

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

CWP No. 9534 of 2017 (O&M)
Date of decision : November 07, 2017

Ansura Khatun

..... Petitioner

v.

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Shubham Aggarwal, Advocate
for the petitioner.

Mr. Sushil Gautam, DAG Haryana

Mr. RS Rana, Advocate
for respondents No.2 and 3.

Ajay Tewari, J (Oral)

By this writ petition, the petitioner has prayed for setting aside the orders dated 11.4.2017 (Annexure P-1) and 27.4.2017 (Annexure P-2) whereby her name was stuck off from the roll of respondent No.4-College when she was in the final semester of B.Sc (Medical).

The stand taken by respondents No.2 and 3 in their reply is that when the petitioner had taken admission in the College, she had not submitted the mark sheet for Hindi Core +2 level examination which was mandatory, and as and when her documents were sent for verification her candidature had to be cancelled in view of this violation. The case of the petitioner, on the other hand, was that this requirement was neither mentioned by respondent No.4-College in its prospectus nor was she ever informed about the same. Even respondent No.4 in its reply has only

mentioned that this condition was put up on the notice board in the year 2016 i.e two years after the petitioner had obtained the admission.

It is not disputed that now the petitioner has the passing certificate of +2 Core Examination on record. It is also brought to my notice that under the interim order of this Court, the petitioner had taken the sixth Semester Examination and has actually been declared pass therein. In view of these facts, I do not deem it appropriate to uphold the cancellation of her admission. It was the duty of respondent No.4-College to have enforced the said condition, and since as per the College this fact could not be mentioned in the prospectus because it had been published prior to the decision, it was incumbent upon the College to have sought this certificate from every student who had not submitted the same personally and merely by putting up a notice after two years, it cannot be said that the College had discharged its duty. In the circumstances, this writ petition is allowed and the impugned orders cancelling the admission of the petitioner are set aside. In view of the facts enumerated above, I am of the considered opinion that this is a fit case where costs should also be imposed. Consequently, the costs are quantified at ₹ 10,000/- to be paid in the first instance by way of demand draft in favour of the petitioner by respondent No.1. Liberty is, however, granted to respondent No.1 to recover it from the officer/official responsible for this omission, as per law.

Since the main case has been decided, the pending C.Ms, if any, also stand disposed of.

(AJAY TEWARI)
JUDGE

November 07, 2017
'kk'

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No

