

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

CWP No.15824 of 2014(O&M)
Decided on: 07.12.2015

Pooja Bhatti

.... Petitioner

vs.

State of Punjab & ors.

.... Respondents

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

Present: Ms. Surinder Kaur, Advocate
for the petitioner.

Mr. L.S.Virk, Addl. AG, Punjab.

Mr. Vivek Singla, Advocate for respondent Nos.2 to 4.

G.S.Sandhawal, J.(Oral)

The petitioner claims that her admission, which was cancelled vide order dated 06.07.2014 (Annexure P-5) in the course of Electrical Engineering with respondents No.2 & 3, is not justified.

The reasoning given in the said correspondence is as under:

“Your aggregate marks in qualifying examination is less than the top twenty percentile cut off marks of your board. Admission offer is cancelled.”

Learned counsel for respondents No.2 to 4 points out that the petitioner had secured 317 marks in the qualifying examination done from the CBSE. As per Clause 3.4 of the information brochure, admission was to be given to such candidates, who were among top 20 percentile of successful candidates of the their Boards. The

relevant clause reads as under:

“Admission to IITs and ISM Dhanbad will be based only on category wise All India Rank (AIR) in JEE (Advanced) – 2014 subject to the condition that such candidates are among the top 20 percentile of successful candidates of their Boards in respective categories.”

It is pointed out that only provisional admission has been given by way of online and the cut off for the CBSE was 361 and reference was made to Annexure R-1. It is further submitted that the petitioner did initially come within the zone of consideration on the strength of her merit in her category but as per the terms of the information brochure, she is not entitled for final admission. Therefore, the said admission was rightly cancelled.

It is settled principle that admission is to be as per the terms of prospectus and the petitioner is equally bound by the said terms. A undertaking was also given by the petitioner on 03.07.2014 (Annexure R-2), which reads as under:

“My aggregate Marks are 317 out of 500 of the Board CBSE from which I appeared the Qualifying Examination in 2012/2013. I declare myself eligible as per the “top 20 percentile cut-off marks amongst successful candidates” in my Board in my category and I understand that my admission will stand cancelled in case this information is found to be incorrect at any later time. I shall submit original documents in proof of all my claims at the time of any reporting at the admitting Institute.”

In such circumstances, the petitioner cannot turn around

and submit that her admission was wrongly cancelled. Accordingly, the writ petition is dismissed.

However, a direction is issued to respondents No.2 to 4 to refund the fee of Rs.20,000/-, which was deposited by the petitioner for provisional admission, within a period of one month from the date of receipt of the said order since it is admitted that the amount is refundable as per policy.

07.12.2015

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**(G.S. SANDHAWALIA)
JUDGE**