

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

**Civil Writ Petition No.9641 of 2010**

Date of decision: 10.08.2010

Manveent Kaur Singh

...Petitioner

Versus

Panjab University, Chandigarh

...Respondent

**CORAM: HON'BLE MR. JUSTICE RANJIT SINGH**

1. Whether Reporters of local papers may be allowed to see the judgement? yes
2. To be referred to the Reporters or not? yes
3. Whether the judgment should be reported in the Digest? yes

Present: Mr. Karminder Singh, Advocate  
for the appellant.

Mr. H.S. Shergill, Advocate  
for the respondent.

**RANJIT SINGH J.**

The petitioner is a young aspirant wanting to study law. She was intending to seek admission in B.A. LLB (Hons) Five years integrated law course. She is face to face with a rather difficult situation at the threshold of her pursuit. She is just out of 10+2 class and is a juvenile. Her case may have to be considered with those parameters in mind.

It appears that in her enthusiasm she has filled a wrong form to seek admission by submitting a form meant for 3 years LLB course. Though the petitioner is making a grades on merits but is being ousted for admission on the ground that she has submitted a wrong form and hence would not be considered eligible for admission to B.A. LLB (Hons) Five years integrated law course.

The petitioner apparently is a brilliant student. She scored 89% marks in 10<sup>th</sup> class of ICSE Board. She scored 83% marks in +2 CBSE examination. There is no explanation forthcoming in the writ petition as to how the petitioner happened to fill this wrong form. However, it is on record that her father had realized and detected this mistake and had acted to correct the same. Soon after applying, the father of the petitioner had represented to the University to consider the petitioner eligible and to allow her to appear in the examination though she filled form meant for 3 years LLB course. The University is fully justified in not considering this form to be valid application. The university was justified in declining permission to the petitioner to appear in the examination.

Faced with this situation, the petitioner was left with no alternative but to seek help of Court. Her writ petition was heard by this Court on non-working day as otherwise she was going to miss the chance to appear in the entrance examination. While issuing notice, the directions were issued to the University to issue the admit card and roll number to the petitioner and to permit her to participate in the entrance test for B.A. LLB (Hons) Five years integrated law course, which was to commence on 23.05.2010. This order was passed on 22.05.2010. Of course the permission granted was provisionally. This was with a rider that the order shall not create any right or equity in favour of the petitioner and shall remain subject to outcome of the writ petition.

The petitioner does not have a legal right to be enforced which she can claim/invoke as a matter of right. She, however, seems to be having a sympathy and equity in her favour. In normal

circumstances, technicality was enough to oust the petitioner but her adolescence and juvenility would make one to view her position with compassion. The fact that she is just out of school can be a reason enough to assume that she did not have accurate knowledge of rules. The case for showing some leniency thus would be made out.

It appears that fault to an extent can be attributed to petitioner's father. It can be assumed with reasonable certainty that at this young age, the petitioner would not have been alone to look for admission and must have taken help of her father while applying for admission. The miss seems to be on the part of the father, which is further indicated from the remedial measure taken while approaching for corrections after having realised the mistake about filling of wrong form. Counsel for the University, however, expresses helplessness and would show the provisions of the prospectus to submit that University is bound to follow the rules. More concerned with rules, University would not have any concern if a year in the life of the student goes waste. It is not a blame game but University has to care of cases like this as otherwise it can be accused of showing undue favours. The courts may, however, have to adopt somewhat different approach but of course cannot act arbitrarily.

The counsel for the petitioner would highlight that the petitioner had not applied anywhere else for admission and this is only place where she had sought admission. The petitioner has qualified in the entrance examination and has also been provisionally admitted to the course. Should she be now told to leave the course because she happened to commit a silly mistake? She may deserve a pardon. The case for ignoring this infirmity on the part of the

petitioner thus is made out. The petitioner being just out of 10+2 class could apply for five years law course alone and could not have applied for admission to the three years LLB course. It is an innocent, inadvertent though a costly mistake on her part, which may lead to her exclusion from the course altogether. The petitioner deserves some help, some compassion and some sympathy.

The writ petition is, accordingly, allowed. The petitioner 's admission be regularised and she be permitted to continue in the course. This order of course will not become precedent and has been passed as exceptional measure considering the peculiar facts and circumstances of this case where the petitioner was found meritorious and mistake was primarily not on her part but perhaps could be attributable to her guardian.

August 10, 2010  
rts

( RANJIT SINGH )  
JUDGE