus

Pt. B.D. Sharma, University of Health Sciences, Rohtak and others

.....Respondents

Date of Decision: August 31, 2017

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

Present: Mr. Chetan Mittal, Sr. Advocate with
Mr. Abhimanyu Tewari, Advocate (in C.W.P. No. 851 of 2017)
for the petitioners

Mr. Vikas Bahl, Sr. Advocate with
Ms. Balpreet Sidhu, Advocate (in C.W.P. No. 832 of 2017)
for the petitioners

Mr. Bhuvan Vats, Advocate
for the respondent – University

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Sudhir Mittal, J.

By this common judgment, we are disposing of CWP Nos. 851 and 832

of 2017. The facts are being extracted from CWP No. 851 of 2017.

2. Petitioner No. 2 is an Institute conducting courses in the discipline of Pharmacy and is affiliated with respondent – University. The admissions are made to various courses run by it on the basis of marks obtained in the qualifying examination in order of merit. The said admissions are made in the presence of an observer appointed by the University. For the academic years 2013-14, 2014-15 and 2015-16 admissions were made in the first round of counselling in the presence of an observer appointed by the respondent – University. However, on conclusion of the said round of counselling, the University observer appended remarks that the unfilled seats or seats becoming vacant due to a particular candidate not joining the course, may be filled up in accordance with the existing norms. This note has been interpreted by petitioner No. 2 as a permission granted to it to fill up the vacant seats without presence of the University observer. In the academic years 2013-14, 2014-15 and 2015-16, the vacant seats were filled up in accordance with this interpretation, without the presence of an observer and the respondent – University has approved the said admissions. In the year 2016-17 also seats were filled up in accordance with the past practice. However, the respondent–University has cancelled the admissions made without the presence of an observer by virtue of the impugned orders on the ground that instructions of the University regarding presence of an observer have been violated.

3. The facts are not in dispute. The defence of the respondent – University is that it was justified in cancelling the admission of all those candidates who were admitted without the presence of an observer as the said admissions are violative of the instructions issued by the respondent – University.

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 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.

5. In view of the above, these writ petitions are allowed and the orders impugned therein are quashed. The respondent–University is directed to accept the admission returns submitted by petitioner No. 2 and to issue registration numbers to the students. The respondent–University is further directed to ensure that no ambiguity is left in the admission process and specific instructions are issued to regulate the admissions strictly in accordance with its rules.

[SUDHIR MITTAL]
JUDGE

[SURYA KANT]
JUDGE

August 31, 2017

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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No