

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

218

**CM-8692-CII-2020 in/and
CR-2267-2020
Decided on : 23.09.2020**

Adityajeet Bhadana

... Petitioner

Versus

Maharshi Dayanand University & others

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Mr.Harkesh Manuja, Advocate, for the petitioner.

Mr.Anurag Goyal, Advocate, for the respondents.

(The proceedings are being conducted through video conferencing,
as per instructions.)

G.S. Sandhawalia, J. (Oral)

CM-8692-CII-2020

Application for placing on record documents as Annexures A-1 to A-4, in compliance of the order dated 17.09.2020, is allowed, in view of the averments made in the application, duly supported by affidavit. Said documents are taken on record. Office to tag the same at appropriate place.

CM stands disposed of.

CR-2267-2020

Challenge in the present revision petition, filed under Article 227 of the Constitution of India, is to the order dated 08.09.2020 (Annexure P-5) passed by the District Judge, Rohtak whereby the appeal filed by the University was allowed and the ad interim injunction granted to the petitioner was set aside. The appeal filed by the petitioner, claiming reservation in admission at the Gurugram Centre of the respondent-University, was also dismissed.

In the order passed by the District Judge has noted that the petitioner never put on record the detailed marks-card of his 10+2 examination while seeking admission in the LLB course. Admittedly, on account of the COVID-2019 situation, the candidates were being admitted on the basis of the said marks since the entrance test had not been conducted. It was, accordingly, noticed that he had only uploaded his domicile certificate twice and had been

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allowed time to produce any material to show that he had uploaded the 10+2 mark-sheet. It was also noted that the candidate had been given an opportunity by the University on 14.08.2020 pointing out the deficiency in his application but he did not respond and only on an email on 24.08.2020, he responded that his domicile certificate had been uploaded twice, wrongly.

It was the case of the University that 440 candidates had applied whose forms had been rejected on the ground that they had not complied with the instructions issued by the University and therefore, were not liable to be given any indulgence as they were not interested in completing the formalities.

In pursuance of the order dated 17.09.2020, the University has also placed on record the documents as Annexures A-1 to A-4. The report had been called for by the Trial Court as to whether there was any technical error in uploading the concerned documents but had not been adverted to by the District Judge.

Counsel for the University has pointed out that admittedly as per the case of the petitioner himself, on 14.08.2020, he had received email informing him that his documents were incomplete and therefore, the same should be uploaded by the said candidate. Thereafter, the admission panel was to be locked and no objection was to be allowed. This fact is verified from Annexure A-4, which has now been placed on record.

It has been brought to the notice of this Court that the mail was sent to the petitioner at 2.48 PM and from 2 PM onwards on 14.08.2020 till 12 noon of mid-night, large number of candidates as many as 10,862 have uploaded the documents whereas the petitioner had failed to do so. It is also to be noticed that as per the admission notice, there was no requirement also to give the candidates an opportunity to upload the incomplete forms which were to be rejected. But inspite of that, the University had given a chance to the candidates to complete their documents.

Apparently, the petitioner failed to fulfill his obligation and therefore, cannot hold out that any interim order is liable to be passed in his favour, during the pendency of the suit, as the balance of convenience is not in his favour. Rather irreparable loss and injury would be caused to the other

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candidates who had responded positively by 14.08.2020. In case the seat is reserved, during the pendency of the litigation, irreparable loss and injury would be caused to the candidate to whom the said seat would go, in normal circumstances, on the basis of merit. At the end of the litigation, the petitioner may not even succeed and a valuable seat would go waste since the result cannot be declared in his favour on account of him having not fulfilled the prescribed conditions of uploading his detailed mark-cards on the website of the respondent-University.

Resultantly, in view of the above discussion, the findings recorded by the Lower Appellate Court do not suffer from any illegality or infirmity which would warrant interference by this Court under Article 227 of the Constitution of India. The present revision petition is, accordingly, dismissed.

SEPTEMBER 23, 2020
sailesh

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No