



CWP-28650-2024 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-28650-2024 (O&M)

Date of decision: 22.10.2024

Vanshika Sabharwal

....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. Shiv Kumar, Advocate for the petitioner
Mr. Deepak Balyan, Addl. AG, Haryana
Mr. Harmanjot Singh Gill, Advocate for respondent no.3

ANIL KSHETARPAL, JUDGE

1. Brief facts of the case:

1.1 The petitioner herein aspires for admission in the MBBS course. She belongs to the marginalized category of the society being Scheduled Caste. She secured 83% marks in matriculation whereas in 10+2 she secured 71.40%. After having secured category rank 86109 in the NEET examination conducted by the National Testing Agency, she applied for admission in the State of Haryana.

1.2 For the State of Haryana, admissions are being held by the Admission Committee-UG-NEET-2024 Pt. Bhagat Dayal University of Health Sciences, Rohtak for all the colleges located in the State of Haryana.

1.3 In the first round, the petitioner did not come in the merit.

While opting for participation in the second round of counselling, she



deposited Rs.1,00,000/- by RTGS through the Bank of her father Central Bank of India, Mandi Dabwali on 13.09.2024 as security. However, she could not succeed. In the third round of counselling, she again participated. This time she came in the merit and was allotted a seat in MBBS course in respondent no.4- College.

1.4 As per the schedule of third round counselling, the online payment of tuition fee through admission web portal was opened to the students from 15.10.2024 to 18.10.2024 whereas the document verification was from 19.10.2024 to 21.10.2024. The petitioner after creating her Login Id, generated the password . On 16.10.2024, with the help of password the form was filled and subsequently the option for deposit of fee was chosen. After completing all the formalities challan of ICICI Bank for counselling and admission on account of Department of Medical Education and Research, Haryana was automatically generated for depositing the tuition fee amounting to Rs.7,50,000/- on 16.10.2024 although the fee could be deposited upto 18.10.2024. 17.10.2024 was a Bank holiday. The petitioner's father deposited the said challan alongwith the cheque of his account of the amount of Rs.7,50,000/- drawn on Central Bank of India and the requisite form for RTGS in his branch. The amount was debited from the account of the petitioner's father and reference no. 244440577611 under UTR No. CBINR5202410180014369 was generated under transaction ID no. 241016199198742 dated 16.10.2024. After sometime, the petitioner's father received a text message from the Bank that the aforesaid tuition fee amount has been reverted by the Bank of the Admission Committee.



Immediately, the petitioner's father requested his Bank to transfer the amount through RTGS on the same particulars. Again the amount was deposited from the account of the petitioner's father and UTR no. CBINR5202410127274366 was generated on 18.10.2024. The amount was debited from the account of the petitioner's father. However, again, the amount was returned to the petitioner's father's account. Petitioner for the third time again from her Login ID generated password and challan. For the third time again the petitioner's father approached his Bank Central Bank of India for deposit of Rs.7,50,000/- of tuition fee and submitted the challan. Again the amount was debited and transaction no. UTR no. CBINR5202410181001640 was generated on 18.10.2024. The amount was debited again from the bank account of the petitioner's father but again it was returned.

1.5 Aggrieved by the circumstances the petitioner submitted a detailed representation on 19.10.2024, and subsequently the petitioner on 21.10.2024, filed the present writ petition, in which the following order was passed on 21.10.2024:-

“Learned counsel for petitioner raises a grievance that the petitioner, having been allotted a seat in Maharishi Markandeshwar College of Medical Sciences and Research, Sadhopur, Ambala, for pursuing MBBS course, in the third round of counselling, was directed to deposit the requisite fee, which was Rs.7,50,000/-. However, when an attempt to deposit the said fee was made, account of the petitioner was debited of the said amount but the same was immediately returned, with no reason. It is also informed by learned counsel for petitioner that the aforesaid fee was deposited in the account of the Director, Department of Medical Education and Research, Haryana.

Learned counsel for State of Haryana is directed to seek instructions in this regard.



List on 22.10.2024.

In the meantime, respondent no.3 is directed by an interim order to provisionally verify the documents of the petitioner and keep the result in a sealed cover and produce the same in the Court tomorrow.”

1.6 Learned counsel representing the Admission Committee has submitted a sealed envelope, which on being opened revealed that the documents of the petitioner have been verified, however, transfer fee has not been received. Hence, she has been declared ineligible.

2. Arguments put forth by the learned counsel representing the parties:

2.1 Heard learned counsel representing the parties at length and with their able assistance perused the paperbook.

2.2 The learned counsel representing the Admission Committee has relied upon the public notice dated 16.08.2024, issued by the Chairman, Admission Committee, clarifying that the State Admission Committee will not be responsible for any type of transaction failure or any delay in deposit of the fee. He submits that the petitioner is not entitled to any relief.

3. Analysis and Discussion:

3.1 This Court has considered the submissions made by the learned counsel representing the parties and analysed the facts of the case. It is evident that the petitioner has been making sincere attempts to fulfill all the requirements within the prescribed time. The petitioner has produced a copy of statement of account of her father which shows



that on three different occasions on 18.10.2024 the amount of Rs.7,50,000/- alongwith Bank's commission and GST was debited but the fee amount was returned by ICICI Bank in which the account of the Admission Committee has been opened. Learned counsel representing the Admission Committee submits that the petitioner's father's Bank i.e. Central Bank of India was not confirming the transaction within the prescribed time which has resulted in return of the fee.

3.2 Be that as it may. It is evident that the petitioner is not at fault. She is a meritorious student who belongs to the Scheduled Caste category. She has made all the attempts to fulfill the requirements as desired by the Committee. The steps which were taken by her to comply with all formalities pursuant to allotment of seat to her in MBBS course are not in dispute. It is not the case of the respondents that any other candidate in place of the petitioner has been admitted.

3.3 The petitioner before this court finds herself in a situation not of her own making, and the circumstances of her case call for a judicious and compassionate interpretation of the law. The petitioner, having secured her admission purely on merit, has shown that she possesses the requisite qualifications and competence to be granted the seat. It is important to highlight that the petitioner took diligent steps to fulfill her financial obligations to the admission committee by attempting to deposit the fees on not one but three separate occasions.

3.4 However, due to a technical anomaly in the banking transaction, the fees, instead of being transferred to the Admission Committee's account, were credited back to her father's account each time. This



technical glitch has occurred despite the petitioner's good faith efforts to make the payment, and it is a matter of record that the issue was not within her control.

3.5 The stance taken by the committee's counsel attributing the failure of the transaction to the involvement of a nationalized bank on the petitioner's end, while technically valid, must be examined in light of the broader principles of justice and fairness. The petitioner cannot be penalized for a systemic failure in the banking process, especially when she has complied with all procedural requirements and made every effort to remit the fees as required.

3.6 To deny the petitioner admission on a purely technical ground would not only be unjust but would also disregard her academic merit and rightful entitlement to the seat she earned. Such a denial would amount to a disproportionate and unfair punishment, given that the petitioner has acted promptly and in good faith throughout the process. The court is mindful of the fact that the petitioner's future and aspirations are at stake, and the refusal of admission could have long-lasting consequences on her academic and professional trajectory.

3.7 It is imperative that we, as arbiters of justice, consider the human element in this case. The petitioner has not only demonstrated her eligibility and competence but has also complied with every instruction issued by the institute regarding the payment of fees. The repeated return of funds to her account, despite her attempts to pay, is an unfortunate technical failure—one that should not overshadow the petitioner's rightful claim to admission.

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3.8 In the interest of justice, it would be inequitable to deny her the relief sought. The petitioner should not be made to suffer for reasons beyond her control, and this court finds it both just and proper to extend to her the relief she is entitled to, allowing her admission based on merit.

4. Decision:

4.1 For the reasons noted above, the writ petition is allowed. Direction is issued to the Admission Committee to grant admission to the petitioner in respondent no.4-College against the seat which was allotted to her. She would physically deposit the tuition fee of Rs.7,50,000/- in ICICI Bank within a period of three days, from today. If the Bank fails to accept the amount, it will be open to her to deposit the amount within next two working days by way of demand draft in the office of the Admission Committee. The Chairman of the Admission Committee is requested to ensure all possible help to the petitioner to complete the formalities.

4.2 Accordingly, the writ petition stands allowed.

(ANIL KSHETARPAL)
JUDGE

(SHEEL NAGU)
CHIEF JUSTICE

22.10.2024

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No