

Puneet Sardana

Vs

State of Haryana and Others

Civil Appeal Nos. 2319-20 of 1996

(CJI A. M. Ahmadi, S. C. Sen, K. S. Paripoornan JJ)

23.01.1996

JUDGEMENT

SEN, J.:-

1. Special leave granted

2. The appellant, Puneet Sardana, was granted admission in the North Bengal Dental College at Siliguri in the B.D.S. course. In January, 1993 the appellant passed the first professional examination of the B.D.S. course at Siliguri and secured 381 out of 600 marks. On the basis of the result of this examination, the appellant sought for migration to Maharishi Dayanand University at Rohtak and was granted admission to the B.D.S. course in D.A.V. Centenary Dental College, Yamuna Nagar, against a vacant seat. The appellant, however, wanted admission in the Dental College at Rohtak and, thereof, filed a Civil Writ Petition in the High Court of Punjab and Haryana, praying for a direction to the Maharishi Dayanand University to admit the appellant to the Dental College at Rohtak on the basis of the marks obtained by him. This Civil writ Petition was allowed. The Principal Dental College, Rohtak, decided to implement the judgment of the Court and an office Order was issued on 27-12-1993 allowing the appellant's application for migration to the Dental College, Rohtak. The appellant was directed to deposit the college fee for this purpose, which the appellant did on that very day.

3. On 15th February, 1994 the appellant made a representation to the Maharishi Dayanand University that he had in the meantime passed the second year B.D.S. Examination held by the North Bengal Dental College at Siliguri and he should be allowed exemption from appearing in the second year examination at the Dental College at Rohtak. On 22nd April, 1994 the appellant was informed by a letter written by the Maharishi Dayanand University that the appellant was exempted from appearing in the second year B.D.S. Examination of the University. On 23rd February, 1995 an appeal against the order of the single Judge, preferred by the University, was allowed and the admission of the appellant was cancelled.

4. It may be mentioned that the appellant had taken a point by filing a civil Miscellaneous Application No. 1188 of 1994 that the Letters Patent Appeal filed by the University was not maintainable, as it was not supported by decision or resolution or resolution of the University nor was it accompanied by any power of attorney on behalf of the University. No. separate order was passed on this Miscellaneous Application.

5. The main issue involved in this case has already been discussed in Nitasha Paul's (Civil Appeal No. \_\_\_\_\_ of 1996 (sic) (arising out of S.L.P. (C) No. 9776 of 1995)]. The order of the appeal Court has been set aside. The question now is to what relief is the appellant entitled? The appellant has stated that his father is an IAS officer of the West Bengal Cadre. He got admission in the North Bengal Dental College at Siliguri from which he passed both the first year and the second year examinations. His application for migration to D.A.W. Centenary Dental College, Yamuna Nagar, was approved. He claims that he is a resident of Harayana.

6. The appellant cannot claim admission to a college of his own choice on the strength of marks obtained at the first year B.D.S. Examination conducted by North Bengal University., The appellant's prayer for admission to Dental College at Rohtak cannot be allowed. This order will not prevent the appellant from continuing his studies at North Bengal Dental College at Siliguri or, if he is so entitled even now, to seek admission to the D.A.V. Centenary Dental College, Yamuna Nagar, if a vacancy exists. The appeals are disposed of accordingly. Order accordingly.