

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

**CM-677-LPA-2017 in/and
LPA-321-2017 (O&M)
Date of decision : 25.10.2017**

Yudhanshu Angural

..... Appellant

VERSUS

Baba Farid University of Health Sciences Faridkot and others

... Respondents

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

Present: Mr. Arvind Thakur, Advocate
for the applicant-appellant.

Ms. Anu Pal, AAG, Punjab.

Ms. Harmanjeet Kaur, Advocate
for respondent No.1.

SUDHIR MITTAL, J.

CM-677-LPA-2017

For the reasons stated in the application, which is accompanied by an affidavit, delay of 20 days in filing the appeal is condoned.

LPA-321-2017 (O&M)

2. Yudhanshu Angural, took the PMET-2016 in the reserved category of Scheduled Caste and was ranked 32 in the Scheduled Caste category and at 1083 in the open merit. He is a resident of the State of Himachal Pradesh. He opted for Govt. Medical College at Amritsar and secured admission for the same on 19.09.2016 in the Scheduled Caste

category. He attended classes from 23.09.2016 to 28.09.2016, but his admission was cancelled on 29.09.2016 on the ground that the Scheduled Caste certificate submitted by him was not from the State of Punjab. As a result of cancellation of his admission, the appellant had to forego admission to Dr. Yashwant Singh Parmar Govt. Medical College, Nahan, District Sirmour, (Himachal Pradesh) in the reserved category, wherein he figured at Sr. No.4 against 07 seats. Thus, one academic year of the petitioner was wasted on account of fault of the respondent-University, who did not care to properly scrutinize the Scheduled Caste certificate of the petitioner-Yudhanshu Angural, at appropriate time. Thus, Yudhanshu Angural claimed compensation from the respondent-University for being grossly negligent.

3. Taking into consideration, the submissions made by the respective parties, the writ petition was allowed vide judgment dated 14.12.2016 and a compensation of ₹2,00,000/- was granted by the learned Single Judge by placing reliance upon a judgment of the Hon'ble Supreme Court of India titled as '**S. Nihaal Ahamed Vs. The Dean, Velamal Medical College Hospital and Research Institute and others, 2016 (1) SCC, 662**'.

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 ₹3,00,000/-, the learned Single Judge without any plausible reasons reduced the same to ₹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 ₹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 ₹3,00,000/- to ₹2,00,000/-, that too without giving any reasons.

6. In view of the above, the appeal is partly allowed. The appellant shall be entitled to damages of ₹3,00,000/- to be paid by

respondent No.1-Baba Farid University of Health Sciences, Faridkot, within a period of one month from the date of receipt of a certified copy of this judgment. The other pending miscellaneous applications are disposed of, accordingly.

(SUDHIR MITTAL)
JUDGE

(SURYA KANT)
JUDGE

October 25, 2017
Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No