

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

CWP No.34306 of 2019

Date of Decision : 26.11.2019

Kusum (minor) through her father

....Petitioner

Versus

State of Haryana and others

...Respondents

CORAM : HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA

...

Present : Mr.Arun Dulgach, Advocate
for the petitioner.

...

TEJINDER SINGH DHINDSA, J.(ORAL)

Petitioner seeks a Mandamus for directing the respondent Maharishi Dayanand University, Rohtak to permit him to appear in the B.Sc.Ist Year (Medical) Examination and which is to commence with effect from 27.11.2019.

Counsel submits that the petitioner opted for the medical stream in the 10+2 examination. Thereafter petitioner was admitted in the B.Sc.Ist Year (Medical) Course in Pandit Neki Ram Sharma Government College, Rohtak in the session 2019-2020. Subsequent to the admission having been granted the result of the Senior Secondary Examination was declared in which the petitioner has got a compartment in the Mathematics subject. Counsel urges that the date-sheet for B.Sc.Ist Year (Medical) Course examination has been announced and the first examination is to be held on 27.11.2019 and the instant writ petition has been necessitated as the admit-card/

examination hall ticket has not been issued to the petitioner by the University.

Counsel would argue that the petitioner having been granted admission by respondent No.4/Institute in the B.Sc.Ist Year (Medical) Course, she would be vested with a right to even appear in the final examination. Further contends that denial of the admit-card/roll number at the hands of the respondent University would be grossly unfair and unjust.

The instant writ petition came up for preliminary hearing before this Court on 25.11.2019 and hearing was deferred by a day to enable the petitioner to address submissions as regards the eligibility conditions framed by Maharishi Dayanand University, Rohtak governing the admission to the B.Sc.Ist Year(Medical) Course.

Even though the averments as regards eligibility conditions are completely lacking and no documents also have been placed on record, yet counsel has very fairly during the course of hearing today made available for perusal of this Court an Admission Brochure issued by the University for the Session 2017-2018 for admission to under-graduate, post-graduate, certificate/diploma and other professional courses in the affiliated colleges/institutes. The positive assertion made by the counsel is that the same conditions would apply even for the current academic session.

Chapter-II of the Admission Brochure governs the admission procedure as also regulations. Clause 4 mandates as follows :-

“Candidates who have compartment/re-appear in one or more papers in the qualifying examination shall not be allowed admission in Ist semester of the course in any case.”

Chapter-III lays down the eligibility conditions for admission to undergraduate courses. Even under this Chapter and as per Clause 1 no candidate shall be eligible to join the first semester of the course in question unless he/she has qualified one of the following examinations with atleast 45% marks for admission to B.Sc.Sem-1 i.e. Senior Secondary Certificate Examination (10+2) of Haryana Board of School Education, Bhiwani or Diploma in Pharmacy Course or 3-Year professional diploma programmes conducted by the State Board of Technical Education Haryana.

It is the pleaded case of the petitioner herself that in the qualifying examination i.e. 10+2/Senior Secondary Examination she has got compartment in the Mathematics paper. In other words, as per the Admission Brochure governing admission to the Course in question and issued by Maharishi Dayanand University, Rohtak, petitioner was not even eligible to be admitted to B.Sc.(Medical) Course.

Facts of the case clearly indicate that admission was granted to the petitioner on provisional basis even prior to the declaration of 10+2/Senior Secondary Examination by respondent No.4/Institute. Post declaration of the result and the petitioner having secured a compartment, no right would vest in her to participate in the test as she was not eligible to be admitted to the course as per terms and conditions governing admission to the Course.

There is no merit in the instant petition.

Dismissed.

26.11.2019

dss

(TEJINDER SINGH DHINDSA)

JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No