

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-31478-2018 (O&M)
Date of Decision: 25.02.2019

Harnoor Kalra

--Petitioner

Versus

Panjab University Chandigarh & others

--Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Gagandeep Singh, Advocate for the petitioner.

Mr. Subhash Ahuja, Advocate for the respondents.

TEJINDER SINGH DHINDSA.J (Oral)

Petitioner, who belongs to the General Category was granted admission in the B.Sc. (Hons.) Biotechnology Course under the respondent-Panjab University, Chandigarh and is pursuing the same. He is presently studying in the 2nd semester.

The instant petition has been filed seeking a Mandamus to direct the respondent-university to upgrade/shift the petitioner to the B.Pharmacy Course on the assertion that two seats have remained vacant in such regard and pertaining to the General Category.

Counsel for the parties have been heard at length and the pleadings on record have been perused.

Facts of the case lie in a narrow compass. Petitioner appeared in a Combined Entrance Test (PU-CET-2018) (U.G) and obtained 172.5 marks and which translated into Rank No.694. After declaration of the result candidates were required to fill up the admission forms for the Academic Session 2018-19 and in which petitioner gave his first preference for B.Pharmacy (Four Years Course), B.Sc. (Hons.) Microbiology as second preference and B.Sc. (Hons.) Biotechnology as the third preference.

Petitioner was granted the admission to the B.Sc. (Hons.) Biotechnology Course.

It is not a matter of dispute that the last date of counselling for purposes of admission was 7.9.2018. Petitioner infact had been granted admission to the B.Sc. (Hons.) Biotechnology Course on 16.8.2018. Learned counsel representing the respondent university would concede that two seats in the General Category for the B.Pharmacy Course have fallen vacant on 20.9.2018 and 15.10.2018 respectively.

Such vacancies, as such, have arisen after the last date of counselling i.e. 7.9.2018.

Counsel has not been able to advert to any provision under the Prospectus or the Handbook of Information issued by the respondent university and which permits shifting from one course to the other after the last date of counselling is over and that too from a Three Years Course to a Four Years Course.

Counsel for the petitioner has very fairly conceded that no shifting has taken place from one course to the other by the respondent university after the last date of counselling.

The reliance placed by the counsel upon the document at Annexure P-3 i.e. the Physical Counselling Schedule for admission to B.Pharmacy and B.Sc. (Hons.) at Panjab University Campus, Chandigarh is wholly misplaced. Counsel has referred to a note contained after the counselling schedule and which is to the following effect:-

“Shifting will be allowed as per the choice of candidate against vacant seat on merit.”

Clearly such note is a part and parcel of the counselling

schedule for admission to B.Pharmacy and B.Sc. (Hons.) at Panjab

University Campus, Chandigarh. The note which has been relied upon would refer to shifting as per choice of candidate against vacant seat on merit but prior to and up to the last date of counselling. The petitioner, as such, cannot assert his right as regards shifting from B.Sc. (Hons.) Biotechnology (Three Years Course) to B.Pharmacy (Four Years Course) after the last date of counselling i.e. 7.9.2018.

Counsel representing the respondent university has during the course of hearing furnished a list of candidates as per result declared and which would show that there are 34 other candidates in the General Category and who secured a higher merit position than the petitioner in the Combined Entrance Test (PU-CET-2018) (U.G). Even though, it is not necessary that the 34 candidates who have secured a higher merit position than the petitioner may have given first preference to the B.Pharmacy (Four Years Course), yet, there is a distinct possibility that a number of candidates out of such 34 candidates may have given such preference. Be that as it may, the case projected on behalf of the respondent university is that no shifting of course has been permitted after the last date of counselling i.e. 7.9.2018.

In view of the above, the prayer made in the instant petition is found to be not tenable.

There is no merit in the instant petition and the same is dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

25.02.2019
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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No