

# **SUPREME COURT OF INDIA**

Thapar University, Patiala

Vs.

Raghav Pathak

C.A.No.23946-23947 of 2007

(K.G. Balakrishnan CJI., Dalveer Bhandari and Harjit Singh Bedi JJ.)

25.07.2008

## **ORDER**

1. Leave granted.
2. Thapar University, Patiala is the appellant. We have heard the learned counsel appearing for the appellant-University. Though the respondent was served with the notice issued by this Court, but he had not chosen to appear in Court.
3. The respondent passed the All India Engineering Entrance Examination (AIEEE) and appeared for counselling before the appellant-University. He had chosen the subject of his choice. The respondent later came to know that there was a vacancy in B.E. (Computer Engineering) and he sought to get admission in B.E. (Computer Engineering). However, the appellant-University refused to accede to his request. The respondent challenged the decision of the appellant-University before the High Court.
4. The High Court held that there were vacant seats in B.E. (Computer Engineering) and the respondent be allowed to have the second counselling and be given admission against the vacant seats in B.E. (Computer Engineering) course. The High Court further directed the appellant-University to consider the claim of the respondent for admission in B.E. (Computer Engineering) within two weeks from the date of receipt of a copy of the impugned order. This order of the High Court is challenged before us.
5. The learned counsel appearing for the appellant-University argued that there are several vacancies in the various disciplines but they cannot be filled up after the academic session had already started and both theory and practical classes of first semester were already completed by the time the impugned order was passed. It was further stated that the respondent had secured a low rank, that is, 34582 in the AIEEE and the last student admitted to the appellant-University in B.E. (Computer Science) had secured a rank of 6303 and had there been further counselling there are several other students who are eligible to be

admitted to B.E. (Computer Engineering) course, and by superseding their claim, the respondent cannot be given admission to B.E. (Computer Engineering).

6. In view of the aforesaid circumstances, we do not find any reason to justify the impugned order passed by the High Court. The impugned order is set aside.

7. In the result, the appeals are allowed. No costs.