

(2019) 09 P&H CK 0083

In the Punjab And Haryana At Chandigarh

Case No : Civil Writ Petition No. 23175 Of 2019

Kamaldeep Singh

APPELLANT

Vs

Guru Nanak Dev University, Amritsar And Another

RESPONDENT

Date of Decision : 09-09-2019

Acts Referred:

Constitution Of India, 1950 — Article 226, 227

Citation : (2019) 09 P&H CK 0083

Hon'ble Judges : Daya Chaudhary, J;Sudhir Mittal, J

Bench : Division Bench

Advocate : Saurav Bhatia, Isha Goyal, Gagneshwar Walia

Final Decision : Allowed

Judgement

Daya Chaudhary, J

Petitioner-Kamaldeep Singh has approached this Court by way of filing the present writ petition under Articles 226 and 227 of the Constitution of India for issuance of direction to the respondents to accept his admission form in MA Punjabi course as the same was submitted on 20.07.2019 but it was not accepted.

The petitioner after completion of BA Examination from Guru Nanak Dev University, in May 2019, wanted to take admission in MA Punjabi course. He submitted his application to respondent-College but the same was not accepted. Only orally, it was informed that he participated in certain activities against the Principal as well as the Management of the institution. When he was not allowed to submit his application form, he served a legal notice, which was answered/replied by respondent No.2-College. The petitioner was asked to submit an affidavit to the effect that in future, he would refrain from such activities and would not be involved in the activities like the past period. As per case of the petitioner, he belongs to scheduled caste category and was not involved in any activity. There was no complaint against him but still he was not allowed to

submit his application form.

Learned counsel for the petitioner submits that the application form was submitted in the College on 20.07.2019 and he was refused orally by the Principal of the College on 22.07.2019. The petitioner again went to meet the Principal but still his request was not accepted. Learned counsel further submits that it is a matter of career of the petitioner and the petitioner is ready to furnish requisite undertaking with regard to not indulging in any such activities in future.

Learned counsel for respondent No.2-College submits that the petitioner was involved in certain objectionable activities with other students and there is apprehension that he will repeat the same in future also. The petitioner was asked to furnish an affidavit but the same has not been submitted by him. Learned counsel further submits that the last date of admission has already expired.

Heard arguments of learned counsel for the parties and we have also perused the relevant documents available on the file.

The facts of the case are not disputed. The admission has been denied orally by respondent No.2-College only on the ground that the petitioner was involved in certain objectionable activities in the past and there is apprehension that he may involve himself in such activities in future as well.

The Principal of the College is also present in the Court and submits that the respondent-College has no objection in giving admission in case, the petitioner is ready to furnish an undertaking/affidavit stating therein that he will not indulge in such like activities. However, it has been submitted that the last date of admission with late fee has already expired.

No document or any material has been brought to the notice of this Court as to what was the complaint against the petitioner. Simply on the basis of oral allegations that in the past, he indulged in certain activities, which were against the Management, he has been denied admission. The petitioner is ready to furnish an undertaking not to involve himself in such activities in future other than the studies. The petitioner belongs to Scheduled Caste category and his career is at stake. Seats for MA Punjabi Course are still vacant with the respondent-College and the last date of submission of application has already expired.

As per case of the petitioner, he submitted his application form before the last date of submission of application but the same was not accepted. As per submission made by learned counsel for the petitioner, the admission can be given with the permission of Vice-Chancellor, which has been affirmed by learned counsel for respondent No.2-College.

By considering the peculiar facts and circumstances of the case, the present writ petition is allowed and the petitioner is directed to submit his application form, which shall be accepted by the respondent-authorities with the approval of Vice-

Chancellor of the University. Respondent No.1 is also directed to consider the case of the petitioner for admission in MA Punjabi Course. However, the petitioner is also directed to file a specific affidavit with the undertaking that he would not involve in such like activities, which are contrary to interest of College/ University. In case, the petitioner is found to be involved in such activities in future, the respondent-College is at liberty to take appropriate action.

It is also made clear that the order has been passed by considering the facts and circumstances of the present case and the same shall not be treated as precedent for other cases.