

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 25669 of 2018 (O&M)

Date of Decision: November 02, 2019

Karan Garg

.....Petitioner

versus

Panjab University and others

.....Respondents

**CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY.
HON'BLE MR. JUSTICE SUDHIR MITTAL.**

Present: Mr. Akash Singla, Advocate
for the petitioner

Mr. Indresh Goel, Advocate
for respondents No. 1 and 2

Sudhir Mittal, J.

Desirous of seeking admission to the LLB (3 years course) being conducted by Panjab University, the petitioner applied for admission for the Session 2018-19. In the application made by him, the petitioner applied under the General Category – Youth Festivals and Rural Area Students category. The entrance test was conducted on 18.06.2018 and the petitioner cleared the same by scoring 45 marks. Based on his merit, the petitioner could not get admission in the main campus at Chandigarh but was successful in getting admission in the Regional Centre at Hoshiarpur. Presently, the petitioner has completed the first year of his course and is undergoing the study for the second year.

2. His grievance is that even though under clause 3(c)(i) of the instructions dated 01.06.2018 issued by the Panjab University provided for two additional seats for Rural Area Students, the respondent University did not consider him for admission against the said category. After getting admission in

the Hoshiarpur Regional Centre, he came to know that this Court had allowed one CWP No. 19305 of 2018 whereby the respondent–University had been directed to admit a student against the category of single girl child even though there was a stipulation that an admission could only be granted after approval by the central regulating authority i.e. Bar Council of India. Thereafter, he submitted a representation dated 14.09.2018 to the respondent – University requesting it to consider his candidature for the Rural Area Students category as no prior approval/clearance of Bar Council was required in view of decision dated 10.08.2018 in CWP No. 19305 of 2015 but to no avail. Thus, the present writ petition was filed on 03.10.2018.

3. After competition of pleadings the case came up before us today for arguments.

4. Learned counsel for the petitioner contended that the issue regarding creation of additional seats for Rural Area Students category but subject to clearance from Bar Council of India has been put to rest vide judgment dated 19.09.2019 ***Tarveshinder Singh vs. Punjab University*** passed by this Division Bench and, thus, the present writ petition is also entitled to be allowed.

5. Learned counsel for the respondents submits that although the controversy is covered by the decision in ***Tarveshinder Singh (supra)***, the present writ petition can not be allowed as the petitioner has already completed the first year of his course and the clock can not be set back at this stage. If the petitioner wants to come to the main campus at Chandigarh he will have to apply for migration.

6. We are in agreement with the contentions of learned counsel for the respondents. The petitioner has already completed first year of his course after getting admission in the Hoshiarpur Regional Centre. The students admitted in the

main campus at Chandigarh at the same time, have also completed the first year of their course. At this stage, no direction can be issued to the respondent-University to grant admission to the petitioner by creating supernumerary seat in the Rural Area Student category as the same would amount to permitting the petitioner to migrate from his present place of study to the main campus at Chandigarh without any application for migration. Thus, even though submission of learned counsel for the petitioner has merit, no relief can be granted to him.

7. The present petition is, accordingly, disposed of with liberty to the petitioner to apply for migration in accordance with rules, if he so desires. For wrongful denial of admission in the main campus at Chandigarh the petitioner will be at liberty to sue the respondent-University for damages.

(DAYA CHAUDHARY)
JUDGE

(SUDHIR MITTAL)
JUDGE

November 02, 2019

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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No