

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

CWP-30591-2018(O&M)
Date of decision: 08.02.2023

Swati Kumari

... Petitioner

Versus

Union of India and another

... Respondents

**CORAM: HON'BLE MR. JUSTICE RAVI SHANKER JHA,
CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI**

Present: Mr. Harish Bhardwaj, Advocate, for
Mr. Sandeep Singh, Advocate, for the petitioner.

Mr. Rajiv Kawatra, Sr. Panel Counsel,
for respondent No.1-UOI.

Mr. Gaurav Tyagi, Advocate, for
Mr. S.S. Kharb, Advocate, for respondent No.2.

RAVI SHANKER JHA, C.J. (Oral)

This petition has been filed by the petitioner being aggrieved by order/letter dated 15.10.2018 (P-12), whereby the provisional admission granted to her has been cancelled by the respondent-University.

Learned counsel for the petitioner submits that the petitioner had appeared for and sought admission in Master of Computer Applications (MCA) course run by the respondent-University. However, by the cut-off date prescribed, petitioner did not possess the degree from the parent institution from where she had done BCA. It is stated that the petitioner gave an undertaking to the respondent-University that she would produce the said degree by November, 2018, on the basis of which, the respondent-University granted her provisional admission by its letter and decision dated 23.06.2018

(P-4). It is also stated that in accordance with the undertaking given by the petitioner, she furnished/produced her degree before the respondent-University on 12.10.2018, but the respondent-authority in spite of having granted her provisional admission on the undertaking given by the petitioner, and even in accordance with the said undertaking she had submitted her degree well before time, i.e. on 12.10.2018, passed the impugned order/letter dated 15.10.2018, cancelling her provisional admission in MCA course. Being aggrieved, the petitioner had filed the present writ petition (CWP-30591-2018).

It is further pointed out that pursuant to an interim order dated 03.12.2018, the petitioner had been permitted to participate in the examination without conferring any equitable right upon her. It is stated, and is not disputed by the respondents, that the petitioner since last several years has been pursuing her studies and has completed her MCA course, but the result of the petitioner has not been declared by the respondent-University.

Learned counsel for the petitioner submits that in such circumstances, as the petitioner was granted provisional admission by the University itself on the undertaking and condition of furnishing the degree before November, 2018, and the petitioner had done so on 12.10.2018, therefore, the petition deserves to be allowed. More so, in view of the fact that the petitioner has already completed her course, it is further prayed that the result of the petitioner may also be directed to be declared.

The petition has been vehemently opposed by learned counsel for the respondent-University, who has specifically stated that the petitioner was granted admission by obtaining an undertaking on 23.06.2018 by one Vijay Kumar, who was Teacher-in-charge acted as Convener-Member of the

Admission Committee for the respondent-University. It is submitted that as the admission was granted on undertaking by one Vijay Kumar without any authority or law, the University has subsequently not just cancelled the admission of the petitioner but has also taken action against said Vijay Kumar by terminating him, against which he has approached this Court, and the petition is pending.

Learned counsel for the respondent-University submits that in such circumstances, for the admission was granted to the petitioner by Vijay Kumar erroneously, it was cancelled by the impugned order/letter dated 15.10.2018, and as no infirmity in the same can be found, the petition deserves to be dismissed.

Having heard learned counsel for the parties, it is observed that the petitioner was granted admission by the respondent-University on 23.06.2018, which fact is admitted and not denied. It is also undisputed that in terms of the undertaking and condition mentioned in the letter granting provisional admission, the petitioner had furnished her degree before the authorities well before November, i.e. on 12.10.2018. It is also undisputed that the petitioner has now pursued her studies and completed the course, and only the result has not been declared.

In such circumstances, looking to the fact that the petitioner had been granted admission by the respondent-University itself, and she has completed her course pursuant to an interim order passed by this Court, therefore, the petition filed by the petitioner is allowed and the respondent-authorities are directed to declare her final result as well as complete all other formalities required to be completed in accordance with law on the necessary application being filed by the petitioner.

Application(s), if any, also stands disposed of.

(Ravi Shanker Jha)
Chief Justice

(Arun Palli)
Judge

08.02.2023
Rajan

Whether speaking / reasoned:	YES/NO
Whether Reportable:	YES/NO