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**(2014) 07 P&H CK 0648**  
**In the Punjab And Haryana At Chandigarh**  
**Case No : CWP No. 5879 of 2014**

Akshey Bhardwaj

APPELLANT

Vs

Punjab University

RESPONDENT

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**Date of Decision :** 14-07-2014

**Acts Referred:**

Civil Procedure Code, 1908 (CPC) — Order 1 Rule 10

**Citation :** (2014) 07 P&H CK 0648

**Hon'ble Judges :** Gurmeet Singh Sandhawalia, J

**Bench :** Single Bench

**Advocate :** Hitesh Kaplish and Vipin Mahajan, Advocate for the Appellant; Alka Chatrath, Advocate Ramanjit Singh, Advocate for Amar Vivek, Advocate for the Respondent

**Final Decision :** Disposed Off

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## Judgement

G.S. Sandhawalia, J.

CM No. 8027 of 2014 in CWP No. 5879 of 2014

1. Application under Order 1 Rule 10 CPC has been filed for impleading the applicant-Hitesh Chopra as respondent No. 4 in the present case.
2. Counsel for the applicant does not press the present application on the ground that the applicant was at Sr. No. 180 in the merit list and would have a right for admission if the petitioners are not granted admission.
3. Accordingly, application is dismissed as not pressed, with liberty to file fresh writ petition.

CWP No. 5879 of 2014

4. This order shall dispose of CWP Nos. 5879 & 7591 of 2014, involving common questions of facts and law. However, to dictate orders, facts have been taken from CWP No. 5879 of 2014 titled Akshay Bhardwaj & another v. Panjab

University & others.

5. The present writ petition has been filed for quashing the admission made as per notices dated 06.03.2014, 08.03.2014 and 18.03.2014 (Annexures P1 to 3, respectively). As per the said notices, schedule for counselling for admission to 2nd semester of B.Com LL.B. (Hons.) 5 year Integrated Course was fixed and candidates who were pursuing 5 years Integrated Law Course from other institutes had been called and admission was to be made on the basis of merit. The said admission process was subject matter of consideration in a bunch of writ petition, the lead case being CWP No. 25455 of 2013 titled Aditya Pratap Duggal & others Vs. Panjab University & others decided on 31.03.2014, in which certain interim orders were passed, reference of which is also made in Annexure P2. As per the said notice, students from the merit list were allowed to participate, irrespective of whether they had taken admission in any law course or not, subject to the final decision.

6. The grouse of the petitioners is that they did not have information of the said counselling and they could not appear on 10.03.2014 and they were at Sr. Nos. 137, 155 & 193 (in case of Abhishek Arora) and thus, were entitled for admission, being higher in merit. They could only appear on 18.03.2014 but were turned away on account of the fact that the counselling was to be done on the said day from Sr. No. 201 onwards only. The petitioners were allowed to deposit the fees vide the interim order date 03.04.2014, which reads as under:

Counsel contends that the petitioners were at Sr. Nos. 137 and 155 in the merit list of the entrance test which was conducted in May, 2013 for the five year course. In pursuance of the decision of the Bar Council sanctioning additional 60 seats of B.Com LLB and in view of the directions issued by this Court in CWP No. 25455 of 2013, Aditya Pratap Duggal and others vs. Panjab University and others, counseling was to be held on 10.03.2014 as per merit for the students who were figuring from Sr. Nos. 1 to 200 rank (Annexure P-1). It is submitted that on the said date, the petitioners could not appear and went on the second day on 18.03.2014 but were turned away on account of the fact that counseling was to be done from Sr. Nos. 201 onwards only (Annexure P-3). It is submitted that admittedly, the petitioners are higher in merit and, therefore, are entitled to the benefits of the observations of this Court in Aditya Pratap Duggal's case (supra).

Notice of motion for 28.04.2014. Dasti.

In the meantime, the petitioners are permitted to deposit the fees against 18 seats at their own risk and responsibility. It is, however, made clear that the interim relief is purely provisional and will be subject to the final decision of the present writ petition.

Copy of the order be given under the signatures of Special Secretary of this Court.

7. Counsel for the respondent-University states that in pursuance of the interim order dated 03.04.2014, passed by this Court, the petitioners have deposited the requisite fee.

8. Counsel for the petitioners has also placed on record the information supplied by the Director of the respondent No. 3-Institute to show that the petitioners were present on 18.03.2014.

9. In Aditya Pratap Duggal's case (supra), directions were given to admit 42 students who were studying Law course, as per the merit list and they had to deposit the admission fee by 03.04.2014, failing which, the students in the waiting list had to pay the fees by 07.04.2014. 18 other students who were not doing Law courses and who have been given the option to pursue the said course by sacrificing one academic year, were also to deposit full admission fees and their right to get admission in July, 2014, was preserved. In case they did not deposit the fees, the students in the waiting list were to be offered admission who were pursuing the Law course, to ensure that the seats do not go waste.

10. Thus, in view of the stand taken by the University that the petitioners have deposited the requisite fees and admittedly, they are higher in merit and therefore, are entitled for admission, their admission is regularized and the present writ petition is, accordingly, disposed of by confirming the interim order dated 03.04.2014.