

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CWP No.11576 of 2012
Decided on : 04.11.2015**

Jyoti Ahlawat

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present : Mr. Gaurav Hooda, Advocate for the petitioner.

Mr. Saurabh Girdhar, AAG, Haryana.

Mr. Monika Jalota, Advocate for respondent No.3.

Ms. Neeru Bansal, Advocate for
Mr. Ashish Rawal, Advocate
for respondent-NCTE.

G.S. Sandhawalia , J. (Oral)

The petitioner seeks a direction to respondents No.2 and 3 to issue enrolment number to the petitioner and to allow her to appear in the 4th Semester of Diploma of Education (JBT) Course.

It is the case of the petitioner that she had approached the said respondent No.3 to get admission in the said course and they had informed her that there were 50 seats in the college and they were filled up. List of the recognized colleges (Annexure P-1) in the State of Haryana was obtained from the website and there were 100 seats mentioned against respondent No.3.

Petitioner alongwith one Rachna Dahiya had sought information under RTI and was also informed that vide letter dated

12705 dated 05.02.2005, the said college had intake of 100 seats. Accordingly, the petitioner alongwith Rachna Dahiya filed CWP No.981 of 2011 seeking admission and this Court on 28.01.2011 (Annexure P-3), keeping in view the said averment that there were 100 intake seats with respondent No.3 directed that the case of the petitioners be considered in case they were found eligible by the competent authority.

On the strength of the said order, admission had been given and she attended her 1st, 2nd and 3rd semester and applied with detailed mark-sheets of semesters 1st and 2nd and her request for enrolment number was also forwarded to the Director, State Council of Educational Research and Training Centre, Gurgaon, Haryana-respondent No.2 on 18.01.2012. The petitioner was, thereafter, not allowed to attend the 4th semester classes, though being eligible and, accordingly, the writ petition was filed. Vide interim order dated 06.07.2012, the petitioner was permitted to attend the classes, subject to the final decision of the writ petition.

State in its reply submitted that intake of the college of only 50 seats and Annexure P-1 is fabricated, whereby 100 seats have been shown for the said college. Enrolment number had to be issued as per sanction intake and since the admission had been made beyond the approved intake of 50 seats, enrolment number had been denied. The defence taken by the State is silent

qua the issue of the list of recognized institutes (Annexure P-1), whereby respondent No.3-Institute was shown having 100 seats.

In the reply filed by the respondent No.3 a plea was taken that in view of the order passed by this Court, the petitioner had fulfilled all eligibility criteria and admission was given to the petitioner and reference for issuance of enrolment number of the petitioner was sent on 09.02.2011 (Annexure R-3/A).

On account of the dispute arising, the NCTE was, thereafter, impleaded as respondent No.4 to find out the real picture as to what was the sanctioned intake of the respondent No.3-college. The defence taken by the NCTE is also silent qua the issue of the list of recognized institutes (Annexure P-1), whereby respondent No.3-Institute was shown having 100 seats.

The stress has only been made to the recognition order dated 05.02.2005 bearing No.12705, whereby 50 seats were approved with the respondent-college. A plea had been taken that there was a manipulation in number of seats in order to seek the indulgence of this Court and NCTE had not been made party intentionally.

An additional affidavit was filed by the NCTE, wherein again it is submitted that the intake was only of 50 seats. Accordingly, the record was directed to be produced by respondent No.4.

This Court on 07.04.2014, noticed that there were two letters bearing No.12705 showing 50 seats and 100 seats of the same date 05.02.2005 and there was a similar memo bearing No.12698 of even date, which showed sanction for 50 seats. The letter bearing No.12705 whereby 100 seats had been shown (Annexure P-6) in CWP No.891 of 2011, which is Annexure P-2 in the present case.

Resultantly, respondent No.4 had been asked to file affidavit with regard to the said discrepancies as to how the said letter bearing No.12705 was in the record, if it was a forged document and how the number of seats vary.

Thereafter, counsel for the petitioner was asked to get produced a certificate from the internet service provider as to how the internet service provider had flashed this information as Annexure P-1, which was hosted on the website of the State of Haryana. Counsel for the petitioner expressed his difficulty to get the certificate produced.

He submitted that the matter can be resolved firstly on the ground that there is no denial in specific words either by the State or by the NCTE regarding the fact that 100 seats were mentioned on the website. Secondly, he placed reliance upon the communication dated 27.08.2010 (Annexure A-2) which has now been appended with the additional affidavit filed by NCTE. Perusal

of the same shows the said letter is a communication from Director SCERT Haryana, Gurgaon to the Regional Director NCTE. In the letter there is a reference to the letter bearing No.12605 (sic 12705) dated 05.02.2005, whereby 100 intake of sanctioned seats has been shown of the respondent No.3-Institute and admission has been made that even on the website the intake was of 100 seats thus the actual intake capacity was sought to be verified. Thus, it is apparent that the communication dated 05.02.005 bearing No.12705 was also showing the intake as 100 seats. This communication shows 100 seats with the respondent No.3-Institute, upon which the petitioner had acted upon and sought admission upon which this Court had directed for consideration. The original record also shows that the said letter was also part of the file of NCTE.

In such circumstances, on account of some mistake on the part of the respondent No.4, the petitioner cannot be faulted. It is not disputed that the respondent No.3-Institute has also only admitted only one student over and above the sanctioned intake and that is also on account of the orders of this Court. Thus it cannot be said that the institute had relied upon any forged recognition order. In such circumstances, the petitioner who has studied her four semesters cannot be denied her enrolment number.

Accordingly, the present writ petition is allowed and direction is issued to respondent No.2 to issue the required enrolment number on the request of respondent No.3 dated 09.02.2011 (Annexure R-3/A) and declare the result of the petitioner.

Needful be done within a period of one month from the receipt of the certified copy of this order.

NOVEMBER 04, 2015
Naveen

(G.S. SANDHAWALIA)
JUDGE