

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND  
HARYANA AT CHANDIGARH

\*\*\*\*\*

*CWP No.11866 of 2018*  
*Date of Decision:29.05.2018*

\*\*\*\*\*

Guru Nanak Educational Charitable Society (Regd.), Ludhiana

. . . . . Petitioner

Vs.

Baba Farid University of Health Sciences through its Registrar

. . . . . Respondent

\*\*\*\*\*

**CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN**

\*\*\*\*\*

Present: - Mr.Surinder Singh Walia, Advocate,  
for the petitioner.

\*\*\*\*\*

***RAKESH KUMAR JAIN, J.***

The petitioner is aggrieved against the order dated 12.8.2016 by which it has been asked by the respondent/Baba Farid University of Health Sciences [for short 'the University'] to pay ₹1 lac per candidate as fine.

In brief, the petitioner is an educational society. The respondent-University started the process for admission to the B.Sc. Nursing 1<sup>st</sup> year course for the Session 2015-16. The last date of admission was 31.10.2015. On that day, the petitioner admitted two students, namely, Amandeep Kaur d/o Sh. Ranjodh Singh and Sanjay son of Gajraj Singh. It is alleged that the petitioner also informed the University on 31.10.2015 through email and fax to fill up the vacant seats. It is also averred that the petitioner also sent the intimation regarding the admissions on 7.11.2015 alongwith registration return along with requisite demand draft and original

certificates of the selected students mentioning the names of Amandeep Kaur and Sanjay at Sr. No.39 and 40 but it received a letter dated 8.3.2016 that the admission of Amandeep Kaur and Sanjay cannot be regularized. The petitioner responded on 28.3.2016 that since two seats of management quota fell vacant, therefore, Amandeep Kaur and Sanjay were allotted seats as per rules. It is further averred that since the admission of Amandeep Kaur and Sanjay was not regularized, therefore, they filed CWP No.11125 of 2016 for quashing the letter dated 8.3.2016. In the said writ petition, the following order was passed by this Court on 30.5.2016: -

*“By this petition the petitioners have claimed that respondent No.1 was illegally not regularizing their admission.*

*By way of interim order they were allowed to take the examination and now have finished the course. In the reply filed by respondent No.-1-University has taken the stand that the respondent No.2 had illegally admitted these two students and has stated that they would have no objection in approving the admission of the petitioners (and rather have approved the same) subject to payment of Rs.2 lacs as fine ( Rs.1 lac per student). Learned counsel appearing on behalf of respondent No. 2 states that this is a completely illegal demand and in fact on*

*the instructions of the respondent No.2 a writ petition is already being prepared to challenge this illegal order.*

*In the circumstances, petition stands dismissed as having been rendered infructuous.*

*Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.”*

Thereafter the petitioner has challenged the letter dated 12.8.2016 by which fine of ₹1 lac per student has been imposed for the alleged violation.

Learned counsel for the petitioner has argued that as per the notification dated 31.3.2008, pursuant to the admission to B.Sc. Nursing-Courses-2008 onwards, the petitioner could have filled the seats itself but after notice to DRME as well as Registrar of the University. In this regard, learned counsel for the petitioner has referred to Clause 1.4 of the Notification dated 31.3.2008, which is reproduced as under: -

*“1.4 The Governor of Punjab is further pleased to notify that no institution shall select candidates out of any other source, or in any other source, or in any other manner other than inter-se-merit of the candidates on the basis of PPMET merit list. However, for the minority quota seats, the inter-se-merit*

*of the candidates of the concerned minority only shall be considered. There shall be no overlapping or bye-passing of inter-se-merit of candidates seeking admission to seats in management/minority quota except the NRI quota seats. In case the counseling has to be conducted on PPMET inter se merit basis, then only two counseling will be held and remaining left over seats shall be filled by Government/Private Institutions itself after due notice to DRME as well as Registrar, BFUHS in the following order: -*

*(i) From amongst the PPMET appeared students;*

*(ii) From amongst the 10+2 passed students of Punjab with 45% marks in aggregate in 4 compulsory subjects of Physics, Chemistry, Biology and English (PCBE);*

*(iii) From amongst the 10+2 passed students belonging to states other than Punjab with 45% marks in aggregate in 4 compulsory subjects of Physics, Chemistry, Biology and English (PCBE)'*

*Para amended vide Notification*

*NO.5/48/2007-3HBIII/2069 dated*

*09.05.2012.*

*Note: However all admissions shall be made*

*as per inter se merit.”*

I have heard learned counsel for the petitioner and perused the record.

It is admitted by the petitioner itself that it had requested the representative of the institution/university to fill up the left over seats but the letter was sent on 31.10.2015 and on the same day before the University could have sent its nominee, the petitioner constituted the admission committee comprising of Professor-cum-Principal, Off. Vice Principal and Asst. Professor and the presence of the University representative was marked as absent. It is really strange that the petitioner has sent the request to the University on 31.10.2015 for deputing its nominee on the same day, constituted the admission committee and filled the seats. The information sent to the University was thus an eye wash because in such a short span of time, the University could not have deputed its nominee, therefore, it has rightly observed in its letter dated 12.8.2016, which has been impugned herein, that the petitioner has filled both the seats at its own level i.e. by holding a college level counselling which is in violation of the University/Punjab Government Rules as the college level counselling was not allowed in the Session 2015-16. However, taking into consideration the future of the students and the fact that they have been found to be eligible, their admissions were allowed as one time measure without considering it to

be a precedent but the petitioner was directed not to make such lapse/violation of the rules/regulations in future and fine was imposed.

Thus, I am of the considered opinion that there is no error on the part of the respondent in passing the impugned order dated 12.8.2016 as the mistake is on the part of the petitioner and hence, the present petition is found to be without any merit and the same is hereby dismissed. No costs.

(RAKESH KUMAR JAIN)  
JUDGE

29.05.2018

*Vivek*

*Whether speaking /reasoned : Yes/No*

*Whether Reportable : Yes/No*