

(2005) 09 AHC CK 0225

In the Allahabad High Court

Case No : Civil Miscellaneous Writ Petition No. 61760 of 2005

Amit Singh

APPELLANT

Vs

Chaudhary Charan Singh University

RESPONDENT

Date of Decision : 30-09-2005

Acts Referred:

Citation : (2005) 6 AWC 6312

Hon'ble Judges : Vineet Saran, J

Bench : Single Bench

Advocate : Rajiv Gupta, for the Appellant; Anurag Khanna, for the Respondent

Final Decision : Allowed

Judgement

Vineet Saran, J.—Heard Sri Rajiv Gupta, learned counsel for the petitioner as well as Sri Anurag Khanna, learned counsel for the respondents. Counter and rejoinder affidavits have been exchanged and with the consent of the learned counsel for the parties this writ petition is being disposed of at this stage.

2. The petitioner had submitted his form for entrance examination to be held by the respondent-Engineering College on 28.5.2005. He appeared in the entrance examination in July, 2005 and after having successfully passed the same, on 16.7.2005, a call letter was issued to the petitioner to appear before the Counselling Committee on 8.8.2005. The requisite affidavits of the petitioner and his father were got prepared and filed before the Counselling Committee. On 8.8.2005 the petitioner appeared before the Counselling Committee and after counselling, he submitted his form for registration in the first semester for the academic session 2005-2006. He also filed three drafts of Rs. 700/-, Rs. 25,000/- and Rs. 25,000/-; totaling to Rs. 50,700/-, with the Account Assistant of the Engineering College. The parties admit the said drafts have already been encashed by the respondent-Engineering College and credited to their account. Thus all formalities with regard to the admission of the petitioner in the Computer Science course of the respondent-Engineering College had been

completed. Thereafter without passing any order or giving any reasons, the petitioner is not being permitted to join the course and attend the classes.

3. The only ground taken by the respondents in the counter affidavit for not permitting the petitioner to join and attend the classes is that as per the rules relating to admission of Chaudhary Charan Singh University, Meerut (with which the respondent College is affiliated), admission is not to be given to a student who has passed intermediate more than two years prior to the year in which he is seeking admission.

4. It is not the case of the respondents that the said Rules had been brought to the notice of the students. It is also not the case of the respondents that the petitioner had furnished any wrong information to or concealed any material information from, the University at the time of filling of the form and seeking admission in the Engineering College. On the contrary, the petitioner had disclosed the year in which he had passed the Intermediate examination and after considering the same, his admission form had been accepted; he was permitted to appear in the entrance examination; thereafter he was permitted to appear before the Counselling Committee and was also granted admission as well as the entire fees amounting to Rs. 50,700/- had already been accepted from him through bank drafts. At no stage the respondent-University had ever raised any such objection of there being any rule prohibiting a student from seeking admission if he had passed Intermediate examination more than two years back. In such circumstances the respondents are estopped from taking such a plea at such a late stage when the admission has already been granted to the petitioner and fee having already been accepted Accordingly, this writ petition deserves to be allowed.

5. This writ petition is, thus, allowed and a direction is issued to the respondents to permit the petitioner to join the classes in Computer Science course of the first semester of the respondent-Engineering college and allow his admission in the allotted course as per the counselling dated 8.8.2005.

6. No order as to cost.