



CWP-33016-2024 (O&M)

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

CWP-33016-2024 (O&M)**Date of decision: 09.12.2024**

Kritika

....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.Sube S Kaushik, 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 has been allocated NRI seat in MBBS course in Bhagat Phool Singh Govt. Medical College for Women, Khanpur Kalan Sonapat, in a special stray round of counselling, after she deposited Rs.1,00,000/-. She passed her NEET examination with category rank of 221200. As per the schedule, the fee had to be deposited through the online web portal in the account of the Admission Committee between 27.11.2024 to 30.11.2024 and she had to appear for the document verification on 01.12.2024.

1.2 On 27.11.2024, after creating a user-ID and generating a password, the petitioner generated challan of ICICI Bank for depositing



Rs.32,58,000/-. The petitioner's maternal uncle, who has sponsored her admission, made an attempt to deposit the tuition fee on the same day i.e 27.11.2024 from his NRI account no.103101510472, but due to a technical restriction, the amount was not debited from his account. The petitioner has produced print-out of the message, wherein it is clear that her uncle had exceeded the daily transaction limit, hence, he was requested to try again tomorrow. Thereafter, she tried to contact the officials of the respondent-University on telephone but there was no response.

1.3 The uncle of the petitioner made an attempt again to deposit the amount but in vain. The petitioner contacted the officials of the respondent-University who advised her to inform her uncle to increase the limit of the NRI Bank account from 25 lakhs to 1 crore. The petitioner's uncle accordingly increased the limit as is evident from Annexure P-13. Again an attempt was made to transfer the amount, but due to technical anomaly, the amount was not deposited.

1.4 Subsequently, the petitioner's father tried to deposit the amount of tuition fee through demand draft but the respondent authorities refused to accept the same. Ultimately the petitioner's father deposited the tuition fee of Rs.32,58,000/-from his Union Bank of India's account on 29.11.2024 i.e before the last date i.e .30.11.2024. However, she was not permitted to participate in the document verification on the ground that she has deposited the tuition fee through Indian Bank account, hence, she cannot be admitted. It is pertinent to



note that the admission rules state that for NRI admissions, the fee has to be paid through an NRI account.

2. Submissions put forth by the learned counsel representing the parties.

2.1 Before lunch session, learned counsel representing the respondent-University was requested to take instructions.

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

2.3 Learned counsel representing the petitioner, while drawing attention of the Court to the facts which have already been noticed, submits that the petitioner cannot be made to suffer for the fault of the respondent's Bank as the petitioner's uncle made repeated attempts to deposit the amount through his NRI account (as required by the Rules) He submitted that ultimately the petitioner's father deposited the amount through Union Bank of India as her uncle's attempts had failed over and again.

2.4 Per contra, the learned counsel representing the respondent submits that as per the prospectus (which has not been produced) the amount is required to be deposited through NRI account.

3. Analysis and discussion:-

3.1 This Court has considered the submissions made by the learned counsel representing the parties.

3.2 It is significant to note here that this Court in **Vanshika Sabharwal vs. State of Haryana and others** (CWP28650-2024 decided on 22.10.2024) and **Jaskirat Kaur vs. State of Haryana and others** (CWP-29612-2024), has taken into account the technical anomaly which



resulted in repeated failures while transacting the amount. This Court while considering that the issue is not attributable to the petitioners in both the cases allowed admission, subject to fulfilment of other eligibility criteria.

3.3 The facts, as already noticed above, are not disputed by the respondents' counsel. It is evident that an equivalent amount within the prescribed time has already been deposited in the Bank account of the Admission Committee. It is also evident that the petitioner's father or her uncle have made repeated attempts to deposit the amount within the prescribed time period.

3.4 If the respondents are allowed to cancel the petitioner's admission, she will stand deprived of becoming Doctor, when the failure is clearly a result of system malfunction and not attributable to any fault or negligence on the part of the petitioner. The only objection of the respondents is petitioner's failure to deposit the amount through NRI account, though they admit that the amount has been received.

3.5 In the considered opinion of this Court, to deny the petitioner admission purely on technical ground would not only be unjust but also be disregard to her academic merit and rightful entitlement to the seat, which she has earned. Such a denial would amount to a disproportionate and unfair punishment, given that the petitioner acted promptly and in good faith throughout the process. While deciding **Vanshika Sabharwal's case (supra)**, this Court in para 3.7 has observed as under:-



“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.”

3.6 In the interest of justice and fairness and to ensure that the petitioner is not unduly prejudiced by circumstances beyond her control, it would be inequitable to deny her the relief sought.

4. Decision:-

4.1 For the reasons recorded above, the writ petition is allowed. A direction is issued to the Admission Committee to grant admission to the petitioner in respondent no.4-College against the seat which was allotted her in MBBS course. She is granted 7 days time from today to deposit the tuition fee of 32,58,000/- in ICICI Bank from the NRI account.

4.2 If ICICI 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 prepared from the NRI account in the office of the Admission Committee.

4.3 Once the amount is deposited from the NRI account, the amount of Rs.32,58,000/- already deposited by the petitioner shall be refunded to her. The Chairman of the Admission Committee is



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requested to ensure all possible help to the petitioner to complete the formalities.

4.4 All the pending miscellaneous applications, if any, are also disposed of.

(ANIL KSHETARPAL)
JUDGE
09.12.2024

(SHEEL NAGU)
CHIEF JUSTICE

rekha
Whether speaking/reasoned : Yes
Whether reportable : No