

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

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Civil Writ Petition No.25790 of 2014

Date of Decision: March 18, 2015

Anuj Kumar and others

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Rakesh Nehra, Advocate
for the petitioners.

Mr. Hitesh Pandit, Additional Advocate General, Haryana.

Mr. Anurag Goyal, Advocate
for respondent No.2-MDU.

Mr. Parmod Chauhan, Advocate
for respondents No.3 and 4.

AUGUSTINE GEORGE MASIH, J. (ORAL)

1. Petitioners have approached this Court praying for issuance of writ of mandamus directing the respondents to allow admission to them in the B.Ed. (Regular Course) for the academic session 2014-15 in Geeta Aadarsh College of Education-respondent No.3 and Swami Vivekanand College of Education-respondent No.4, as there are eight seats lying vacant, which can easily accommodate the petitioners.

2. It is the contention of the counsel for the petitioners that as per the prospectus for admission issued by the Maharshi Dayanand University, Rohtak, petitioners applied for admission to the B.Ed. course (Regular) in the various colleges of education. This was for the academic session 2014-

15. As per the schedule of counselling, the 1st round of online counselling was to be held on 24.08.2014 up to 5:00 pm, 2nd round on 01.09.2014 up to 5:00 pm and the final round on 05.09.2014 up to 5:00 pm. The date of reporting to the colleges was 28.08.2014, 05.09.2014 and 08.09.2014 respectively. The classes were to start for the session 2014-15 on 01.09.2014.

3. After the three rounds of counselling, there were still some seats left out as per the report submitted by the colleges and to fill up these leftover vacant seats, fresh applications were called for, for which the last date of submission of the applications was declared as 08.09.2014. It was clarified therein that if still seats remain vacant, the next counselling will be conducted in phase-IV with the late fee of Rs.3000/-. The candidate was, however, required to apply afresh again. The cut off date for admission was prescribed as 15.10.2014 in all respects.

4. Petitioners admittedly deposited the requisite fee and participated in the counselling held on 07.10.2014. In the said counselling, seven candidates were recommended for admission. After the recommendation of the seven candidates for admission, only two reported for admission and five seats remained vacant, against which the petitioners could have been adjusted. Instead of filling up the seats, which had remained vacant because of non-reporting of the candidates, the colleges and the university waited till 15.10.2014 for the said candidates to take admission in their respective colleges. But unfortunately, the five seats remained vacant.

5. It is at this stage that the petitioners approached the university for admission in the colleges by asserting that they had already participated in the counselling and had applied as per the norms and requirements and,

therefore, should have been granted admission against the vacant seats. This plea of the petitioners was not accepted by the university on the ground that the last date for admission as prescribed was 15.10.2014 in all respects and the same could not be violated. It has further been stated by the counsel for the respondent that at least 200 teaching days are required as per National Council for Teacher Education (N.C.T.E.) norms, which would not have been possible after the cut off date.

6. Counsel for the petitioners states that there has been no negligence or inaction on the part of the petitioners and for no fault of their, they have been penalized by the respondent-university by denying them admission in the B.Ed. course. He states that once the counselling was held and the candidates were recommended to the colleges concerned, they should have immediately taken admission in the said colleges, which they failed and, therefore, the vacant seats should have been filled by recommending the next in merit, so that none of the seats are left vacant. Because of inaction on the part of the college and the university, it is the petitioners, who are the sufferers and have lost a chance for admission in the B.Ed. course, which they were entitled to, because of the availability of vacant seats. He on this basis contends that the petitioners are entitled to admission in the course, which has wrongly been denied to them.

7. On the other hand, counsel for the respondent-university submits with reference to the prospectus as issued by the Maharshi Dayanand University, Rohtak, that after the recommendations have been made by the university for admission at the time of counselling, the concerned college is to report back to the university with regard to the seats, if any, remained vacant. This has to be done through uploading it online the

same day as the counselling and the other procedures were followed online. Since the university was not intimated by the college about the seats having not been filled up, there was no inaction on the part of the university and the same cannot be attributed to it. He further contends that in any case beyond 15.10.2014, no admission has been granted nor could it be granted as that would violate the norms, which have been framed by the National Council for Teacher Education. That apart, any admission made beyond 15.10.2014 would lead to a situation where there would not be the requisite 200 days of teaching for the B.Ed. course, which is the minimum norms fixed by the National Council for Teacher Education, which have been held to be sacrosanct. He, therefore, contends that the writ petition being without merit deserves to be dismissed.

8. I have considered the submissions made by counsel for the parties and with their assistance, have gone through the records of the case.

9. A perusal of the prospectus, reference whereof has been made by the counsel for the respondent and the scheme as has been laid down therein, the counselling is online. The candidates are not required to be physically present in the university and have to follow the procedure as has been laid down therein. Admittedly, petitioners did submit the requisite fee for counselling, which was held on 07.10.2014 when admittedly eight seats were vacant in respondents 3 and 4-colleges. It is also admitted that the requisite number of candidates were recommended by the university as per the merit at the time of counselling. The positive stand of the university is that the colleges did not intimate about the filling up of the seats or that they had remained vacant. In the absence of such an information, the university cannot be said to be at any fault in not recommending any further candidates

to these colleges.

10. Respondents 3 and 4 have chosen not to appear in this Court despite service nor any reply has been filed on their behalf. In the absence of any reply from the colleges concerned, the averments made by the respondent-university have to be accepted. If that be so, it can safely be said that the university could not have recommended any further candidate to these two colleges without there being any information available with them with regard to the seats having remained vacant. That apart the colleges also cannot be put to fault as they, probably were under a *bona fide* belief that the candidate would join before the last date of admission and, therefore, proceeded to wait for them, which unfortunately did not happen and it was a loss on the part of the colleges for which the petitioners cannot claim any privilege.

11. The cut off date for last admission as prescribed was 18.10.2014 in all respects and, therefore, admission beyond the said date could not have been made. The petitioners did not approach the respondent-university prior to 15.10.2014 and, therefore, cannot make a grievance on that count. In any case, as per the stand of the university, no admissions can be made beyond 15.10.2014 as beyond that if admissions are made, it would be in violation of the N.C.T.E. norms and would also violate the requirement of at least 200 teaching days for the B.Ed. course.

12. In view of the above, I do not find any merit in the present writ petition and, therefore, dismiss the same.

March 18, 2015
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE