

**S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S**

Petition(s) for Special Leave to Appeal (Civil) No(s).23946-23947/2007

(From the judgement and order dated 15/10/2007&4/12/07 in CWP No. 12113/2007 & CWP No. 17046/2007 of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

THAPAR UNIVERSITY, PATIALA

Petitioner(s)

VERSUS

RAGHAV PATHAK

Respondent(s)

(With appln(s) for permission to file additional documents and prayer for interim relief)

Date: 25/07/2008 These Petitions were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE DALVEER BHANDARI

HON'BLE MR. JUSTICE HARJIT SINGH BEDI

**For Petitioner(s) Ms. Indu Malhotra,Sr.adv.
Mrs.Shashi N.Kapila,adv.
Mr. Vikram Mehta,adv.
Mr. Abhinav Agnihotri,Adv.
Mr. Vikas Mehta,Adv.**

For Respondent(s) Mr. Dharmendra Kumar Sinha,Adv.(NP)

**UPON hearing counsel the Court made the following
O R D E R**

Leave granted.

The appeals are allowed.

No costs.

**[SUMAN WADHWA]
COURT MASTER**

**[VEERA VERMA]
COURT MASTER**

Signed order is placed on the file.

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

**CIVIL APPEAL NOS. 4672-73 OF 2008
(Arising out of SLP(C)Nos. 23946-47/2007)**

THAPAR UNIVERSITY, PATIALA ...APPELLANT

VERSUS

RAGHAV PATHAK ...RESPONDENT

ORDER

Leave granted.

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.

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.

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.

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).

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.

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

**.....CJI
(K.G. BALAKRISHNAN)**

**.....J.
(DALVEER BHANDARI)**

**.....J.
(HARJIT SINGH BEDI)**

**NEW DELHI;
JULY 25, 2008.**