

CM No. 1207 of 2020 in/and
Review Application No. 30 of 2020 in
CWP No. 30651 of 2019

Mansi and others vs. Guru Angand Dev Veterinary
and Animal Sciences
University and others

Present: Mr. C.S.Bagri, Advocate, for the applicants.

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Heard on the review application filed by certain students, who are respondents in the original petition, praying for modification of the order dated 16.01.2020 passed in Civil Writ Petition No. 30651 of 2019 to the extent that the applicants, who have been granted admissions in Rampura Phul College of Veterinary Sciences and pursued their studies in the said college since September, 2019 and paid the fees in that college, may not be required to pay the higher fees in the other two colleges, namely, College of Veterinary Sciences, Ludhiana and Khalsa College of Veterinary and Animal Sciences, Amritsar.

In pursuance to the orders passed by this Court on 16.01.2020, the applicants are required to be adjusted and shifted to the aforesaid two colleges. It is submitted that the applicants had opted for admissions in Rampura Phul College of Veterinary Sciences in the veterinary courses looking to the fee structure of the said college and now if they are required to pay the higher fees on being adjusted in the other two colleges, they might have to relinquish their seats in view of their inability to bear the extra financial burden. It is submitted that in such circumstances, on adjustment of the applicants in the said two colleges, additional financial burden, if any, fastened upon them, may be directed to be borne by the respondent-university as it is the respondent-university that has committed illegality in the admission process.

It is clarified by learned counsel appearing for the applicants that they have no grievance with the arrangement proposed by this Court regarding their adjustment but are only aggrieved by the fact that on adjustment they might or may be required to pay higher fee.

We have heard learned counsel for the applicants at length.

It is pertinent to note that this Court while hearing the main petitions had perused the entire record and after extensively hearing the learned counsel for the parties expressed its prima-facie conclusion that the admissions made by the university in Rampura Phul College of Veterinary Sciences were illegal and in violation of the rule of merit. And were made only to facilitate those unmeritorious candidates who have been ultimately adjusted in that college as they were the only ones who were given a chance to participate in the process of counselling and obtain admissions which commenced and concluded within three hours. Even though a few other students who were higher in merit were present but denied admissions for they had already been granted admissions in the other two colleges. In view of the aforesaid fact this Court was prima-facie of the view that the said admissions were made by the concerned respondents in connivance with the students who had been granted admissions.

It is only when this Court expressed its prima-facie view, the respondent-university on instructions submitted an undertaking to readjust the students and the petitioners and respondents students realizing the implications thereof, agreed to the arrangement proposed by the university and on the basis of the aforesaid consent, this Court passed the order on

16.01.2020 without recording or expressing its opinion in writing. In such circumstances, we find no reason to review or modify the order passed by this Court on 16.01.2020.

At this stage, learned counsel for the applicants-respondents submits that they have not given any consent for the arrangement proposed by the university. It is, however, noted that the learned counsel appearing for the respondents before this Court on that date had given such a consent and merely on change of counsel such a stand cannot be permitted to be taken up before this Court by the persons who were party to the petition as that would amount to serious abuse and misuse of the process of law and would entail other serious consequences which this Court at this stage does not want to invoke.

It is also pertinent to note that the applicants-respondents did not appear before this Court and now in hindsight are seeking review which is not permissible in law.

At this stage, learned counsel for the applicants sought leave of the Court to withdraw the review application. Accordingly, the review application stands dismissed as withdrawn.

(RAVI SHANKER JHA)
CHIEF JUSTICE

23.01.2020
ravinder

(ARUN PALLI)
JUDGE