

Punjab Engineering College Chandigarh Through Its Principal

Vs

Sanjay Gulati and Others

Punjab Engineering College Chandigarh

Vs

Dharminder Kumar Singhal and Others

Rohit Narang and Others

Vs

Chandigarh Administration Union Territory, Chandigarh Through Chief Commissioner and Others

Ricky Malhotra and Others

Vs

Chandigarh Administration and Others

Sanjay Vasandani and Others

Vs

Chandigarh Administration

Civil Appeals Nos. 3779, 3653-66, 3524-26, 3527-28 and 3054 of 1982 and 4065 of 1983

(CJI Y. V. Chandrachud, R. S. Pathak, Sabyasachi Mukharji JJ)

20.04.1983

JUDGMENT

CHANDRACHUD, C.J. –

1. Eight candidates were admitted to the Punjab Engineering College, Chandigarh for the academic year 1982-83, by what is described as the "spot test". Their admission has been struck down by the Punjab & Haryana High Court on the ground that it is contrary to the rules and regulations governing admissions to the institution. We are of the opinion that since these students have already completed one or two semesters, it will be unjust to cancel their admission at this stage and to remove their names from the rolls of the College. We therefore direct that they will be allowed to constitute their further studies in the College uninterrupted.

2. By the same standard, even though the admission of seven wards of the employees of the Punjab Engineering College has been quashed by the High Court on the ground that such admissions are

contrary to the relevant rules of admission, it will not be fair to cancel their admission at this stage. They have also, like the eight 'spot test' students, completed either one or two semesters of the academic year 1982-83. They will be allowed to continue their further studies in the College uninterrupted.

3. The admission granted to the candidate Ashok Kumar Kaushik has also been struck down by the High Court, but he too will be allowed to continue his further studies in the College. We cannot apply to him a different standard than the one which we have applied to the 15 candidates referred to above, who are being allowed to continue their studies as if their admission to the College suffered from no defect or illegality.

4. Cases like these in which admissions granted to students in educational institutions are quashed raise a sensitive human issue. It is unquestionably true that the authorities who are charged with the duty of admitting students to educational institutions must act fairly and objectively. If admissions to these institutions are made on extraneous considerations and the authorities violate the norms set down by the rules and regulations, a sense of resentment and frustration is bound to be generated in the minds of those unfortunate young students who are wrongly or purposefully left out. Indiscipline in educational institutions is not wholly unconnected with a lack of sense of moral values on the part of the administrators and teachers alike. But, the problem which the courts are faced with in these cases is, that it is not until a period of six months or a year elapses after the admissions are made that the intervention of the court comes into play. Writ petitions involving a challenge to such admissions are generally taken up by the High Courts as promptly as possible but even then, students who are wrongly admitted finish one or two semesters of the course by the time decision of the High Court is pronounced. A further appeal to this court consumes still more time, which creates further difficulties in adjusting equities between students who are wrongly admitted and those who are unjustly excluded. Inevitably, the court has to rest content with an academic pronouncement of the true legal position. Students who are wrongly admitted do not suffer the consequences of the manipulations, if any, made on their behalf by interested persons. This has virtually come to mean that one must get into an educational institution by means, fair or foul; Once you are in, no one will put you out, Law's delays work their wonders in such diverse fashions.

5. We find that this situation has emboldened the erring authorities of educational institutions of various States to indulge in violating the norms of admission with impunity. They seem to feel that the courts will leave the admissions intact, even if the admissions are granted contrary to the rules and regulations. This is a most unsatisfactory state of affairs. Laws are meant to be obeyed, not flouted. Some day, not distant, if admissions are quashed for the reason that they were made wrongly, it will have to be directed that the names of students who are wrongly admitted should be removed from the rolls of the institution. We might have been justified in adopting this course in this case itself, but we thought that we may utter a clear warning before taking that precipitate step. We have decided, regretfully, to allow the aforesaid 16 students to continue their studies despite the careful and weighty finding of the High Court that at least eight of them, namely, the seven wards of employees and Ashok Kumar Kaushik, were admitted to the Engineering course in violation of the relevant rules and regulations.

6. It is strange that in all such cases, the authorities who make admissions by ignoring the rules of admission contend that the seats cannot correspondingly be increased, since the State Government cannot meet the additional expenditure which will be caused by increasing the number of seats or that the institution will not be able to cope up with the additional influx of students. An additional plea available in regard to Medical Colleges is that the Indian Medical Council will not sanction

additional seats. We cannot entertain this submission. Those who infringe that rules must pay for their lapse and the wrong done to the deserving students who ought to have been admitted has to be rectified. The best solution under the circumstances is to ensure that the strength of seats is increased in proportion to the wrong admissions made.

7. Since in this case eight students, and perhaps 16 were wrongly admitted, we direct that, over and above sanctioned strength for the next academic year commencing in July 1983, 16 additional seats shall be created, to which 16 students shall be admitted to the Punjab Engineering College from the lists which were prepared for the 1982-83 academic year. These 16 seats shall be apportioned in an equal measure between the local students belonging to Chandigarh and the general group of students belonging to areas outside Chandigarh. That is to say, eight students will be admitted from the Chandigarh List of students and eight from the General List of students, which were prepared for the last academic year, viz, 1982-83.

8. The only question which survives is whether the 16 writ petitioners should be admitted to those 16 seats or whether admission to those seats should be made strictly in accordance with merit. We are unable to accept the submission made by the petitioners that they should be preferred for admission irrespective of merit. The circumstance that they filed writ petitions in the High Court but others similarly aggrieved did not, will justify the granting of admission to them by ignoring those others who were higher up in the merit list.

9. When a similar question arose before this court in *State of Kerala v. Kumari T. P. Roshana*, the court directed the State Government to admit 30 more students. Krishna Iyer, J, observed : (SCC p. 589, para 42)

The selection of these 30 students will not be confined to those who have moved this Court or the High Court by way of writ proceedings or appeal. The measure is academic excellence, not litigative persistence. It will be thrown open to the first 30, strictly according to merit measured by marks secured.

In *Ajay Hasia v. Khalid Mujib Sehravardi*, the State Government, the College, and the Society which was running the College, all agreed before this court that the best 50 students out of those who had applied for admission for the academic year 1979-80 and who had failed to secure admission, would be granted admission for the academic, year 1981-82 and that the seats allocated to them would be in addition to the normal intake of students in the College. In *Arti Sapru v. State of J & K*, after allowing the writ petitions of candidates who were wrongly denied admission to the Medical Colleges, it was observed by one of us, Pathak, J., that : [SCC Para 23, p. 493 : SCC (L&S) p. 406]

The candidates who will be displaced in consequence have already completed a few months of study and in order to avoid serious prejudice and detriment to their careers it is hoped that the State Government will deal sympathetically with their cases so that while effect is given to the judgment of this Court the rules may be suitably relaxed, if possible by a temporary increase in the number of seats, in order to accommodate the displaced candidates.

The authorities were directed by this court to fill up the additional vacancies "on the basis of open merit".

10. Following these decisions, we direct that admission to the 16 additional vacancies for the

academic year 1983-84 shall be made in accordance with merit on the basis of the lists which were prepared for the academic year 1982-83 for the Chandigarh group of students and the general group of students.

11. We must add that though we are satisfied that the admission of seven wards of employees of the College and of Ashok Kumar Kaushik in contrary to the rules and regulations, we have not examined the correctness of the finding of the High Court in regard to the alleged illegality of the admission of the eight students who were admitted by the test of "spot selection". We will only reiterate as to this latter class of admissions that the conduct of the authorities charged with the duty of making admissions to educational institutions has to be above suspicion. They cannot play with the lives and careers of the young aspirants whom standing at the threshold of life, look to the future with hope and expectations.

12. The appeals will stand disposed of in accordance with this Order.

</html