

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No. 23309 of 2014
Date of decision: 18.08.2015

Ritu Raag Kaur

....Petitioner(s)

Versus

Union of India & others

...Respondent(s)

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

Present: Mr.Ranjivan Singh, Advocate, for the petitioner.

Ms.Ranjana Shahi, Advocate, for UOI.

Mr.Vikas Chatrath, Advocate
and Mr.Ankit Joshi, Advocate, for respondents No.2 & 5.

G.S.SANDHAWALIA, J. (Oral)

1. Prayer in the present writ petition is for striking down the condition as contained in Clause 5.5.3 of the Information Brochure (Annexure P2) whereby 5 seats in Bachelors of Architecture course, allocated to the candidates/nominees of the State(s)/UT(s) deficient in Technical Education cannot be shifted to any other category.

2. Counsel for respondents No.2 & 5 points out that in similar case, i.e., CWP No.20542 of 2014 titled *Naina Krishan Vs. Union of India & others*, the said plea was rejected. Relevant para of the judgment dated 01.07.2015 reads as under:

“The only issue in this case is whether the five seats meant for Nominee of States/Union Territories Deficient in Technical Education can be offered to General category quota candidates from U.T. , Chandigarh.

A bare perusal of the note appended to the 'Eligibility Criteria' of Clause 5.5.3 of the Brochure shows that if any seat under category of Nominee of States/Union Territories Deficient in Technical Education remains unfilled, it cannot be shifted to any

other category. There is a clear embargo which cannot be diluted by the Court for the purpose of giving admission to the petitioners in this category, therefore, their request for consuming these five seats as well in the open General category of U.T. is hereby declined.”

3. Another insurmountable hurdle lies in the way of the petitioner is that she had accepted the terms and conditions of the prospectus and applied for the said course and now, after being unsuccessful, challenge has been laid to the criteria. It has time and again been held by six Full Bench decisions of this Court that admission brochure or the prospectus has a force of law which is to be strictly followed. Reference can be made to Amardeep Singh Sahota Vs. State of Punjab 1993(4) S.C.T. 328, Raj Singh Vs. Maharishi Dayanand University 1994(2) S.C.T. 766, Sachin Gaur Vs. Punjabi University 1996(1) S.C.T. 837 Rahul Prabhakar Vs. Punjab Technical University, Jalandhar 1997(3) S.C.T. 526, Indu Gupta Vs. Director of Sports, Punjab 1999(4) S.C.T. 113 and Rupinder Singh and others Vs. The Punjab State Board of Technical Education & Industrial Training, Chandigarh and others 2001(2) S.C.T. 726.

The relevant observations made in **Rahul Prabhakar's** case (supra) read as under:-

“7. A Full Bench of this Court in [Amardeep Singh Sahota v. State of Punjab](#), (1993) 4 SLR 673 : 1993(4) SCT 328 (P&H) (FB) had to consider the scope and binding force of the provisions contained in the prospectus. The Bench took the view that the prospectus issued for admission to a course, has the force of law and it was not open to alteration. In [Raj Singh v. Maharshi Dayanand University](#), 1994 (4) RSJ 289 : 1994(2) SCT 766 (P&H) (FB) another Full Bench of this Court took the view that a candidate will have to be taken to be bound by the information supplied in the admission form and cannot be allowed to take a stand that suits him at a given time. The Full Bench approved the view expressed in earlier Full Bench that eligibility for admission to a Course has to be seen according to the prospectus issued before the Entrance Examination and that the admission has to be made on the basis of instructions given in the prospectus, having the force of law. Again Full Bench of this Court in [Sachin Gaur v. Punjabi University](#), 1996 (1) RSJ 1 : 1996 (1) SCT 837 (P&H) (FB) took the view that there has to be a cut off

date provided for admission and the same cannot be changed afterwards. These views expressed by earlier Full Benches have been followed in CWP No. 6756 of 1996 by the three of us constituting another Full Bench. Thus, it is settled law that the provisions contained in the information brochure for the Common Entrance Test 1997 have the force of law and have to be strictly complied with. No modification can be made by the Court in exercise of powers under [Article 226](#) of the Constitution of India.”

4. In such circumstances, the petitioner cannot lay challenge to the said terms of the prospectus. Accordingly, no relief can be granted to the petitioner and the writ petition is, consequently, dismissed.

18.08.2015
sailesh

(G.S. SANDHAWALIA)
JUDGE