

(2013) 07 P&H CK 0249

In the Punjab And Haryana At Chandigarh

Case No : Letters Patent Appeal No. 1324 of 2013 (O and M)

Guru Ravidas Ayurvedic University

APPELLANT

Vs

State of Punjab and Others

RESPONDENT

Date of Decision : 30-07-2013

Acts Referred:

Citation : (2013) 07 P&H CK 0249

Hon'ble Judges : Sanjay Kishan Kaul, C.J; Augustine George Masih, J

Bench : Division Bench

Advocate : Ashish Rawal, for the Appellant;

Final Decision : Dismissed

Judgement

Sanjay Kishan Kaul, C.J.

CM-3415-2013:

1. Exemption allowed subject to just exceptions.

CM Nos. 3413 & 3414 of 2013:

Delay of 5 days in filing and 11 days in re-filing the appeal is condoned for the reasons set out in the applications and applications are disposed of accordingly.

LPA-1324-2013 & CM-3416-2013 (For stay):

2. The lis pertains to the admissions to BAMS/BHMS Courses, the admission process of which was conducted through the Punjab Ayush Entrance Test for various colleges in the State of Punjab for the academic session 2011-12. In terms of the prospectus, the admissions were to be made as per the notification of the Punjab State Government dated 12.5.2011 and corrigendum issued from time to time. The initial cut-off date qua the admission was 30.9.2011 which was substituted with the date of 30.10.2011 vide corrigendum dated 29.6.2011.

3. The controversy has arisen in view of another corrigendum dated 9.12.2011

issued by the Government of Punjab extending the cutoff date to 16.12.2011 and consequent advertisements issued in various newspapers on 12.12.2011 inviting the eligible students to attend the third Counselling to take place on 16.12.2011 in which the private respondents/original petitioners appeared and were granted admission to respondent No. 3-College. The private respondents deposited the fee with the college and the same was forwarded to the appellant-University which accepted the fee and the private respondents joined the classes.

4. The private respondents continued their education and the examination fee was accepted even in the month of September-2012 by the University, but few days prior to the commencement of the examination, the private respondents were informed that they had not been issued the roll numbers on the ground that they had been granted admission after the cut-off date i.e. 31.10.2011 fixed by the Central Council of Indian Medicine/respondent No. 2 herein. It is at that stage that the private respondents filed the writ petition before this Court.

5. The case of the private respondents is that they did what was required and if there was an inter se communication gap between the appellant, respondent No. 2 and respondent No. 3, they should not be made to suffer for the same. The eligibility of the private respondents was not disputed but the case of the respondent No. 2 herein was that all the Universities and the States were informed vide communication dated 1.12.2011 not to make any admissions after 31.10.2011. Interestingly, this communication is stated to have been issued by the appellant-University only on 15.12.2011 when the last date for counselling was 16.12.2011. Their further case was that the State of Punjab has no authority to extend the date of admission beyond 31.10.2011 and the admissions were not liable to be regularised after the cut-off date.

6. The learned single Judge while allowing the writ petition in terms of the impugned order dated 23.4.2013 considered various ramifications to come to the conclusion that in the peculiar facts and circumstances of the case, the writ petition was liable to be allowed but not to be treated as a precedent in future. What has weighed with the learned single Judge is that the prospectus itself stated that the admission process was governed by the notification or any corrigendum thereof.

7. To our mind, most importantly, even respondent No. 2 herein woke up to the matter much later when a communication is stated to have been addressed to the appellant-University only on 1.12.2011 and that was sent by the appellant on 15.12.2011 to the college with the result that the counselling proceeded on 16.12.2011. Not only that, the Central Council of Indian Medicine/respondent No. 2 has not assailed the impugned order.

8. Learned counsel for the appellant submits that the only reason for filing the present appeal is that it is perceived by the appellant that in view of the impugned order, the cut-off date may not be enforceable even for the current year or the future. To our mind, this is a misplaced apprehension, as the

judgment has been rendered in the peculiar facts of the case, as noticed aforesaid, and the learned single Judge has taken care to observe the same fact as also that "it will not be treated as a precedent in future". Thus, there is no question of inability to provide cut-off date for the current year or the future.

9. We are, thus, not inclined to interfere in the impugned order. Dismissed.