

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

CWP No.21585 of 2014 (O&M)
Date of Decision: 22.07.2015

Gagandeep Kaur

. . . .Petitioner

Versus

GND University and another

. . . . Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: Mr.J.S. Thind, Advocate,
for the petitioner.

Mr.Amrit Paul, Advocate,
for the respondents.

RAKESH KUMAR JAIN, J.

The Punjabi University, Patiala was appointed by notification dated 23.5.2013 issued by Department of Higher Education of the State of Punjab as the authority competent to conduct centralized online counselling for B.Ed. course for the session 2013-14. The petitioner applied for admission in the category 'Border Area' and was allocated Khalsa College of Education, Amritsar (respondent No.2) for admission. She is aggrieved against the decision of respondent No.1 dated 30.6.2014 withholding her result as 'RL (Regd.)'. It is alleged that the petitioner belongs to 'Border Area' and has submitted 'Border Area' certificate issued by the Naib Tehsildar, Attari, verified by Darshan Singh Sarpanch and concerned Patwari. It is further alleged that she has attained the qualification from Army Public School, Beas which falls

under the 'Rural Area', which has also been verified by the Sarpanch and concerned Naib Tehsildar. After admission, the petitioner was issued Roll No.92014058170 by respondent No.1 and though she had appeared in the examination yet her result has not been declared and hence, the present writ petition.

Learned counsel for the petitioner has submitted that in the online prospectus for the year 2014-16 for the B.Ed. course, it is mentioned that *"a candidate shall be eligible for admission under category (III) only if he/she is from a town/village within 10 miles from the International Border excluding the towns of Ferozepur and Gurdaspur or his/her town/village falls within the backward area limits. A certificate to this effect should be obtained from SDM/GA to DC/DC and SDO Civil"*. It is argued that there is no requirement to study for five years in 'Border Area'.

In the reply filed by respondent No.1, it is alleged that in the admission notice issued by the Punjabi University, Patiala, it was categorically mentioned that the reservation of seats shall be as per the Rules of Punjab Government, which are reproduced as under: -

"(i) Candidates with at least 50% marks either in the bachelor's Degree and / or in the Master's degree or any other qualification declared equivalent thereto, are eligible for admission to the programme.

(ii) The reservation in seats and relaxation in the qualifying marks in favour of the reserved categories shall be as per rules of the concerned Govt. of Punjab."

It is further averred that in the notification dated 23.5.2013, issued by the State of Punjab, the same eligibility criteria is mentioned which has been referred to in the admission notice of

the Punjabi University, Patiala and in para No.6(d) of the notification dated 23.5.2013, it is specifically provided that guidelines issued by Punjab Government in its letter dated 6.6.1996 and subsequent instructions for the issuance of residence certificate/certificate for *bona fide* resident of Punjab must be adhered to in its letter and spirit. Para No.6(d) of the notification is also mentioned in the reply, which is reproduced as under: -

“6(d) - The guidelines issued for the grant of residence certificate/bona fide resident of Punjab by the Department of Personnel and Administrative Reforms (PP-2 Branch) vide No.1/3/95-3PP-2/961), dated the 6th June, 1996 and No.1/3/95-3PP-2/80 dated the 1st January, 1999 and further instructions, issued by the department, if any, will be adhered to in letter and spirit while making admission.”

The Punjab Government letter dated 6.6.1996 is followed by subsequent/latest Punjab Government letters dated 14.6.1999 & 18.8.2000, as per which, the student, who is claiming reservation of the ‘Border Area’, has to submit a certificate on a prescribed proforma. The proforma mentioned in the reply is also reproduced as under: -

*“CERTIFICATE BY THE CANDIDATE HAILING FROM
BORDER AREA”*

Despatch No.

Date

(i) I certify that _____son/daughter of Sh. Of village _____ District _____ is a bonafide resident of village _____ District _____. The village/town fall within the belt of 10 miles from the international border.

It is further certified that _____ has studied for at least 5 years in a recognised institution(s) located in such village/town, as per dates of joining and leaving school/college given below, which also fall within the belt of 10 miles from the international border.

- (1) _____
- (2) _____
- (3) _____
- (4) _____

Place : _____ *D.C./ G.A to D.C./ S.D.O. (Civil)
Date _____ (with Seal of the Court)

* Certificate from no other authority will be accepted.

(ii) Certified that _____ son/daughter of Sh. _____ of village _____ District _____ was a bonafide student of the school/college from _____ to _____.

(exact date of joining and leaving the school/college to be given)

Place: _____ Signature of Headmaster/
Date: _____ Principal of the School/ College
(with seal)”

As per the reservation policy, the percentage of reservation and requirements to meet the claim of the said reservation is also provided which is reproduced as under: -

“Reservation Policy

Sr. N.	Category	Reservation %age
A	Scheduled caste/Tribes	25
B	Backward Class	05
C	Rural Area	07
D	Border Area	03

Explanation A to H

- (A) xxxxx
- (B) xxxx
- (C) xxxx
- (D) A candidate will be eligible for admission under this category only if he/she is from a town/village within the belt of 10 miles from the International Border and has studied for atleast five years there and has passed public

examination (matric or Higher Secondary Part-I) from a school located in border town/village (excluding the towns Ferozepur, Gurdaspur). Two certificates one from the DC/GA to DC of the District or SDO(Civil)/SDM with the town/village being within 10 miles limit from the international border, and another from the Headmaster/Principal of the Institution with details of exact date of joining and leaving the school/college must be produced along with the application from as per Annexure V.”

It is further averred that in order to claim ‘Border Area’ reservation for the admission in B.Ed. course, the petitioner was required to produce two separate certificates but she did not submit the certificate as a proof of her 5 year study upto 10th/Higher Secondary in a school falling in the belt of 10 miles from the international border along with the certificate from the Headmaster/Principal of the institution with details of exact date of joining and leaving the school. It is further averred that respondent No.2/college, after persistent demand of respondent No.1, sent the list of candidates admitted by it for the session 2013-14 in B.Ed. course, through online counselling, conducted by the Punjabi University, Patiala against various reserved categories, showing the petitioner at Sr. No.193 having been admitted against the ‘Border Area’ category. Thereafter, respondent No.1 wrote letters dated 17.4.2014, 25.4.2014 and 25.7.2014 to respondent No.2 asking them to submit the required information/certificates in regard to eligibility for admission of the candidates/students against the reserved categories but respondent No.2 did not supply the requisite information and it is alleged in the letter dated 17.9.2014: -

“Therefore, you are informed with the approval of the Hon’ble Vice Chancellor that the previous

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I attest to the accuracy and authenticity of this document

orders of the competent authority as conveyed to you vide this office letters No.3652/Regn. Dated 25.7.2014 & letter No.4086/Regn. Dated 13.8.2014 stand without any change. As such, you are again requested to comply with the instructions issued by this office vide its said letters No.3652/Regn. Dated 25.7.2014 and letter No.4086/Regn. Dated 13.8.2014 and to immediately collect and send the requisite document from the concerned students for claiming Backward Class and Border Area Reservations. You are also requested to inform each and every concerned student individually under acknowledgment about the contents of this letter, failing which the entire responsibility in this regards will be that of your office. You are also requested to send to this office forthwith the copies of the acknowledgments so obtained from each and every student (alongwith their full particulars/addresses) admitted by your college in 2013-14 against the said reservation quota without prior verification of the aforesaid mandatory conditions of such reservation.”

However, respondent No.2 did not supply the requisite information and in anticipation that it would submit the requisite certificates claiming ‘Border Area’ reservation i.e. the certificate as a proof of her 5 year study upto 10th/Higher Secondary in a school falling in the belt of 10 miles from the international border along with the certificate from the Headmaster/Principal of the Institution with details of exact date of joining and leaving the school/college, the petitioner was provisionally allowed to appear in the examination for the Session 2013-14 but since, respondent No.2 failed to submit the required certificate, therefore, the petitioner was not found eligible for the admission under the ‘Border Area’ reserved category and her result was kept in abeyance. It is also submitted that

respondent No.2 without checking and ensuring eligibility of the petitioner for admission to the B.Ed. course under the 'Border Area' reserved category has wrongly admitted her on its own volition against the mandatory conditions laid down in the prospectus and the notification. It is further averred that since the petitioner has claimed admission in the category of 'Border Area', she cannot be given benefit of the backward area as the certificate to be issued for the backward area is altogether different, which is reproduced as under: -

"Backward Area Certificate

Despatch No._____ Date _____

*Certified that _____ son/daughter of Shri _____ is a bonafie resident of _____ Tehsil _____ District _____ which has been declared as backward area by the Punjab Government. His/her claim falls under category * _____ indicated below:*

- (a) a person who with the family members has been residing in a particular village or town included in the list of areas which are declared backward constantly for a period of ten years or more and is likely to continue to reside there.*
- (b) A person who has been residing in a village/town for a period of less than ten years but not less than five years who is likely to reside there on account of the fact that he has obtained employment and will settle there after retirement.*

In case of a person who has been residing in a village or town included in the list of areas which are declared backward and has migrated to another village or town in the said area, the total

of his stay at both places will be counted.

Place: ** District Magistrate/G.A. to
D.C. or Sub-Divisional
Officer (Civil)
Date: (with seal)"

In the rejoinder, filed by the petitioner, it is stated that admission was sought by the petitioner under the category of 'Border Area' and 'Rural Area' as the petitioner had studied from 6th to 10th class in the 'Rural Area' School i.e. Army Public School, Beas. It is also mentioned that the selected candidate for admission in B.Ed. course in the 'Rural Area' category, the petitioner is the only student whereas there are 7 seats reserved in that category.

I have heard learned counsel for the parties and examined the available record.

There is no dispute that the reservation of the seats and relaxation in the qualifying marks, in favour of the reserved categories, has to be, as per the Rules of the State of Punjab. The list of admitted students with category sent by respondent No.2 to respondent No.1, available as Annexure R1/5, also shows that the petitioner, who is at Sr. No.193 was admitted in the category of 'Border Area'. As per the reservation policy 25 seats are reserved for Scheduled Casts/Tribes, 5 for Backward Classes, 7 for Rural Area and 3 for Border Area. The petitioner did not apply in the category of 'Rural Area' rather she had applied in the category of 'Border Area' to seek admission in the three seats reserved in that category. The petitioner was required to fill up a certificate in her own handwriting that she is from the 'Border Area' in which not only she had to mention that the village/town, where she has been residing, falls

within the belt of 10 miles from the International Border but also that she had studied for at least 5 years in a recognised institution located in such town/village which also falls within the belt of 10 miles from the International Border. The said certificate has to be attested by D.C./G.A to D.C./S.D.O. (Civil) and also to be certified about her studies in that school for 5 years by the Head of the School with its seal. The petitioner has failed to provide the requisite certificate as she had not studied in the school within the belt of 10 miles from the International Border as admittedly she has studied in the Army Public School, Beas for which she is claiming the reservation under the 'Rural Area' category in which she had not applied. The certificate for 'Rural Area' candidate is also provided in the notification dated 6.6.1996 and is reproduced as under: -

"Certificate for Rural Area Candidate

(Applicable for admission to University College of Engg, Punjabi

University, Patiala)

(Required only from those candidates claiming benefit of reservation under rural area)

Certified that _____ son/daughter/wife of Shri _____ an applicant for admission to various courses (2013-14) in Punjabi University, Patiala has passed Matriculation/Higher Secondary examination from Name of School _____ Village _____ District _____ which was situated in rural area i.e. an area that falls neither under a Corporation/Municipal Committee or under a Notified Area Committee and he/she has studied in school situated in rural area for at least five years prior to his/her matriculation/Higher Secondary Examination.

Place:

*Signature of the Principal/
Headmaster of the School
with office stamp*

*Signature of Tehsildar of _____ Despatch No. _____
The area with clear office stamp Dated _____"*

Since 7 seats have been reserved specifically for the candidates belonging to 'Rural Area', therefore, it cannot be given to the petitioner as there is no provision mentioned by the petitioner of switching over from one reserved category to another after having been admitted in the course in the 'Border Area' category.

Thus, from the aforesaid resume, I am of the considered opinion that since the petitioner had applied in the 'Border Area' category in the 3 seats reserved for it and has failed to comply with the mandatory provisions, as she did not furnish the certificate, that she has studied from a school for 5 years upto 10th class, which falls within the belt of 10 miles from the International Border.

In view of the aforesaid discussion, I do not find any merit in the present petition and hence the same is hereby dismissed.

22.07.2015

Vivek

**(RAKESH KUMAR JAIN)
JUDGE**