

Education Law - Admission to a professional course , question for consideration is whether compensation for a meritorious candidate, who has been denied the admission illegally and arbitrary having approached the court in time can be said to be just and equitable relief?

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Education Law - Admission to a professional course - For a student/ candidate seeking admission in professional courses more particularly the medical course each year is very important and precious - Similarly, getting admission in medical course itself is very important in the life of a candidate/student and even a dream of man - In light of the above, the question for consideration is whether compensation for a meritorious candidate, who has been denied the admission illegally and arbitrary having approached the court in time can be said to be just and equitable relief? - Constitution of India, Article 14.

Held,

The right to equal and fair treatment is a component of Article 14 of the Constitution. As held by this Court **Asha** (Supra) that a transparent and fair procedure is the duty of every legal authority connected with admissions. In such cases, denial of fair treatment to the candidate would not only violate his/her right under Article 14 but would seriously jeopardize his/her right under Articles 19 and 21 of the Constitution of India. A natural corollary of declaring that an administrative act more particularly the denial of admission illegally and for no fault of a candidate/student violates principles of Article 14 is that the citizen injured must be put back to his/her original position. In that sense, the primary relief is restitutionary. As observed hereinabove, for a meritorious student seeking admission in medical course is very important in the life of student/ candidate and denial of admission to a meritorious candidate though no fault of his/her violates his/her fundamental rights. Compensation could be an additional remedy but not a substitute for restitutionary remedies. In case of medical admissions, even the restitutionary remedy of providing a seat in the subsequent year would lead to loss of one full academic year to a meritorious candidate, which cannot be compensated in real terms. Thus compensation for loss of year could be provided, but denial of admissions to a meritorious candidate cannot be compensated in monetary terms. Thus denial of admission in medical course to a meritorious candidate for no fault of his/her and though he/she has approached the Court in time and despite the same not granting any just and equitable relief would be denial of justice. Therefore, the question is what relief the Court can grant by which right to equal and fair treatment to a candidate are protected and at the same time neither there is injustice to other candidate/student and even compromising with the quality education. Therefore, a balance is required to be struck. However, at the same time it can safely be said that the view taken by this Court in **Chandigarh Admn. v. Jasmine Kaur, (2014) 10 SCC 521** , that the only relief which can be granted to such a candidate would be the compensation only is not good law and cannot be accepted. Even granting a relief to such a candidate/student in the next academic year and to accommodate him/her in the next year and in the sanctioned intake may even affect the right of some other candidate/student seeking admission in the next academic year and that too for no fault of his/her. Therefore we are of the view that in the exceptional and in the rarest of rare cases and in case where all the conditions stipulated in paragraph 33.3 in the case of **Chandigarh Admn. vs. Jasmine Kaur, (2014) 10 SCC 521**, are satisfied, the Court can grant exceptional relief to the candidate of granting admission even after the cut off date is over.

Chandigarh Admn. v. Jasmine Kaur, (2014) 10 SCC 521 overruled. Asha v. Pt. B.D. Sharma UHS, (2012) 7 SCC 389 affirmed

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