



CWP-22867-2022

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

CWP-22867-2022 (O&M)

Date of decision:13.05.2025

Anshiv Berry

....Petitioner

V/s

Panjab University and others

....Respondents

**CORAM: HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE
HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. Gurminder Singh, Senior Advocate with
Mr. Jatinder Singh Gill, Advocate,
Mr. Karmanbir Singh, Advocate,
Mr. Nitish Bansal, Advocate and
Mr. Randeep S. Gill, Advocate for the petitioner.
Mr. Subhash Ahuja, Advocate for the respondents.

SUMEET GOEL, JUDGE

1. The civil writ petition in hand has been preferred under Article 226 of the Constitution of India praying, in essence, for quashing the provisional merit list of NRI category of B.A./B.Com LLB (Hons.) 5 year integrated course (hereinafter referred to as '*course in question*'), issued by the respondents on 28.09.2022 & consequential direction for grant of admission to the petitioner

2. Shorn of non-essential details, the relevant factual milieu of the *lis* in hand reads, thus:

(i) The respondent-Punjab University issued Prospectus for admission to the *course in question* in June, 2022.

(ii) The petitioner applied, as a general category candidate, for admission thereto.



(iii) On 01.09.2022, a Public Notice was issued by the Punjab University, (hereinafter referred to as ‘01.09.2022 Public Notice’) relevant whereof reads as under:

*“Since the admission of UG/PG courses in PU as well as its Affiliated Colleges are still underway and there are vacant seats in UG/PG courses. The last date for submission of Admission Forms under NRI/Foreign Nationals Category extended till September 9, 2022 through OFFLINE mode only, with late fee, as applicable
The relevant schedule is given below:-*

<i>Last date to apply for Admission in the concerned Departments (UG/PG)</i>	<i>Last date of Receipt of Admission form by Dean International Students Office Form Departments (UG/PG)</i>	<i>Last date of Approve Admission form by Dean International Students Office (UG/PG)</i>
<i>September 9, 2022</i>	<i>September 15, 2022</i>	<i>September 26, 2022</i>

The candidate will submit the hardcopy of the Admission form for NRI/Foreign Nationals in the Concerned Departments and Departments will forward all forms received for admission collectively to Dean International students Office.”

(iv) The petitioner, in pursuance thereto, applied as an NRI candidate and submitted his application form on 05.09.2022. The provisional merit list dated 28.09.2022 was released wherein the petitioner was shown to be a late-applicant.

(v) Aggrieved by the said provisional merit list, the petitioner approached this Court by way of the writ petition in hand.

(vi) On 29.09.2022, this Court passed the following order:

*“Heard.
Notice of motion.
Mr. Subhash Ahuja, Advocate, accepts notice on behalf of the respondent-University and prays for time to file reply.
At this stage, as an interim measure, the respondent-University shall permit the petitioner to provisionally participate in the counseling for*



B.A./B.Com. LL.B. (Hons.) 5 years integrated course and consider his case in accordance with merit. It is further made clear that this interim direction is confined only to the NRI seats in the aforesaid course and shall not be construed or interpreted by any person including the parties to mean that we have issued any direction that would apply or extend to any other Departments of the University or even to the entire admissions in Law Department in Panjab University. It is further made clear that this interim arrangement is made at the risk, cost and responsibility of the petitioner and shall not create any right or equity in the petitioner. Adjourned to 10.10.2022.”

(vii) Thereafter, on 20.10.2022, the following order was passed:

“Pursuant to the order passed by this Court, Prof. Rajinder Kaur, Director, University Institute of Legal Studies, Panjab University; and Prof. Deepti Gupta, Dean International Students, Panjab University, Chandigarh, are present in Court. However, as members of the Bar are abstaining from work, they seek time to present the case. It is stated that in view of the pendency of the present petition, one seat each in B.A. LL.B and B.Com (Hons.) LLB 5 years integrated course has been kept vacant, and the petitioner has been permitted to provisionally participate in the counseling in terms of the order dated 29.09.2022”

(viii) Thereafter, on 23.01.2023, the following order came to be passed by this Court:

“We have heard learned counsel for the parties on the question of interim relief.

We have also perused the order passed by this Court on 20.10.2022.

Looking to the fact that the last date for filing the applications was extended upto 09.09.2022 by the University irrespective of the fact that it was by 'A' Department or 'B' Department and the undisputed fact that the petitioner had applied prior to the expiry of the last date, he prima-facie could not have been treated as a late applicant. Further, inspite of being given several opportunities, no clarification in this regard is forthcoming. Therefore, as an interim measure, the petitioner is directed to be provisionally shifted to the Punjab University Law Faculty Campus, Chandigarh, wherein one seat each in B.A. LL.B and B.Com (Hons.) LL.B 5 years integrated course has already been kept vacant, and he may be accommodated against one of the vacant seats.

List on 27.07.2023”



It is in the above factual backdrop that the writ petition in hand has come up for final adjudication before this Court.

Rival Submissions

3. Learned counsel for the petitioner; led by Sh. Gurminder Singh, senior Advocate; have argued that the respondent-University had extended the last date for submission of admission forms under NRI/Foreign Nationals Category till 09.09.2022 as per the *01.09.2022 Public Notice*. The petitioner, who was duly qualified as an NRI candidate, had applied in pursuance thereto on 05.09.2022 i.e. well within the time-limit stipulated by the respondent-University and, thus, there was no cause with the respondent-University to treat the petitioner as a late applicant.

Learned senior counsel for the petitioner has further iterated that, in any case, the petitioner was earlier permitted to provisionally participate in the counseling in terms of interim order(s) dated 29.09.2022 and 20.10.2022 passed by this Court and, thereafter, vide order dated 23.01.2023, petitioner was provisionally admitted to the *course in question* and has been diligently pursuing his studies therein. It has, hence, been implored that the admission of the petitioner ought to be accordingly regularized, even on account of equity.

On the strength of these submissions, grant of the writ petition in hand is entreated for.

4. Upon notice of motion having been issued, the respondents entered appearance through counsel. Written statement and, thereafter, another detailed reply were filed on behalf of the respondents. The relevant of the detailed reply filed on behalf of the respondents reads, thus:



“20. That similarly the functions and the duties of Dean of Foreign Students now called as the Dean International Students are defined in Chapter IV (A) (iii) : DEAN OF FOREIGN STUDENTS, Panjab University Calendar Volume-I (pp.108) which clearly indicates that there is no power or provision in these Regulations empowering respondent No.3 to change the last date of submission of applications stipulated in the Prospectus. Copy of these regulations are attached as ANNEXURE: R-8.

21. That Notice dated 29.08.2022, ANNEXURE: P.4 issued by the DIS of respondent-University for inviting fresh applications is intended/meant only for vacant seats in NRI category.”

Raising submissions in tandem with the said pleadings filed by the respondents; Shri. Subhash Ahuja, Advocate has iterated the stand of the respondents by arguing that the *01.09.2022 Public Notice* was applicable only for the *vacant seats* in Undergraduate/Post-Graduate courses under the NRI/Foreign Nationals Category and the same did not apply to *course in question* as its admission process was not completed at that time. Learned counsel has further iterated that there was no power with the respondent No.3 (Dean International Students, Panjab University, Chandigarh) to alter the last date for submission of applications. Learned counsel has urged that, thus, the petitioner could not seek for grant of NRI quota in the factual matrix of the *lis*.

On the strength of these submissions, dismissal of the writ petition in hand is sought for.

5. We have heard learned counsel for the rival parties and have perused the record.

Prime Issue

6. The prime issue that arises for determination in the writ petition in hand is as to whether the petitioner ought to be endowed the NRI quota for admission to the *course in question* in view of the *01.09.2022 Public*



Notice wherein the last date for submission of admission forms, under NRI/Foreign Nationals Category, was extended till 09.09.2022.

Analysis

7. The fulcrum of the *lis* in hand lies in the interpretation/application of the *01.09.2022 Public Notice* whereby the respondent No.3 (Dean International Students, Panjab University, Chandigarh) had extended the last date for submission of admission forms, under NRI/Foreign Nationals Category, up till 09.09.2022 for Undergraduate/Post Graduate courses.

7.1. A plain but careful reading of the *01.09.2022 Public Notice* reveals that its object was to extend the deadline for submission of admission forms owing to the continued availability of seats under the NRI/Foreign Nationals category. The language employed therein is unambiguous and does not, either expressly or by necessary implication, restrict the consideration of applicants to only such seats as remained vacant. It is a well-settled canon of statutory interpretation that the intent of the framers is to be ascertained primarily from the plain, ordinary and grammatical meaning of the words employed in the text.

7.2. The contention advance on behalf of the respondent-University, that the *01.09.2022 Public Notice* was issued by an authority (i.e. the respondent No.3 - Dean International Students, Panjab University, Chandigarh) lacking the requisite competence, is *sans* rationale. Once a communication in the form of a circular, notice, notification etc. , emanates from an office of the University; as eminent and authoritative as that of Dean (i.e. the respondent No.3 Dean International Students, Panjab University, Chandigarh); it is neither reasonable nor practicable nor fathomable to



expect a prospective candidate to scrutinize the internal delegation of powers or verify the formal competence of the such issuing authority. Such matter(s) pertains exclusively to the internal administrative framework of the institution and cannot justly be imputed to external parties. In situations where institutional disarray prevails — where, metaphorically, *the left hand is unaware of the right hand's actions* — the doctrine of apparent authority must apply. To permit the respondent-University to now disown its own official act on the plea of procedural irregularity would be to visit innocent third parties, who acted *bona fide* in reliance upon such official representation, with undue hardship and prejudice. Such a course of action would be wholly antithetical to the Principles of Natural Justice, administrative accountability and legitimate expectation.

At this juncture, it is worthwhile to notice that it is common ground between the learned counsel for the rival parties that the petitioner was, indeed, an eligible NRI quota candidate.

Ergo; the petitioner could not have been treated to be a late applicant as reflected in the provisional merit list dated 28.09.2022.

8. There is yet another aspect *may* pertinent aspect of the *lis* in hand.

As per the interim orders dated 29.09.2022 and 20.10.2022 earlier passed by this Court, the petitioner was permitted to provisionally participate in the counseling &, thereafter, vide order dated 23.01.2023, he was permitted to provisionally study in the Punjab University Law Faculty Campus at Chandigarh.

8.1. At this juncture, it would be apposite to refer herein to a judgment passed by this Court in ***Simran Shakya vs. Government Medical***



College and Hospital, Sector 32, Chandigarh and another = 2025: PHHC:012822-DB, relevant whereof reads as under:

“3. When the main writ petition was taken up for hearing today, it is the common ground of the rival parties that the petitioner has successfully completed the course in question i.e. MBBS. The issue which needs consideration, at this juncture, is as to whether and in what manner a subsequent event (that the petitioner has successfully completed course in question) after the institution of the present writ petition is required to be delved into. A three Judge Bench of the Hon’ble Supreme Court in a case titled as ***Pasupuleti Venkateshwarlu vs. The Motor and General Traders AIR 1975 SUPREME COURT 1409***; has held as under:

“4. xxxxxxxxxxxx. First about the jurisdiction and propriety vis a vis circumstances which come into being Subsequent to the commencement of the proceedings. It is basic to our processual jurisprudence that the right to relief must be judged to exist as on the date a suitor institutes the legal proceeding. Equally clear is the principle that procedure is the handmaid and not the mistress of the judicial process. If a fact, arising after the lis has come to court and has a fundamental impact on the right to relief for the manner of moulding it, is brought diligently to the notice of the tribunal, it cannot blink at it or be blind to events which stultify or render inept the decretal remedy. Equity justifies bending the rules of procedure, where no specific provision or fairplay is violated, with a view to promote substantial justice--subject, of course, to the absence of other disentitling (actors or just circumstances. Nor can we contemplate any limitation on this power to take note of updated facts to confine it to the trial Court. If the litigation pends, the power exists, absent other special circumstances repelling resort to that course in law or justice. Rulings on this point are legion, even as situations for applications of this equitable rule are myraid. We affirm the proposition that for making the right or remedy claimed by the party just and meaningful as also legally and factually in accord with the current realities, the court can, and in many cases must, take cautious cognizance of events and developments subsequent to the institution of the proceeding provided the rules of fairness to both sides are scrupulously obeyed. xxxxxxxxxxxx”

Further, a Five Judge Bench of the Hon’ble Supreme Court in a case titled as ***State of Maharashtra vs. Milind AIR 2001 SUPREME COURT 393***, dealing with somewhat similar set of facts as are in the present case, has held as under:

“31. Respondent no. 1 joined the medical course for the year 1985- 86. Almost 15 years have passed by now. We are told he has already completed



the course and may be he is practicing as doctor. In this view and at this length of time it is for nobody's benefit to annul his Admission. Huge amount is spent on each candidate for completion of medical course. No doubt, one Scheduled Tribe candidate was deprived of joining medical course by the admission given to respondent no. 1. If any action is taken against respondent no. 1, it may lead depriving the service of a doctor to the society on whom public money has already been spent. xxxxxxxxxxxxxx”

4. *As noted hereinabove, it is not in dispute that the petitioner has successfully completed her MBBS degree course, though on the basis of interim protection afforded to her by this Court. There is no allegation of any fraudulent or misleading practice having been undertaken by the petitioner. The respondent No.2, whose admission was affected on account of the petitioner having been granted admission to the course in question, was also protected by this Court in CWP-18187-2016 & it is not disputed by the learned rival counsel that she (respondent No.2) has also completed the course-in-question successfully. At this juncture, it will yield no result(s) for anyone if the petitioner's qualification/admission is rescinded in anyway. It will be universally futile in case the petitioner is not permitted to reap the benefit of her having completed her MBBS degree course; even the Society would be deprived of the service(s) of a qualified doctor for which scarce resources of a public-funded medical institution have been utilized. It would be a waste of the training, time, efforts of the faculty and other resources in the medical institution; as well as it will adversely affect the life of the petitioner, if she were not allowed to undertake the profession for which she has been declared qualified. It will bring no gain rather will have no effect at all, to the respondent No.2; if the petitioner is denied her qualification. In essence, it would be unproductive for the Society at large to deny medical practice based on her qualification to the petitioner.”*

8.2. Further, in a judgment titled as ***Jasmeen Kaur vs. State of Punjab and others*** = 2025: PHHC:022697, this Court has held as under:

“In general terms; Equity is a notion of fairness, impartiality and even-handed dealing. Osborne considered equity as fairness and related it with natural justice. For Aristotle, equity is a correction of the law, where the law is defective owing to its universality. The term "Equity" originates from the Roman term "aequitas", suggesting the idea of equality, equilibrium, and proportion. The writ jurisdiction of a High Court, as enshrined under Article 226/227 of the Constitution of India, is not confined to the rigid contours of legalistic adjudication but



*extends to the realm of equity, ensuring that the justice is dispensed in its truest and fairest form. The court, while exercising its extraordinary jurisdiction, does not merely function as a mechanical arbiter of legal principles but also as a custodian of justice, obligated to prevent manifest injustice, even in the cases, where strict legal norms may appear adverse to the petitioner. The doctrine of equity, which serves to temper the rigidity of the law, mandates judicial intervention to prevent an inequitable outcome. Equity, while operating within the framework of the law, does not permit legal provisions to be enforced in a manner that results in undue hardship, oppression, or disproportionate consequences. The purpose of legal norms is to uphold fairness, not to be applied mechanically to defeat substantial justice. Where a party, albeit initially ineligible, has acted in good faith and without any fraudulent intent, and where no overriding public interest is adversely affected, equity demands that the individual should not be subjected to disproportionate hardship solely on the basis of a technical defect at the inception. Furthermore, legal principles must be applied in a manner that align with the objectives of justice and fairness. The writ Court, as the guardian of justice, must ensure that legal procedures are not used as instruments of rigidity, but rather as vehicles for advancing fairness and mitigating undue hardship. Thus, in circumstances where a litigant has, in good faith, undertaken significant commitments based on a reasonable expectation of progression, equity mandates a balanced approach that upholds the substantive ends of justice while avoiding an unduly harsh application of the law. Judicial intervention is warranted where a litigant has acted in good faith and where allowing strict compliance with technical requirements would result in unwarranted hardship. The maxim *actus curiae neminem gravabit* (an act of the court shall prejudice no one) applies herein with complete vigour, reinforcing the salutary principle that the writ court should not allow its process to be employed in a manner that defeats substantive justice. A rigid application of rules should not undermine the broader principles of fairness and justice. The doctrine of proportionality, another cornerstone of judicial review, necessitates that the adverse impact on the petitioner must be weighed against the broader objectives of the regulatory framework. Ergo, in the exercise of its equitable jurisdiction, the writ Court must not render decision(s) that results in punitive detriment to the litigant, especially when no fraud, misrepresentation, or malafide intent is attributable to such litigant. The writ Court must desist from taking a hyper-technical view that subverts substantive justice. Instead, a holistic approach, ensuring that equity and*



good conscience prevail, must be the guiding beacon in the adjudication of such matters. The writ jurisdiction must, thus, be wielded as an instrument of justice rather than an inflexible adjudicatory tool, bound by pedantic legal formalities.”

8.3. Considering that the *course in question* extends over a duration of five years and further acknowledging that the petitioner, pursuant to interim orders dated 29.09.2022, 20.10.2022 and 23.01.2023, not only participated in the counseling process but also secured admission & has, since then, been diligently as also consistently pursued the *course in question* for more than two years, it would be manifestly unjust as also inequitable to annul or invalidate such admission at this belated stage. The principles of equity & justice weigh heavily against such course & action, as it would inflict irreparable hardship and substantial prejudice upon the petitioner who has acted in good faith throughout. Moreover, the petitioner's admission was effected against a seat that remained vacant, thereby occasioning no detriment to the rights or legitimate expectations of any other aspirant(s). This circumstance acquires added significance, as it reinforces the absence of any encroachment upon the entitlements of third parties and negates the presence of any competing claim. The settled position of law militates against unsettling a *status quo* that has endured over a significant period, especially where the equities so palpably favour the petitioner. In light of the foregoing, the invocation of equitable jurisdiction is not only warranted but imperative, so as to prevent a grave miscarriage of justice. *Ergo*, in the distinctively peculiar and accentuating factual matrix of the case in hand, this Court is persuaded to exercise its equitable discretion and deems it appropriate to allow the petitioner to complete the *course in*



question so as to ensure that substantive justice prevails over mere procedural technicalities.

Decision

9. In view of the above ratiocination, the writ petition in hand is disposed of in the following terms:

- (i) The provisional merit list dated 28.09.2022 is quashed, to the extent, that the petitioner has been reflected therein as a late candidate & the benefit of provisional counseling granted to the petitioner vide orders dated 29.09.2022 and 28.01.2022 as also provisional admission granted to the petitioner vide order dated 23.01.2023 is directed to be regularized. The respondents are mandated to undertake, forthwith, the requisite consequential steps accordingly.
- (ii) Pending application(s), if any, shall also stand disposed of accordingly.
- (iii) In the peculiar factual milieu of the case in hand, this Court refrains itself from imposing costs upon the respondents.

(SUMEET GOEL)
JUDGE

(SHEEL NAGU)
CHIEF JUSTICE

May 13, 2025
Ajay

Whether speaking/reasoned:	Yes
Whether reportable:	Yes