

(2001) 01 P&H CK 0215

High Court Of Punjab And Haryana At Chandigarh

Case No: Civil Writ Petition No. 12092 of 2000

Sanjay Kumar

APPELLANT

Vs

State of Haryana

RESPONDENT

Date of Decision: Jan. 16, 2001

Acts Referred:

- Constitution of India, 1950 - Article 226

Hon'ble Judges: J.S. Khehar, J

Bench: Single Bench

Advocate: Mr. M.K. Sangwan and Mr. R.S. Mamli, for the Appellant; Mr. Girish Agnihotri, for the Respondent

Final Decision: Dismissed

Judgement

J.S. Khehar, J.

The petitioners sought admission and were allowed admission to different disciplines in M.Sc. (Agriculture) at the Chaudhary Charan Singh Haryana Agriculture University, Hisar. They commenced their studies in the respective disciplines assigned to them as far back as in August, 1999. After the finalisation of the process of admission, the University took a decision to close down some of the disciplines in the College of Animal Science. Respondents No. 5 to 11 had been granted admission to the said disciplines in the College of Animal Science. To accommodate those dislodged (students) by the closure, an office order dated 24.04.2000 was passed whereby, respondents No. 5 to 11 were adjusted in the various disciplines of M.Sc. (Agriculture). From the order dated 24.04.2000, it is apparent that all those students who are admitted to M.Sc. Courses in the College of Agriculture were required to file affidavits affirming that in case a candidate having higher marks is admitted to the lower discipline, they would shift to the lower discipline in order to accommodate candidates with higher marks.

2. The claim of the petitioners is based on the letter dated 24.04.2000. It is submitted by the learned counsel for the petitioners that the petitioners were higher in merit than respondents No. 5 and 11 and accordingly, they have to be accommodated in the disciplines to which the said respondents have now been granted admission.

3. To controvert the claim of the petitioners, it is submitted by the learned counsel for the respondent-University that originally admissions were made in terms of the merit obtained by the candidates. Of the two year M.Sc. Course, one year is stated to have expired. All the petitioners have already taken two semester examination in the courses which they were originally admitted. Besides the aforesaid factual position, it is pointed out that the order dated 24.04.2000 does not vest any right in the petitioners for claiming better disciplines. In this behalf, it is pointed that the order dated 24.04.2000 came to be passed only in respect of those students who were admitted in the College of Animal Science in disciplines which were closed. It was only with the object of accommodating those candidates in various disciplines in the College of Agriculture, The order dated 24.04.2000 vested a right only in the candidates whose disciplines were closed; inasmuch as a candidate who had obtained higher merit was to be allowed admission to a better discipline. It was made clear that in case any dislodged candidate had higher merit, he could claim admission as a matter of preference in the better discipline.

4. I have heard learned counsel for the parties. In my considered view an abnormal situation had arisen which was tackled by the University by issuing the order dated 24.04.2000. By the aforesaid order, those who were dislodged from the courses in which they were originally admitted were sought to be accommodated in the courses still available. If the letter dated 24.04.2000 had the effect of inviting fresh options from all candidates who had been admitted to the academic session, the same would have upset the entire system of admission as candidates who had originally been admitted to disciplines in M.Sc. (Agriculture) on the basis of their merit may have opted for a change or alteration of their disciplines. This process would have the effect of negating one year academic course already undertaken by them in the discipline to which they were originally admitted. The purpose of the letter dated 24.04.2000 is not to re-allocate the candidates admitted on the basis of their merit, it relates only to those, who have been dislodged from the courses to which they were allowed admission because of the decision of the University to close down some of the disciplines in the College of Animal Science.

5. For the reasons recorded above, I find no merit in the claim of the petitioners have been dislodged as a consequence of the closure of disciplines in the College of Animal Science. Dismissed. No costs.

6. Petition dismissed.