

CWP no. 30867 of 2018 (O&M) 1

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

CWP no. 30867 of 2018 (O&M)

Date of Decision : 05.03.2019

Davinder Singh

....Petitioner(s)

Versus

Vice Chancellor, Punjabi University, Patiala and others

...Respondent(s)

**CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR JUSTICE LALIT BATRA**

Present : Mr.Himanshu Puri, Advocate for the petitioner(s)

Mr. Abhishek Kaushik, Advocate for

Mr. Vipul Jindal, Advocate for respondents no. 1 to 4

MAHESH GROVER, J.(ORAL)

The petitioner prays that communication dated 4.10.2018 having the effect of cancelling his admission be quashed.

The minimum cut off provided for admission to the B.Tech course(LEET) was 50%. The petitioner after pursuing his three years diploma from Thapar Polytechnic College, Patiala had applied for the same and projected that he has got 49.86% marks.

The respondents while accepting this to be correct sought the relaxation of the Vice Chancellor to construe these marks to be 50% for the purpose of admission. In this way the petitioner was granted admission but it was discovered soon thereafter that in fact the petitioner has got only 48.39%. This calculation was arrived at as per the prescribed criteria.

The petitioner does not dispute this. Likewise he does not

dispute that he had erroneously projected his percentage as 49.86% prompting the University to accept the same and grant admission after relaxation. Upon discovering the mistake the respondents cancelled the admission on 4.10.2018.

Learned counsel for the petitioner contends that once the admission was granted to him, it could not be cancelled, particularly, when there was no mis-representation on his part.

The respondents state that the petitioner's projection of having obtained 49.86% marks was not in accordance with the calculation prescribed to determine the cut off percentage. Since the petitioner has made a representation which they accepted it and upon discovering the correct facts, the respondents cancelled the admission and communicated to him. This fact is countered by the learned counsel for the petitioner who states that even though order was passed on 4.10.2018 it was not communicated to him and he continued to attend classes till November, 2018 when intimation was given to him under postal certificate. This is also denied by the respondents who states that the petitioner was duly communicated the decision and it was also displayed on the notice board.

Be that as it may, these are disputed questions of fact and we cannot determine them in the exercise of our jurisdiction under Article 226 of the Constitution of India. Suffice it to say that there was indeed an error committed by the petitioner in giving his percentage as 49.86%. He himself did not adhere to the formula prescribed for determining percentage and therefore, it is entirely his fault whereas the respondents merely took the sympathetic view to construe it to be as 50% while accepting the plea of the petitioner. Upon discovering the mistake soon thereafter the admission was

cancelled. We cannot find fault with the stand of the respondents and are unable to grant any equitable relief to the petitioner. However, if the petitioner feels that he has been prejudiced due to delayed communication regarding cancellation of admission, he may take recourse to his remedies in law and seek damages from the University for the loss of time caused to his career. We also make it clear that in case the Vice Chancellor deems it appropriate he may look into the grievance of the petitioner and if enabled in law consider the claim of the petitioner for his continuation in the course by taking a sympathetic view.

Disposed of.

(Mahesh Grover)
Judge

05.03.2019
rekha

(Lalit Batra)
Judge

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No