

(2014) 07 P&H CK 0519

In the Punjab And Haryana At Chandigarh

Case No : Letters Patent Appeal No. 535 of 2014(O&M)

Adityajit Singh Chadha

APPELLANT

Vs

Panjab University

RESPONDENT

Date of Decision : 16-07-2014

Acts Referred:

Citation : (2014) 07 P&H CK 0519

Hon'ble Judges : Sanjay Kishan Kaul, C.J.;Ajay Tewari, J

Bench : Division Bench

Advocate : D.S. Patwalia, Senior Advocate and Bikramjit S. Patwalia, Advocate for the Appellant; Amar Vivek, Advocate, Chetan Mittal, Senior Advocate, Puneet Gupta, Sanjay Vashisht, and Ravi Kant Sharma, Advocate for the Respondent

Final Decision : Disposed Off

Judgement

Sanjay Kishan Kaul, C.J.

CM-2522-LPA/2014:

1. Leave is granted to place on record affidavit of respondent No. 1 and the application is allowed.

CM-1287-LPA/2014:

2. Heard.

3. Leave to file appeal granted and the application is allowed.

LPA-535-2014:

4. Admit.

5. Learned counsels for the respondents accept notice.

6. At the request of learned counsel for the parties, the appeal is taken up for final disposal.

7. The Punjab University/respondents No. 1 to 3 and Bar Council of India/respondent No. 7 have placed on record affidavits in Court which are taken on record.

8. The dispute emanates from the delay on the part of the Bar Council of India in sanctioning 60 additional seats to University for the B.Com LL.B. (Hons.) 5-Year Integrated Course for the academic year 2013-14. Suffice to say that there were different interest groups of students who claimed right to these seats which has given rise to the impugned order dated 31.3.2014. Broadly, these two sets of students consisted of: (i) candidates on merit who did not get admission at the relevant time because these 60 seats were not sanctioned; and (ii) candidates, who were lower in merit but claimed that since those candidates, who had already taken admission elsewhere were pursuing education in different subjects, they should be given preference. The learned single Judge was of the view that the merit of the candidates must operate and even though some of the candidates may be pursuing different courses at that time on account of their being no seat available, they must first get the option of admission.

9. The appellant before us is a candidate, who took admission in the 5-Year Integrated Course of B.A. (Hons.) LL.B. in the institute Rayat College of Law, Railmagra, affiliated to the Punjab University, but seeks admission in the University Institute of Legal Studies, Punjab University, Chandigarh.

10. We have heard learned counsel for the parties and broadly could not fault the approach adopted by the learned single Judge. However, there were certain subsequent developments which required us to examine the matter further with the possibility of an amicable resolution of the dispute.

11. Learned senior counsel for the appellant, on instructions, expressed a willingness to even migrate in the second year, third semester as the appellant had, in the meantime, completed the course of study in the first two semesters, had cleared all papers of the first semester, had requisite attendance and result was awaited for the second semester. He, thus, submitted that even if the appellant did not clear any of the second semester papers, he was still eligible to go to third semester as he had met the minimum requirement of clearing papers in a year and, thus, there was no impediment in his way.

12. On our query, we have been informed by learned counsel for the University that two seats became vacant for admission in the second year, third semester. One out of them is subject matter of directions passed by the learned single Judge qua another candidate and, thus, as of now one seat is still vacant.

13. We, thus, see no reason why a quietus cannot be put to the matter by directing admission of the appellant against that seat for the second year course in the University Institute of Legal Studies, Punjab University, Chandigarh.

14. Ordered accordingly.

15. We, however, consider it appropriate to go beyond the aforesaid direction to

avoid the possibility of any further litigation as a consequence of the impugned order.

16. This is so as 18 candidates, who were admitted to the 2013-14 academic year in the law course, could not take the examination. The result is that they obtained the status of candidates who would have to be detained in the first year and would pursue a course of study in the first year in the session 2014-15. As a sequitur, 18 seats in the second year would become vacant in the session 2014-15 and we see no reason why these seats cannot be filled in as per rules.

17. We, thus, order accordingly.

18. The appeal is accordingly disposed of leaving the parties to bear their own costs.

19. We appreciate the positive approach adopted by all the learned counsels for the parties in amicably resolving this matter by consent.

CM-1290-LPA/2014 (For stay):

20. No order need be passed in this application in view of disposal of main appeal.