
(1994) 11 P&H CK 0089

In the Punjab And Haryana At Chandigarh

Case No : Civil Writ Petition No. 14388 of 1994

Mr. Shatin Kumar Goyal

APPELLANT

Vs

Punjab University and Others

RESPONDENT

Date of Decision : 15-11-1994

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (1995) 109 PLR 212

Hon'ble Judges : N.C. Jain, J

Bench : Single Bench

Advocate : Rakesh Garg, for the Appellant; Anupam Gupta, for the Respondent

Final Decision : Allowed

Judgement

N.C. Jain, J.—The petitioner by way of this writ petition has sought the indulgence of this Court for the issuance of writ of mandamus directing the respondents to grant admission to him to 3rd Semester of LL.B. for the year 1994 by way of migration from Punjabi University, Patiala, to Punjab University, Chandigarh.

2. Some of the facts which have not been disputed before this Court may be taken note of before determining the real question of controversy.

3. The petitioner passed out his B.Com. Examination from the Punjab University in the year 1993 by securing 63.5 per cent marks. He on the basis of the result of his B.Com applied for admission to LL.B first Semester Course of Punjab University in year 1993 and after his interview, he was given 69.85 per cent marks in the Merit-cum-Selecton list which was prepared by the Department of Laws at the relevant time. Admission was declined as the last candidate who was admitted secured 70.13 per cent of marks as is clear from the written statement filed by the respondent-University. Left with no other alternative, the petitioner sought admission in the Panjabi University Patiala. After passing out 1st year of LL.B. Course from the Panjabi University, Patiala the petitioner has sought

admission in the first Semester of Panjab University in the year 1994. Simultaneously, he applied for migration to the Panjab University. The case of the petitioner along with two other students for migration was duly recommended by the board of Control of Department of Laws. However, the petitioner was informed by the Department of Laws that the Vice-Chancellor has declined migration and this is how the writ petition has been filed.

4. During the course of arguments, Mr. Anupam Gupta, learned counsel for the respondents has admitted that the petitioner was falling short of 0.28 per cent of marks as compared with the last candidate admitted in the year 1993-94 and that the petitioner would have been entitled to seek from migration to the Panjab University if he had secured same or higher marks than the last candidate who was admitted in the year 1993. In view of this position, the controversy, in my considered opinion, stands narrowed down to this extent that if this court condones 0.28 per cent marks then the petitioner would be entitled to migration and in case this Court does not condone the deficiency, the petitioner would not be entitled to seek migration Punjabi University to Panjab University. If the later course is adopted, the petitioner would, inevitably, waste his one year.

5. Having given my thoughtful consideration to the entire matter, I am of the view that the Board of Control, Department of Laws, was right in recommending the case of the petitioner by ignoring the minor deficiency in the marks. Admittedly, seats in the 3rd Semester are lying vacant and the petitioner has also passed out his 1st year of LL.B. Course from the Panjabi University. While awarding marks in the original evaluation, Mr. Gupta has fairly conceded, fraction is rounded off. On the basis of minor deficiency, this Court is not inclined to allow the wastage of one year of the student particularly when his previous educational career seems to be bright in the sense, he secured first division in B.Com. examination.

6. For the reasons recorded above, this writ petition is allowed and the University authorities are directed to admit the petitioner in the 3rd Semester Course after completing the necessary formalities of migration. No costs.