

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

CWP-27647-2024

Date of decision : 13.05.2025

Amisha

.....Petitioner

Versus

Panjab University and others

.....Respondents

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

Present: Mr. Anuj Malik, Advocate,
Mr. Aditya Singh, Advocate, and
Mr. Pankaj Attri, Advocate, for the petitioner.

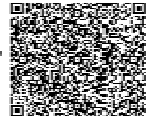
Mr. Shubham Thakur, Advocate, for respondents No.1 to 3.

SHEEL NAGU, CHIEF JUSTICE (Oral)

1. The issue raised in this petition is as to the eligibility of migration from Chandigarh University (respondent No.4) to Panjab University (respondent No.1) in the midst of three years LL.B. course pertaining to academic session 2024-25.

2. It is not disputed at the Bar that the prospectus (Annexure P-7) of respondent No.1 University lays down conditions for being eligible to participate in Migration Test for 3rd and 5th semester, which are to the following effect :-

- “1. Migration cannot be claimed as a matter of right.*
- 2. Migration to 1st, 2nd, 3rd & 4th semester is not permitted.*
- 3. Migration to LL.B. 3rd and 5th Semesters shall be permitted on the recommendation of the Board of Control of the Department/Director/Principal of the Institution subject to the following conditions :*



- (a) *LL.B. Degree of the University from where the candidate is seeking migration is recognized as equivalent to LL.B. Degree of Panjab University.*
- (b) *The student has cleared all the papers of previous semesters.*
- (c) *The difference between the courses covered by such candidate in 1st year (1st and 2nd semester) in earlier institutions, in case of migration to 3rd semester and 1st & 2nd year (1st to 4th semester), in case of migration to 5th semester should not be of more than two papers.*

4. to 10. x x x x x x x x x”

3. Undisputedly, the petitioner satisfies criteria contained in clauses (a) and (b) of condition No.3 above, but does not fulfill the criteria contained in clause (c). Deficiency in eligibility suffered by petitioner is that the courses pursued by her in 1st and 2nd semester in respondent No.4 University are different by four subjects, when compared with the course of 1st and 2nd semester in respondent No.1 University. Therefore, since the difference is of more than two subjects, the petitioner was not eligible for migration, yet she was allowed to appear in the Migration Test.

4. The candidates who were allowed to migrate in 3rd semester after having cleared the Migration Test have been impleaded by the petitioner as respondents No.5 to 33. The only ground raised in the petition is that in the Migration Test, the petitioner secured more marks than the other candidates, who are arrayed as private respondents.

5. Learned counsel for respondent No.1 University, on the other hand, contends that the petitioner was not eligible for having not satisfied the eligibility criteria contained in clause (c) of condition No.3, as the difference



of subjects between curriculum of Panjab University and Chandigarh University for 1st and 2nd semester of LL.B. three years course was more than two subjects.

6. During the course of arguments, oral submissions have been made by learned counsel for the petitioner raising the ground of discrimination as certain candidates, who had passed the Migration Test, were allowed migration despite having not satisfied the eligibility criteria.

7. This Court is afraid that in the absence of pleadings in that respect, this Court declines to go into the said ground of discrimination. More so, petitioner cannot claim negative parity, especially when she herself was not eligible on the last date of submission of application for migration, which fact is not denied by the petitioner.

8. In view of the above, the petition stands dismissed.

(SHEEL NAGU)
CHIEF JUSTICE

May 13, 2025
narotam

(SUMEET GOEL)
JUDGE

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