

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

**LPA No.34 of 2017 (O&M)**

**Date of Decision : 19.01.2017**

Guru Nanak Dev University, Amritsar

....Appellant

Versus

Gurkeerat Singh Dhillon and others

....Respondents

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER  
HON'BLE MR.JUSTICE DR.SHEKHER DHAWAN

Present: Mr. K.S.Rekhi, Advocate  
for the appellant.

**MAHESH GROVER, J.** (Oral)

**CM No.51-LPA of 2017**

Marginal delay of 5 days in filing the appeal is  
condoned.

C.M.stands allowed.

**LPA No.34 of 2017**

This appeal is against the judgment of the learned  
Single Judge dated 27.09.2016.

Respondent No.1-Gurkeerat Singh Dhillon  
(hereinafter known as 'the student') took admission to B.Tech.  
(ECE Course) run by the appellant - University against the quota  
intended for employees of the faculty of the University in the  
year 2001. At that time the father of the student was a member of

the faculty of the University but soon thereafter in November 2001 he proceeded on leave and did not report back leading to termination of the arrangement of the University with him on 15.02.2002. Resultantly, the post was declared vacant.

The admission available to the wards of the faculty members carried a concession of 40% and in accordance with the demand raised by the University an amount of Rs.2,23,685/- was deposited. The University even though having taken a decision to grant admission to the student in terms of this scheme did nothing to either cancel the admission or withdraw the concessional benefit on account of the fee structure when the father of the student abandoned his job with the university even though the University was conscious of this fact. In short, no adverse decision to the student was taken on the ground that such an admission was impermissible since the father of the student had abdicated his responsibilities to the University. Rather, a demand of Rs.4,44,038/- was made to be deposited in one go which was also done by the student ostensibly to save his admission. It is at that stage that the student approached this Court by way of CWP No.60 of 2005 which had been accepted and refund of additional amount of Rs.4,44,038/- deposited by him was ordered by the learned Single Judge.

Learned counsel for the appellant contends that the

student was not entitled to admission and a concession in view of the fact that his father had abandoned his job dishonestly. He took the leave on 29.11.2000 and on the same day went and joined some other assignment. This fact was known to the University and its authorities but yet they granted him leave initially for one year but declined his request subsequently w.e.f. 29.11.2001 by passing an order Annexure P-4 on 15.02.2002. In this very letter it has been noticed that the Chancellor had directed that the student Gurkeerat Singh Dhillon should be charged 40% fee of NRI quota for the full course. Evidently, despite the University being in the know of the fact that the father of the student was no longer an employee of the University they took this decision to permit the student to study and undertake the course on 40% fee of NRI quota. If that is so, considering the fact that the University took no steps to withdraw such a benefit at that point of time also, then there would be no reason for them to backtrack and insist on 100 per cent fee by passing order Annexure P-9 which was impugned by the student in the writ petition. The University is estopped by its own conduct and would thus have to pay for its own lapses. No explanation worth the name has been offered by the learned counsel for the appellant as to why the Vice-Chancellor or the Syndicate did not take any decision qua the employment of the father of the student and also the affairs of the

student himself in this regard once they knew that the father of the student had taken employment as a Principal with some other college in the year 2000 itself. It is not a case where the student or his father misrepresented and obtained a benefit, but it was a case where the University conferred this benefit knowing fully well the facts and they would thus be estopped from taking advantage of their own wrongs.

Appeal dismissed.

(MAHESH GROVER)  
JUDGE

19.01.2017  
dss

(SHEKHER DHAWAN)  
JUDGE

|                           |        |
|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |