

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

LPA No.655 of 2017 (O&M)

Date of Decision : 28.04.2017

Guru Jambheshwar University of Science and
Technology, Hisar

....Appellant

Versus

Vikas Sharma and another

....Respondents

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

....

Present: Mr. Arvind Seth, Advocate
for the appellant.

....

MAHESH GROVER, J. (Oral)

This Letters Patent Appeal has been directed against the judgment of the learned Single Judge dated 02.09.2015 awarding some compensation and refund of fee to a student who was permitted to complete his education (course). The learned Single Judge noticed that the institute which admitted him as also the University (present appellant) were clearly at fault and instrumental in wasting two precious years of the student and, therefore, while ordering a refund of Rs.1,68,000/- as fee, which he had paid to the institute, a compensation to the tune of Rs.1 lakh each against both the University and the institute was awarded.

The respondent No.1 (hereinafter referred to as 'the student') was admitted to the Masters course in Architecture (Face to Face) in the session 2011-12 but his candidature was cancelled vide order dated 22.10.2013 supported by reasons that the student had

passed his qualifying examination B.Tech (Civil Engineering) from Janardhan Rai Nagar Rajasthan Vidhyapeeth (Deemed) University, which is not the prescribed qualification for the purpose of admission to M.Arch of Council of Architecture and could not be treated as equivalent to Bachelor of Architecture. All through the course of two years the institute accepted the fee and the University took the examination. It is not the case of the University and the institute that the student misrepresented any fact or concealed any information.

We are thus of the opinion that the learned Single Judge did not misdirect himself in settling the equities and awarding compensation to hold the University and the institute liable to pay compensation of Rs.1 lakh each for the simple reason that it is the duty of the university and the institute to verify the credentials of each and every student who is undergoing a course or to earn a degree.

Learned counsel for the appellant would contend that the names were forwarded by the institute to the university and hence it is not at fault. We are not enamoured of this argument at all. If the University has to run courses and churn out degrees, it is imperative that the complete mechanism should be in place where all the names and credentials of the students who are undergoing a course from the affiliated institutes are established on a verifiable system by the University. Eventually, it is the degree given by the University which is going to make the ultimate difference to the career of the student. The university cannot wash its hands of the liability altogether and thus while concurring with the judgment of the learned Single Judge,

we decline interference. However, the delay of 570 days in filing the appeal which has occurred on account of an earlier LPA being filed to be relegated to a remedy of review and these reasons being mentioned as justification for the delay, is hereby condoned.

Appeal dismissed.

(MAHESH GROVER)
JUDGE

28.04.2017
dss

(SHEKHER DHAWAN)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No