

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.19327 of 2013

Date of Decision.10.02.2015

Dilshad s/o Asgar and others

.....Petitioners

Versus

State of Haryana and others

.....Respondents

2. CWP No.21255 of 2013

Nazma Choudhary

.....Petitioner

Versus

The State of Haryana and others

.....Respondents

3. CWP No.18064 of 2013

Salman s/o Khurshid and another

.....Petitioners

Versus

State of Haryana and others

.....Respondents

Present: Mr. Rajesh Lamba, Advocate
for the petitioners in CWP No.19327 of 2013.

Ms. Sharmila Sharma, Advocate
for the petitioner in CWP No.21255 of 2013.

None for the petitioner in CWP No.18064 of 2013.

Mr. Keshav Gupta, AAG, Haryana.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest?

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K. KANNAN J. (ORAL)

1. The petitioners are persons who after making applications
for admission to D.Ed. Urdu in the colleges of their preference were not

allocated as per merit and their candidature had not been considered at all.

2. This is for the admission session 2013-2015. There are two problems that confront making adjudication in this case. One, two years have passed since the select list which was prepared in the year 2013. Even if it were to be modified, it cannot bring any succour to any of the petitioners. The other problem is that the ground made by the petitioners for a challenge is that although in the online application they had specifically given the preference of colleges, they were not considered for the respective colleges on account of the fact that the Government treated the petitioners as having abandoned the college and changed their preference in the application form. The petitioner would state that such kind of change was not possible at all in the light of what was stated even in the online application that “candidates should ensure that all details are correct before the Approve Form button is clicked. After approval candidates will not be able to change the entered details.” The counsel would refer me to the fact that in the application form for the petitioner Dilshad, the selected college preference was 1-781310011 and the print out had been taken on 07.05.2013 at 5.25.43 PM as the online application revealed. The information given by the State is brought with an affidavit of Sneha Lata, Director, State Council of Educational Research and Training, Haryana and it reveals an earlier time as to when the change was effected. It gets to be essentially a dispute of question of fact as to how such a change was possible and whether the entry as stated by the petitioner was true or the details as shown in Annexure R-1 was true. It is not

possible for me to adjudicate on such a course.

3. While the relief of modification of the list of selected candidates cannot be given at this point of time after two years after the course has begun, the appropriate remedy would still be a claim for damages against the State if the petitioners' contention were found to be true and worthy of acceptance. Such a course could also be before a Civil Court of competent jurisdiction if they are able to prove that the details as furnished by them as regards their own assertion was correct and what was brought through Annexure R-1 is not correct. I will note that even amongst the petitioners, some of them have secured admission in the colleges where they had sought for. The right to claim damages against the State will, therefore, be available to such of candidates who had not been granted admission if they are able to prove what they assert in the writ petition by an independent action.

4. The writ petition is not an efficacious remedy for the relief sought for in the writ petition, for it is not possible to enter into the merits of what they seek for consideration before this Court as a dispute that cannot be effectively adjudged in these proceedings. All the writ petitions are disposed of with the above observations.

(K. KANNAN)
JUDGE

February 10, 2015
Pankaj*