

(1986) 01 P&H CK 0025
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 4648 of 1985

Bansi Lal and Another

APPELLANT

Vs

The Principal, Regional Engineering College, Kurukshetra and
Others

RESPONDENT

Date of Decision : 28-01-1986

Acts Referred:

Citation : AIR 1986 P&H 274

Hon'ble Judges : I.S. Tiwana, J

Bench : Single Bench

Judgement

1. These thirteen petitioners in six petitions (C.W.P. Nos. 4648, 4890, 4978, 5025, 5168 and 5273 of 1985) claim to be admitted to B.Tech. Degree Course run by the Regional Engineering College, Kurukshetra, on the ground that they stand discriminated vis-a-vis Radhesh Gupta respondent who has been admitted in spite of the fact that he is far below to the petitioners in merit. This admission, according to them, is also violative of the rules and the conditions governing the same. The Principal of the College has explained as to how and why the admission has been granted to the said respondent, in the following manner:-

"He was nominated by the Minister for Technical Education, Haryana, who is also the Chairman, Board of Governors of host institution (RECK), on behalf of the State of Haryana. It was under these circumstances that respondent No. 4 was admitted to the course. His admission was provisional one against a drop-out seat, and was subject to the condition that in case any of the students already admitted to the course leaves the course only in that situation his nomination would be regularised. It may be submitted here that one of the students has in fact left the course before 30th September, 1985."

It is thus patent in the light of the stand of the College authorities itself that Radhesh Gupta has not been admitted on merit or in accordance with the rules and conditions governing the same. The petitioners are thus well entitled to have a grouse on account of his admission. At the motion hearing the respondent

authorities took up the plea that since one student only could be admitted on merits in place of Radhesh Gupta respondent, the said authorities would like to issue notices to all those students (347 in number) including the petitioners who had better merit than the said respondent, and in case any one of them is available, he would be admitted to the course. Mr. Sibal, learned Advocate General, Haryana, appearing for these authorities now tells me that as a result of this course having been adopted, one Joginder Mohan has been admitted to the course. What is further highlighted by Mr. Sibal is that at this stage even if the admission of Radhesh Gupta respondent is terminated, none of the petitioners can be admitted to the course for want of seats. Besides this Mr. Setia, learned counsel for the said respondent maintains that since this student has completed the course thus far and has also taken the first semester examination, the termination of his admission at this stage would not serve any purpose and cannot result in any relief to the petitioners.

2. Having heard the learned counsel for the parties in the light of their pleas referred to above I find that though the action of the respondent authorities in admitting Radhesh Gupta respondent to the course and of the said respondent in managing to be nominated for purposes of admission cannot be justified from any angle, yet I find that the setting aside of his admission cannot result in any redress or relief of to the petitioners. I might have directed the respondent authorities to create more seats for the petitioners (i) had the petitioners been close to the last student admitted on merit and (ii) had I not been conscious of the fact that for this admission the measure is academic excellence not litigative persistence. As has been pointed out above, only one student could be admitted in place of Radhesh Gupta respondent on the basis of merit and it has been so done. At the same time I quite see the force of the observations of their Lordships of the Supreme Court in Punjab Engineering College Chandigarh through its Principal Vs. Sanjay Gulati and Others, wherein they opined that such like irregular and back door admissions do cause a sense of resentment and frustration in the minds of the unfortunate young students who are wrongly or purposefully left out and leads to indiscipline in the educational institutions. The plea that such irregular admissions may be left intact on account of the delay that occurs in judging their validity undoubtedly has emboldened the erring authorities and these cannot normally be countenanced any further. But in the instant case I find that termination of the admission of Radhesh Gupta cannot help the petitioners. Thus I have not chosen to quash the same. At the same time I am of the view that their coming to Court through these petitions is not unjustified. I, therefore, feel that the ends of justice would be well served if the admission of Radhesh Gupta is not disturbed at this stage and the respondent, who infringed the rules, are made to pay exemplary costs to shake the conscience of the authorities concerned and to meet the expense the petitioners have undergone. In view of this I burden the respondent with costs to the extent of Rs. 20,000/- out of which 25% would be paid by Radhesh Gupta respondent. The costs, as and when recovered, would be distributed among the thirteen

petitioners equally and they would be entitled to recover these jointly and severally. This, to my mind, may have the desired and the salutary effect of forestalling these authorities from repeating their performance in admitting students by pick and choose method. The net result, however, is that these petitions are dismissed.

3. Petitions dismissed.