

Sr.No.209

IN THE HIGH COURT OF PUNJAB AND HARYANA CHANDIGARH

CWP NO.23765 OF 2018(O&M)

Date of Decision: 16.10.2018

Harsimran Kaur

.....Petitioner

versus

Punjab Agriculture University and others

.....Respondents

**CORAM HON'BLE MR. JUSTICE MAHESH GROVER
HON'BLE MR. JUSTICE AMIT RAWAL**

Present Mr.Manish Garg, Advocate for the petitioner.
Mr.HNS Gill, Advocate for respondents.

MAHESH GROVER, J(ORAL)

The petitioner has approached this Court with a prayer that he be permitted to deposit the remaining fee and complete admission process which has been stalled midway in order to grant benefit to respondent no.4.

The petitioner competed in the common entrance test to obtain rank 910. She participated in the third round counselling to be granted admission and permission to deposit the fee which she did in part but before she could deposit the remainder fee on the very same day, she was obstructed and told that the seat has been allocated to respondent no.4.

Upon notice reply has been filed by the respondents and as a justification of their conduct, they have stated that respondent no.4 Geetansh Sharma was having rank no.209 much higher than that of the petitioner and was selected during the first counselling itself. He was issued a selection notice and he deposited the fee pursuant thereto but decided not to join the course and sought refund. It is stated that before refund could be effected, he expressed his desire to join the course in the third round of counselling after the petitioner had been selected for the seat.

After hearing learned counsel for the parties and noticing afore

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stated positions, we are of the opinion that the University's stand is totally unjust. Once a candidate who has been granted admission in the first round of counselling chose not to join the course, his claim would stand extinguished insofar as the course in question is concerned. The factum of refund of the fee would be inconsequential considering that the petitioner had been selected in the third round of counselling and had deposited the fee, thereby acquiring a right to admission. The respondent no.4, who had abdicated his claim could not possibly be readjusted after the seat had been given to the petitioner. The said respondent no.4 expressed his desire for the course after the petitioner had been granted the seat. Looking at it from any angle, the stand of the respondent cannot be justified. There is no representation on behalf of respondent no.4 despite the fact that he has been served, no reply has been filed either.

Consequently, the assertion made by the petitioner has gone uncontroverted and since we have observed that the stand of the University is unjust, we while accepting the petition direct that the petitioner be granted admission to the course forthwith after she has deposited the remainder fee and completed the essential formalities required for the admission.

(MAHESH GROVER)
JUDGE

16.10.2018
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(AMIT RAWAL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No