

**(1996) 05 P&H CK 0055**

**High Court Of Punjab And Haryana At Chandigarh**

**Case No:** Civil Writ Petition No. 6193 of 1996

Harvin S. Chopra

APPELLANT

Vs

Punjab University and Others

RESPONDENT

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**Date of Decision:** May 8, 1996

**Acts Referred:**

- Constitution of India, 1950 - Article 226

**Citation:** (1996) 114 PLR 261

**Hon'ble Judges:** M.S. Liberhan, J; M.L. Singhal, J

**Bench:** Division Bench

**Advocate:** H.S. Mattewal and Gurminder Singh, for the Appellant; Anupam Gupta, for the Respondent

**Final Decision:** Dismissed

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**Judgement**

@JUDGMENTTAG-ORDER

M.S. Liberhan and M.L. Singhal, JJ.

The only ground put forth by learned counsel for the petitioner is that since the petitioner had studied for 8 months in the College from where he sought migration, consequently benefit of those 8 months be given to him for the purpose of calculating the period of 18 months required for taking up the examination in question.

2. We find no merit, in the submission of learned counsel for the petitioner. Migration is not a right of the petitioner nor the transferee College is to grant the petitioner any benefit beyond the terms on which the migration had been allowed. Migration was allowed on 25.8.1995 (Annexure P-10) subject to the specific condition that the petitioner will complete 18 months of study in the transferee College before taking the 2nd prof., in verbatim the condition runs as under:-

"Migration will be allowed with the condition that he will appear in the 2nd prof. MBBS Course after completing 18 months study at your College."

3. This is contained in the letter addressed by the Medical Council of India to the Principal and the same condition is repeated.

4. Once the petitioner has accepted the migration with specific condition he cannot be permitted to revert back and challenge the condition of 18 months study in the transferee college provided in the migration itself. He can take the migration in totality subject to all the conditions attached including the condition of 18 months study.

5. As observed earlier migration cannot be claimed as of right. The privilege of migration is subject to the condition under which migration is allowed. Petitioner cannot be permitted to enjoy the benefit without accepting the conditions attached.

6. For the reasons recorded above we find no merit in the petition. Dismissed.