

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.25959 of 2018
Date of Decision:08.10.2018

Amardeep Kaur Brar and another

. Petitioners

Vs.

Panjab University and another

. Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: - Mr.Anil Rana, Advocate,
for the petitioners.

RAKESH KUMAR JAIN, J.

The petitioners have challenged the notice dated 5.10.2018 by which they have been asked to deposit ₹50,000/- towards migration fee.

In brief, both the petitioners are the students of LL.B. 3 years course in the Panjab University Regional Centre, Ludhiana (PURC). Both of them have completed their 1st and 2nd semester. The respondents issued a public notice on 31.8.2018 inviting applications for admission to 3rd and 5th semesters of 3 year LL.B. course through migration in the Department of Laws, Panjab University, Chandigarh subject to availability of seats. In pursuance to the notice, both the petitioners submitted their application forms for their migration to the Panjab University. The petitioners were informed, vide notice dated 20.9.2018, about the date of counselling as 24.9.2018 for admission through migration in 3rd semester of the LL.B. 3 years course in which 25 seats were available. Both the petitioners were found eligible during the counselling and their names appeared at Sr. No.8 & 24 respectively in the merit list. However, vide impugned notice dated 05.10.2018, the successful candidates were directed to deposit ₹50,000/-

each as migration fee and the last date was fixed as 9.10.2018. It is alleged that the petitioners sent their request letter to the Vice Chancellor against the charging of the migration fee. Since they did not get any answer to their request letter, therefore, they have filed this petition.

Learned counsel for the petitioners has submitted that as per Chapter VIII (D) of the Panjab University Calendar [for short ‘the Calendar’] the tuition fee, at the approved rates, has to be charged for 12 months in respect of each academic year of the course and the second tuition fee for the same month shall not be charged from the student migrated from one affiliated college to another. Clauses 32.1 and 32.3 of the Calendar dealing with admission and tuition fee, provided in Chapter VIII (D) of the Calendar read as under: -

“Clause 32.1

Tuition fees at the approved rates shall be charged for 12 months in respect of each academic year of the course.

Clause 32.3

A second tuition fee for the same month shall not be charged from a student migrating from one affiliated college to another. A college is entitled to the tuition fee for the month in which the migration is sanctioned by the University and the college to which he migrates is not entitled to charge fee for a part of that month.”

It is also sought to be argued that the respondents have wrongly applied the rules for migration of students from a law college affiliated to

another university to the Department of Laws of the Panjab University. In the said Rules, Rule 7 read as under: -

“7. Students admitted on migration from another University/Institution/Regional Centre shall pay a migration fee of ₹40,000/- or as may be fixed by the Syndicate from time to time.”

It is submitted that the said Rule is not applicable to the case of the petitioners as it would apply in case of migration from another university whereas the petitioners are migrated from the Regional Centre of the respondent-University. It is further submitted that on 21.6.2018, the Dean University Instruction, Panjab University, Chandigarh had communicated the decision of Syndicate whereby the Syndicate had approved the rules for migration from Undergraduate and Postgraduate courses in which it is mentioned that “migration will be allowed from other college/universities on the basis of genuine reasons only with proper scrutiny, as per merit. The migration fee amounting to ₹50,000/- would be charged from all candidates.” As a matter of fact, the whole emphasis of the petitioners is on the issue that the provisions of Clause 32.1 and 32.3 of the ‘admission and migration of students and tuition fee’ contained in Chapter VIII (D) of the Calendar would apply and not the provisions of Clause 7 of the Migration of Students from a Law College affiliated to another University to the Department of Laws, Panjab University.

I have heard learned counsel for the petitioners and after perusal of the record, am of the considered opinion that there is no merit in the present petition because the migration of students from a Law College to the Department of Laws of the Panjab University would be regulated by the

migration of students from Law College to another University to the Department of Laws, Panjab University in which Clause 7 specifically provides that the students admitted on migration from any other University/Institution/Regional Centre shall have to pay migration fee of ₹40,000/- or as fixed by the Syndicate from time to time. The Regional Centre in Clause 7 refers to the Regional Centre of the Panjab University itself. Clause 7 further provides that the migration fee would be ₹40,000/- or as may be fixed by the Syndicate from time to time and at present, it has been enhanced to ₹50,000/-. Clauses 32.1 and 32.3 pertain to the admission and migration of students and tuition fee contained in Chapter VIII (D) are not applicable at all to the facts and circumstances of the present case.

In view of the above, the present petition is totally without any merit and the same is hereby dismissed.

08.10.2018

Vivek

**(RAKESH KUMAR JAIN)
JUDGE**

Whether speaking /reasoned : *Yes/No*

Whether Reportable : *Yes/No*