

Karandeep Thakur Vs U.T., Chandigarh

Court: High Court Of Punjab And Haryana At Chandigarh

Date of Decision: Aug. 27, 2014

Citation: (2014) 4 SCT 507

Hon'ble Judges: K. Kannan, J

Bench: Single Bench

Advocate: Amandeep Singh Gulati, Advocate for the Appellant; Smriti Dhir, Advocate for the Respondent

Judgement

K. Kannan, J.

Replication filed in court on behalf of petitioner to the short reply filed on behalf of respondents 1 to 3 is taken on record.

The petitioner has a grievance that he had been declared at rank 8th in the examination conducted for admission to M.PEd, but he was not granted

admission. The reason stated was although initially a schedule had been given setting out the date of entrance test, physical fitness test and

admission to take place on 10.07.2014, 11.07.2014 and 12.07.2014 respectively, the admission could not be made as notified and it was

subsequently put up in the notice board that the fee was to be paid of selected candidates before 19.07.2014 and since the payment was not

made, the person from waiting list had been accommodated in the slot vacated by him.

2. The petitioner's grievance is that when the time schedule as originally notified was not adhered to, all selected candidates were to be informed of

the particular dates in a manner that was acceptable. While the petitioner would state that he saw the merit list put up in the notice board on

17.07.2014, to his knowledge there was no other notice in the college and he had not seen the alleged notice said to have been put up at the

college on the same date on 17.07.2014 that the last date for payment of fee was 19.07.2014. The petitioner would state that he came to know

that the alleged last date had elapsed only when he went to the college on 21.07.2014 to elicit information about the date when admission would

be given that he came to know about the last date and when he offered to pay the fee, it was rejected on a plea that the date had already been

notified and the last date had elapsed.

3. To a plea by the candidate that he did not know of any altered date subsequent to notified date for grant of admission, I will place the onus

wholly on the college to state that a selected candidate had been informed about the last date for admission. If a candidate says he had no

knowledge of any other notice in the notice board, I would let it rest there and would look for proof of an assertion made by the college that they

had put up a notice board on the same day on 17.07.2014 prescribing the last date as 19.07.2014 by a definite overt act. A college that admits

students ought to have a sure time-line and effective manner of communication of such schedule. If, therefore, a schedule had been prepared setting

out various dates when the entrance test, physical fitness test and the admission were to be made, it is bound to stick to that schedule. If there were

other contingencies which were not anticipated that made impossible or difficult to stick to the schedule, there must be notification at least to the

selected candidates in a manner that is acceptable. A selected candidate who comes by information that he had secured 8th rank in the order of

merit ought to have an information supplied in the very same space an information also as regards the last date of admission. If that information was

not available in the list published, a candidate is entitled to expect that he would be specifically notified of the altered date of admission. It cannot

remain merely in some notice board which a Principal could claim knowledge and the students cannot be compelled to take note of without

dropping a sure link to such information. At least, if there was any information in the initial schedule made that the dates are subject to change and

the students are expected to follow the publication of notices that will be put up in a particular place in the college, it could be taken that the college

had adopted a procedure that was fair. A school or a college campus that could be milling with students, each one trying to find whether any board

contains his or her name or not, cannot be compelled to take notice of a prospect of the college also issuing a notification for the last date of

admission in one amongst the several notice boards. With no information given either in the initial schedule about the prospect of change of dates

and with no further information available in the very same note which declared the results setting out the order of merit, I would take that absence

of the personal communication to the petitioner about the last date cannot deny to him right of admission. I will attribute no wrong on the part of the

petitioner but I will place the lapse wholly at the feet of the principal and the administration. I direct admission to be granted to the petitioner. It will

be open to the college to either seek for an additional intake or jettison the last candidate in the waiting list after following such procedure as it is in

conformity with relevant rules. The writ petition is allowed.