



CWP-24793-2023 (O&M) 1

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

CWP-24793-2023 (O&M)
Date of decision: 30.09.2024

Himanshu Yadav

....Petitioner

Versus

State of Haryana and others

..Respondents

**CORAM: HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE
HON'BLE MR. JUSTICE ANIL KSHETARPAL**

Present:- Mr. Aditya Yadav, Advocate for the petitioner
Mr. Naveen S Bhardwaj, Addl. AG, Haryana
Mr. Ashish Verma, Advocate for respondent no.2 to 4
Mr. Varinder Soni, Advocate for respondent no.5 and 6

ANIL KSHETARPAL, JUDGE

1. Brief facts of the case:-

1.1 While filing the writ petition, the petitioner aspired for admission to Bachelor of Veterinary Science & Animal Husbandry course under BC-B category in a college for veterinary Science i.e Lala Lajpat Rai University of Veterinary and Animal Sciences, Hisar (hereinafter referred to as 'LUVAS, Hisar') in the session 2023. He has already secured admission in Sant Karam College of Veterinary and Animal Sciences, Jhajjar (SKCVAS) in his second preferred college in the year 2023, in the third counselling. He is studying in SKCVAS, Jhajjar from 2023 and he filed the writ petition on 18.10.2023, after depositing the fee in the said college. He asserts that he has not been allowed to shift to his 11th preferred college, where the amount of fee is comparatively less.



1.2 At the time of hearing, a prayer was made to order shifting of the petitioner to the College of Veterinary Science, LUVAS, Hisar despite the fact that he has studied for the last 10 months in SKCVAS, Jhajjar.

2. Arguments put forth by the learned counsel:-

2.1 The petitioner's counsel relies upon the Supreme Court judgment in '**S.Krishna Sradha vs. State of Andhra Pradesh & Ors**' **2020 (17) SCC 465**, to contend that the petitioner filed the writ petition in November, 2023, hence, he should not be deprived of the seat in the college run by the University. This Court has carefully read the judgment. In that case, the petitioner, before the Supreme Court was denied admission by the University and under the exceptional circumstances, particularly when there was no fault attributed to the candidate, the order was passed while observing that such relief can be granted only in exceptional circumstances and rarest of the rare case. The relief was granted in the peculiar facts of the case and hence, the aforesaid judgment does not apply to the facts of the present case.

3. Analysis and discussion:-

3.1 Having heard learned counsel representing the parties, at this stage, shifting of the petitioner is not found appropriate because:-

- i) The admission process concluded on 31.10.2023. Thereafter, only 'mop up round' was to be conducted. The classes have already started and the students including the petitioner, have been studying for the last 10 months.



- ii) While submitting his admission form, the petitioner gave preference of colleges. He has got admission in his second preferred college in the third counselling. Now, he wants to shift to his 11th preferred college, which is opposed by the University. At this stage, it is not considered appropriate to exercise the writ jurisdiction.
- iii) Sh.Jaipal, another student admitted in the University College is also studying for the last 10 months. The petitioner challenges admission given to Sh.Jai Pal.
- iv) The University's counsel also contends that the petitioner failed to give his written consent for participation in the 'Mop up round'.

4. Decision:-

- 4.1 With these observations, the writ petition is disposed of.
- 4.2 All the pending miscellaneous applications, if any, are also disposed of.

(ANIL KSHETARPAL)
JUDGE

30.09.2024

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

(SHEEL NAGU)
CHIEF JUSTICE