

CWP No.24066 of 2014

[1]

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.24066 of 2014
Date of decision:11.05.2015

Abhimanyu Ambawta

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Madan Pal, Advocate,
for the petitioner.

Mr. D.K.Mittal, DAG, Haryana.

Mr. Vivek Singla, Advocate,
for respondents no.3 to 5.

Rakesh Kumar Jain, J.

The petitioner has prayed for a writ in the nature of *certiorari*, quashing the admission of respondents no.7 to 12 in 8th Class of the Rashtriya Indian Military College, Dehradun (hereinafter referred to as the “RMIC”) for the term July 2014 and for issuance of a writ in the nature of *mandamus*, directing the respondents to grant him admission in 8th Class in the RMIC for the term July 2014 or in the next session.

In brief, the RMIC has two academic terms in a year from 17 January to 31 May and from 17 July to 30 November. The entry is also twice a year and the average entry, based on State-wise quota, is presently around 25 per term. Entrance to RIMC is decided purely on merit and on the basis of an all India written examination followed by an interview of the selected candidates and medical examination of those who qualify in the interview and are in merit. It is provided that to pass the written

CWP No.24066 of 2014

[2]

examination, a candidate must score a minimum of 50% in all the subjects. On fulfilling the criteria, the candidate is called for interview which he must pass again with minimum 50% marks. The candidates have to appear in three tests viz., Mathematics (200 marks), English (125 marks) and General Knowledge (75 marks). The final Statewise Merit List and All India Merit List are prepared after completion of interview of the short listed candidates. Thereafter all the selected and reserve candidates are called for medical examination. Though the entry is based on state wise quota, the vacancy of the state is transferred to All India Merit List if the state has no eligible candidate, which is decided on the basis of a candidate having passed written examination and interview and found to be medically fit as per Armed forces standards.

The case set up by the petitioner is that he was issued Roll No.4 by respondent no.1 for appearance in the written test for admission in 8th Class in RIMC for July 2014 term from the State of Haryana. He was allotted the centre at Panchkula for the written test. He scored 236.5 marks out of total 400 marks and was accordingly declared qualified. He was then called for the interview in which he scored 36.6 marks out of 50, which was above the prescribed cut-off pass percentage. Thus, out of the total 450 marks, the petitioner scored 273.1 marks. Thereafter, he appeared before respondent no.6 for medical examination at the Command Hospital, Western Command, Chandimandir and was declared medically fit for serving in the armed Forces.

The grievance of the petitioner is that he has not been given admission despite having obtained 273.1 marks, i.e. Mathematics-135,

English-55.5, general Knowledge-46 and Interview-36.6, more than the majority of the selected candidates. The petitioner applied, under the Right to Information Act, 2005, to the RIMC and came to know that he was at 14th position in the written examination and in terms of the total marks obtained, stood at 15th place in the list of 28 admitted candidates. The information obtained by the petitioner further reveals that he was placed at Sr. No.5 in the reserve list, whereas candidates placed at Sr. Nos.7 and 15 were given admission. It is further averred that out of the total 36 seats of the State quota, only 28 students have been given admission and the candidates at Sr. No.22, 24, 25, 26, 27 and 28, who could not meet the minimum cut-off criteria of 50%, were called for the interview and admitted. In this regard, he has also reproduced a chart in the petition, which is as under:-

<i>Sr. No.</i>		<i>Maitrayan Das Respondent no.7</i>	<i>M Adhija Venktesh Respondent no.8</i>	<i>Vaiebhav Chettri Respondent no.9</i>	<i>Jacob Lalchhahima Respondent no.10</i>	<i>Ravi Maitreya Respondent no.11</i>	<i>VS Vaishal Krishna Respondent no.12</i>	<i>Abhima nyu Ambawt a Petitione r</i>
1	Mathematics	100	110	101	101	101	102	135
2	English	50.5	51	50	51	52	50	55.5
3	General Knowledge	42	38	40	38	38	38	46
4	Marks obtained in written exam.	192.5	199	191	190	191	190	236.5
5	Interview	50	38.5	44.4	45	40	38.4	36.6
6	Total marks (written and interview)	242.5	237.5	235.4	235	231	238.4	273.1

Thus, the petitioner has alleged discrimination and arbitrariness on the part of the respondents while denying him the admission and

CWP No.24066 of 2014

[4]

granting admission to respondents no.7 to 12 who were lower in rank than him. The Reserve List of RIMC, in which the candidates at Sr. No.7 and 15 have been given admission, is also reproduced as under:-

**RESERVE LIST OF RIMC
ENTRANCE EXAMINATION DEC 2013
FOR THE TERM COMMENCING JULY 2014**

S.No.	NAME	FATHER's NAME	STATE	Medical status	Remark
1	Utsav Raj	Mr. Santosh Singh	Bihar	Unfit	
2	Ajay Pratap Singh Jadon	Mr. Jaykumar Singh Jadon	MP	Fit	Joined against WB Vac due to Selected Candidate Medically Unfit
3	Ankur Pandey	Mr. Vijay Prakash Pandey	UP	Fit	Joined against Selected Candidate of UP declared Medically Unfit
4	Keshav Uppal	Mr. Raj Kumar Uppal	J&K	Fit	
5	Abhimanyu Ambawta	Mr. Bhim Singh	Haryana	Fit	
6	Rohan Gupta	Mr. Rajeev Gupta	UK		Not appeared for medical
7	Ravi Malik	Mr. Jagpal Singh	UP	Fit	Joined against Selected Candidate of UP declared Medically Unfit
8	Kevin Sharma	Cdr. Milton Sharma	Gujarat	Fit	
9	Pankaj Sangwan	Mr. Ved Prakash	Haryana	Fit	
10	Vedant Vivek Chate	Mr. Vivek Chate	MH	Fit	
11	Yask Rawat	Mr. Rejendra Kumar Rawat	UK	Fit	
12	Rajas Bhatt	Col Anil Bhatt	Punjab	Fit	
13	Moirangthem Sanaba Singh	Mr. M Ranakumar Singh	Manipur	Fit	
14	Tavish Nain	Mr Satya Prakash Nain	Rajasthan	Fit	

S.No.	NAME	FATHER's NAME	STATE	Medical status	Remark
15	Jacob Lalchhanhima	Mr. Ngurpuilura	Mizoram	Fit	Joined against Selected Candidate of Mizoram declared Medically Unfit

In reply, it is submitted that the total strength of the RMIC is required to be maintained at 250, which is the authorized strength of the college as per the existing PE (Peace Establishment) Number PE:VI/268/1946/11, effective from 01 Mar 2010 to 29 Feb 2016. There was only one vacancy envisaged for the State of Haryana for which one Ankur has been selected, having more marks than the petitioner, depicted by way of a chart, which is reproduced as under:-

Sr. No.	Name of candidate	Marks obtained				Total	Remarks
		Maths (out of 200)	Eng. (out of 125)	GK (out of 75)	Interview (out of 50)		
1	Ankur	173	65	47	29.6	314.6	Selected and joined RMIC
2	Abhimanyu Ambawta	135	55.5	46	36.6	273.1	First Reserve of Haryana
3	Pankaj Sangwan	138	54	38	25.6	255.6	Second Reserve of Haryana

It is further averred that though the cut-off marks in the subject of English was 50% but it was reduced to 40% and applied across the board pursuant to the recommendation of the Board of Officers and only because of that reason, the petitioner and other candidates who had scored less than 50% marks in English were considered for admission. It is further averred

CWP No.24066 of 2014

[6]

that the petitioner was to be considered for admission on the basis of his own State quota in which the petitioner was at Sr. No.2 in the merit list and at Sr. No.1 in the Reserve List for the State quota of Haryana.

It is further submitted that the private respondents have been given admission against the quota of their respective State, details of which are reproduced as under:-

Sr. No.	Name of candidate	Marks obtained				Total	State	Remark
		Maths (out of 200)	Eng. (out of 125)	GK (out of 75)	Interview (out of 50)			
1	Maitrayan Das	100	50.5	42	50.6	242.5	Assam	Joined
2	M Adhija Venktesh	110	51.5	38	38.5	237.5	Andhra Pradesh	Joined
3	Vaiebhav Chettri	101	50	40	44.4	235.4	Sikkim	Joined
4	Jacob Lalchhanhima	101	51	38	45	235	Mizoram	Joined
5	Ravi Maitreya	101	52	38	40	231	Delhi	Joined
6	VS Vaishal Krishna	102	50	38	38.4	238.4	TN	Joined
7	Abhimanyu Ambawta	135	55.5	46	36.6	273.1	Haryana	First Reserve of the Haryana

It is also argued that since the total strength of RIMC cannot exceed 250 cadets and only 28 students were admitted in the batch started from July 2014 as already 222 students were studying, therefore, only one candidate had to be taken from the State of Haryana. Insofar as the candidate Ajay Pratap Singh Jadon from All India Merit List is concerned, he has been given admission against the seat vacated by the candidate of West Bengal, who was declared medically unfit, because he had the highest

CWP No.24066 of 2014

[7]

marks amongst the Reserve candidates in the All India Merit List.

It is also submitted that there is no pick and choose policy adopted by the respondents in the Reserve List. The petitioner, who was at Sr. No.5 in the Reserve List, was ignored and the candidates at Sr. No.7 and 15 were given admission, though they were lower in merit because the candidate Ravi Malik, who was at Sr. No.7 in the Reserve List, belongs to the State of Uttar Pradesh and has been admitted because the selected candidate from the State of Uttar Pradesh was not found medically fit, similarly the candidate from Mizoram, namely, Jacob Lalchhanhima, who was at Sr. No.15 in the Reserve List, has been admitted against the vacant seat of Mizoram. The candidate at Sr. No.2 in the Reserve List, namely, Ajay Pratap Singh Jadon though hails from Bihar but the seat of West Bengal has been given to him because he was at Sr. No.2 in the Reserve List against the petitioner who was at Sr. No.5.

After hearing learned counsel for the parties and examining the record, I am of the considered opinion that there is no merit in the present writ petition because the minimum cut-off marks of 50% in the subject of English was reduced to 40% and applied across the board, which is also applied to the case of the petitioner. The petitioner was at Sr. No.2 in the merit list of the State of Haryana and since there was only one seat allotted to the State of Haryana, therefore, it was given to Ankur who had scored 314.6 marks as against the petitioner who had scored 273.1 marks. As regards the alleged pick and choose policy adopted by the respondents in the Reserved List, the petitioner was at Sr. No.5 but the candidates at Sr. Nos.7 and 15 have been given admission against the seats vacated by the

CWP No.24066 of 2014

[8]

candidates of their respective States on the ground of medical unfitness.

Insofar as the seat given to the candidate at Sr. No.2 in the Reserve List is concerned, that seat was given to him because of the reason that if the candidate from a particular State is not available, then the said seat is given to the candidates of All India Merit List and since the candidate at Sr. No.1 in the All India Merit List was declared medically unfit, therefore, the said seat was given to the candidate at Sr. No.2, which could not have been given to the petitioner who was at Sr. No.5 in the Reserve List.

Thus, in view of the aforesaid discussion, the present writ petition is found to be denuded of any merit and hence, the same is hereby dismissed.

May 11, 2015
vinod*

(Rakesh Kumar Jain)
Judge