

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.13826 of 2014 (O&M)

Date of decision : 04.03.2015

Arshpreet Khadial

.....Petitioner

Vs.

Panjab University and Others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASI

Present:- Mr.A.K.Walia, Advocate for the petitioner.

Mr.B.L.Gupta, Advocate for respondents No.1 and 2.

Mr.Charanjit Singh Bakshi, Advocate for respondent
No.3.

AUGUSTINE GEORGE MASI, J. (ORAL)

CM No.2761 of 2015

This application has been filed under Section 151 C.P.C. for
placing on record the short reply to the replication.

Application is allowed, subject to all just exceptions and
rejoinder is taken on record.

Application stands disposed of.

CWP No.13826 of 2014

The petitioner has approached this Court impugning the
action of the respondent-University in rejecting the candidature for
admission to the BA. LLB (Hons.) five years integrated course.

It is the contention of the counsel for the petitioner that the

petitioner applied under the sports category since he had obtained first rank in the District Level High/Secondary School Tournament, Bathinda, which was held from 25.08.2010 to 27.08.2010 (Annexure P-1). He had also participated in the 57th Inter District School Games at Roop Nagar (Annexure P-2) from 02.09.2011 to 06.09.2011 in the game of Lawn Tennis and in the 59th Punjab State Inter District School Games at Roop Nagar between 21.10.2013 to 25.10.2013 (Annexure P-5). In the first participation certificate at the District Level High/Secondary School Tournament, Bathinda (Annexure P-1) where he had obtained the first position was graded by the Punjab Sports Department. He was called for interview/trial on 16.07.2014 where his application was rejected and he was not allowed to participate therein without assigning any reason stating that he was ineligible.

The petitioner had to approach this Court by way of present writ petition. He submits that the guidelines for admission to the reserved category of sports persons have been appended along with the handbook information, according to which a candidate should have participated two times in the sports in the prior three years i.e. 01.07.2011 to 30.06.2014. The minimum level of sports participation to be considered for supporting certificate will be Inter School (State Level)/Inter College, State participation. The order of participation in selection of candidate for admission will be as per Annexure P-5. He contends that since the petitioner had participated in the Inter School State Level Tournament, he fulfills the requirement for consideration for admission in the University and therefore, the candidature could not have been rejected by the

respondent-University.

Counsel for the respondents contend that the claim of the petitioner had rightly been rejected as he does not fulfill the requirement and does not fall in any of the category as mentioned in Annexure P-5. He accordingly contends that the writ petition is without merit and deserves to be dismissed.

On considering the submissions made by the counsel for the parties, I am of the opinion that the claim of the petitioner cannot be accepted.

Guidelines for admission to the reserved category of the sports and in the handbook information, copies whereof have been appended as Annexure P-12 with the writ petition, Clause-4 on which reliance have been placed by the petitioner reads as follows:

"4. Reservation under Sports Category is meant only for those active sports person who would participate in the Campus, University, National, International level sports tournament. Such students will be considered for admission only if:

i) to iv) XXX XXX XXX XXX XXX XXX XXX

(v) Atleast two times sports participation in the same game is compulsory for the students seeking admission under this category (within the prescribed period of three years i.e. from 1st July, 2011 to 30th June, 2014). The minimum level of sports participation to be considered for supporting certificate will be Inter School (State Level) Inter College/State participation."

Clause 7 reads as follows:-

7. The order of precedence in the selection of

candidates for admission will be as per Annexure-V.

- i) *A student falling under category 'A' shall be placed higher in merit than a student falling under category 'B'. Similarly, a student falling under category 'B' shall be placed higher in merit than a student falling under category 'C' and so on.*
- (ii) *Likewise, within each category a student falling in category 'A'(1) will be placed higher in merit than a student falling in category 'A'(2) and so on.*
- (iii) *A student who attains first position in a competition shall be rated higher in merit than the one who gets second position in a competition of the same level. Similarly, second position will be rated higher in merit than the third in the same level of competition and so on.*
- (iv) *If there is a tie within the same category, the tie shall be resolved by considering the "academic merit" and even than if there is tie, it will be resolved by the seniority in age i.e. date of birth of the student and such tie will be resolved by concerned Department in which applicant applied for admission.*

A perusal of the above would show that Annexure P-5 would be the determining factor with regard to eligibility of the candidate assuming his candidature has to be considered. Since the petitioner in this case has participated in the State Level Tournament, Category-C would be relevant of Annexure P-5, relevant whereof would be Clause-13, 14, 15 and 16 as admittedly petitioner has not even joined the college prior to seeking admission in the 5 year B.A LLB integrated course. Annexure V Category-

C, Clauses 13 to 16 reads as follows:

- "13. *A person getting any of the first three positions in the Inter-Distt./Union Territory Championships for Seniors.*
14. *A person getting any of the first three positions in the State Junior/Union Territory Championships for Junior.*
15. *A person getting any of the first three positions in the State School/Union Territory School Games.*
16. *A person getting any of the first three positions in the State Youth/ Union Territory Championships/ tournament."*

A perusal of the above would show that a candidate who has got first three position in any of the above referred to championship would only be considered for admission to the course.

Since the petitioner admittedly has not obtained any position in the State Level Tournament, his candidature has rightly been rejected by the respondents at the time of interview/trial.

In view of the above, I do not find any merits in this petition and the same stands dismissed.

Counsel for the respondent No.3 has brought to the notice of this Court that order dated 16.12.2014 wherein the application of respondent No.3 for impleadment was allowed and it was said that the entitlement of respondent No.3 will also be considered at the time of consideration of the claim on merits. It is asserted by the counsel for respondent No.3 that respondent No.3 was at serial No.13 of the merit list and 12 seats were prescribed for sports category, one of which fell vacant and was kept

reserved for petitioner.

The said seat has now become available against which in case the respondent No.3 is found to be next in merit, his candidature will be considered and the decision be taken thereon within a period of two weeks from the date of receipt of certified copy of this order. In case the claim is accepted on fulfilling the requirement under the rules/regulations, further steps will be taken by the respondent-University.

04.03.2015
anil

(AUGUSTINE GEORGE MASIH)
JUDGE