

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

CWP No.20201 of 2017
Date of Decision: 19.07.2018

ANKITA MALIK

....Petitioner

Versus

PT. BHAGWAT DAYAL SHARMA UNIVERSITY OF HEALTH
SCIENCES, ROHTAK AND ORS

....Respondents

**CORAM:HON'BLE MR. JUSTICE MAHESH GROVER
HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU**

Present: Mr. Sajjan Singh, Advocate for the petitioner.

Mr. Bhuwan Vats, Advocate for the respondents.

MAHESH GROVER, J.(Oral)

The present writ petition has been filed under Article 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari/mandamus to quash the letter/order (Annexure P-10) dated 14.06.2017, whereby the petitioner was directed to deposit a sum of Rs. Five lacs which was done by the petitioner under protest.

We have heard learned counsel for the parties at some length.

We find that the grievance of the petitioner merits acceptance, as on 09.06.2017 after she was granted admission in the counselling process she was given no objection to enable her to participate in the counselling to be held on 10.06.2017 at Delhi

regarding some other University where she also succeeded and opted to give up her claim of the seat with the respondent-University. It may not be out of place to mention here that prior to her selection on 09.06.2017 there were other rounds of counselling by the respondent-University which for some reason or the other stood cancelled but the petitioner having found the admission had deposited the fee and also furnished a bond. In any eventuality since in the earlier counselling the petitioner as noticed above gained admission in the counselling held on 09.06.2017. The counselling for the left over seats was to be held on 10.06.2017 at about 2.00 p.m. and the petitioner intimated the decision to opt for some other university at about 1:50 p.m. on the said date. Then she personally visited the respondent-University and apprised the Competent Authority of her decision to surrender the seat. In this eventuality, once the intimation was there with the respondents before the counselling started, they were at liberty to allot the seat to anybody else. Be that as it may, the fact remains that once the no objection was given by respondent-University to enable the petitioner to participate in counselling for another university, they cannot withhold the bond amount which the petitioner had deposited with them, neither under the rules nor under equity.

Confronted with the situation, learned counsel for respondent-University had sought time to seek instructions, which was granted and it is now stated before us on instructions that the University is ready to refund the bond amount. If that be so we hereby direct the respondent-University to do the needful within two weeks

from today.

In view of the above, the present writ petition stands disposed of.

[MAHESH GROVER]
JUDGE

[MAHABIR SINGH SINDHU]
JUDGE

July 19, 2018
rashmi

Whether speaking/reasoned	yes/no
Whether reportable?	yes/no