

Puja Aggarwal Vs Thapar University and Others

Court: High Court Of Punjab And Haryana At Chandigarh

Date of Decision: July 23, 2013

Citation: (2013) 172 PLR 125 : (2014) 1 SCT 776

Hon'ble Judges: Rakesh Kumar Jain, J

Bench: Single Bench

Advocate: Pankaj Nanhera, for the Appellant; V.M. Gupta for Respondent Nos. 1 and 2 and Mr. Amit Rao, for the Respondent

Judgement

Rakesh Kumar Jain, J.

The petitioner has challenged letter dated 12.09.2012 by which her registration as Ph.D. student has been

cancelled being not qualified for admission. In brief, the case of the petitioner is that she is M.Com. and has completed her course of Chartered

Accountant in the year 2002. The respondents invited applications for various courses including the Ph.D. programme for the year 2011-12.

According to the petitioner, she was eligible for the Ph.D. programme (Part Time) in the LMT School of Management. The petitioner applied for

the Ph.D. programme and after qualifying written examination and interview, she was called to deposit registration and admission fee, which was

deposited by her to the tune of Rs. 36,750/- on 02.09.2011 vide enrollment No. 951113004. The petitioner was allotted guide. Dr. Shailender

Kumar gave his consent to be her guide. She attended the classes of 1st Semester of her Ph.D. programme and qualified the examination. She

deposited an amount of Rs. 24,000/- towards fee of 2nd Semester on 21.05.2012 and Rs. 25,500/- for the fee of 3rd Semester on 01.08.2012.

She also prepared synopsis of her Ph.D. programme but was shocked when she received a letter from the University intimating that her admission

has been cancelled as she was not qualified for admission.

2. The petitioner is, thus, aggrieved that after completing the various courses of her Ph.D. programme and after expiry of more than one year, the

cancellation of her admission is illegal.

3. In the reply filed by the University, it is alleged that the admission given to the petitioner was provisional in view of Clause 11.2.5 of the

prospectus which was to be made regular subject to fulfillment of all eligibility conditions mentioned in the prospectus. It is also alleged that in the

online admission form submitted by the petitioner at the time of seeking admission in Ph.D. programme, she undertook that if any of her statement

submitted at the time of seeking admission found to be untrue, then her admission would stand cancelled. She also undertook that she had satisfied

herself that she fulfills all the minimum educational qualification prescribed in the prospectus. The stand taken by the University is that as per the

prospectus for the academic session 2011-2012, the petitioner was granted admission provisionally. The minimum qualifying marks for the Ph.D.

programme was 55% and the petitioner was granted admission on the basis of M.Com. but later on it transpired that she had secured 3rd division

in her M.Com. Examination and even in the academic session 2011-12, she was granted admission on the basis of her passing CA which was

recognized in the subsequent year but in CA also, the petitioner has not secured 55% marks.

4. Counsel for the petitioner has submitted that it is too late in the day for the University to cancel the admission of the petitioner who had itself

checked the documents of the petitioner and was satisfied with regard to her marks. In this regard, counsel for the petitioner has referred to

Annexure R-1/3, about which counsel for the respondents has submitted that it was only a check list of the documents which was signed by the

officials which does not clothe the petitioner with any right because the minimum qualification for admission to Ph.D. programme has been set

down as 55% marks which she was neither having in M.Com nor in CA.

5. I have heard counsel for the parties and perused the record.

6. On perusal of the record, I have found that the petitioner has sought admission in Ph.D. programme in the academic session 2011-12 and as per

Clause 11.2.5 of the prospectus, her admission was provisional which was to be made regular subject to fulfillment of all eligibility conditions

prescribed in it. The petitioner has given an undertaking in the online admission form that all her statements are true and if any of the statements is

found subsequently to be untrue, the University would be entitled to cancel her admission. It is not in dispute that in the academic session 2011-12,

provisional admission was given to the petitioner on the basis of her M.Com. examination and not on the basis of her passing CA which was

provided as a qualification in the subsequent academic year but it is not disputed that in the M.Com. as well as in CA, 55% were the minimum

marks which were to be acquired by a candidate seeking admission in the Ph.D. course but, unfortunately, the petitioner is a 3rd class in M.Com.

and has also not secured 55% marks in her CA. In view of the aforesaid facts and circumstances, no error has been committed by the University in

passing the order of cancellation of admission of the petitioner which has been assailed in the present writ petition.

Hence, the present writ petition is hereby dismissed.