

In the High Court of Punjab and Haryana at Chandigarh

**LPA No. 1372 of 2015(O&M)
Date of Decision: 18.9.2015**

Sukrti Bhutani

---Appellant

versus

Punjab University and others

---Respondents

**Coram: Hon'ble Mr. Justice S.S.Saron
Hon'ble Mrs. Justice Rekha Mittal**

**Present: Mr. Gaurav Chopra, Advocate
for the appellant**

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

S.S.Saron, J.

CM No. 2937-LPA of 2015

Heard learned counsel for the appellant.

For the reasons stated in the application, which is supported by an affidavit of learned counsel for the appellant, the civil miscellaneous application is allowed and delay of 47 days in filing the appeal is condoned.

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Learned counsel for the appellant submits that respondent No 4 is proforma respondent and notice need not be issued to him.

Notice of motion to respondents No. 1 to 3.

Mr. Amar Vivek, Advocate has put in appearance on behalf of respondents No. 1 to 3.

Heard learned counsel for the parties.

The appeal has been filed by appellant-Sukrti Bhutani against the judgment and order dated 1.7.2015 passed in Civil Writ Petition No. 10099 of 2015.

The appellant filed a petition seeking a direction against the Chandigarh College of Architecture (“College” -for short) (Respondent No. 3) to grant admission against the vacant seats for the five years degree course in the Bachelor of Architecture (“B.Arch”-for short) in respondent No. 3 College. The appellant, it is submitted, has secured All India Rank 179, while candidates with lower rank have been admitted.

The respondent No.3 College conducts five years degree course in B.Arch which is affiliated to the Panjab University (Respondent No. 1). The total intake sanctioned strength for the five years degree course of B.Arch in the respondent No. 3 College was 40 seats. Inadvertently, these 40 seats in the Information Brochure- 2014 issued by respondent No. 1 University included five seats allotted by the Ministry of Human Resources, Department of Secondary and Higher Education, Government of India for the nominees of States/Union Territory deficient in technical education facilities.

The learned Single Judge by holding the said seats to be inclusive in the B.Arch degree course dismissed the writ petition. The appellant has now filed the present appeal on the strength of documents that have been made available after of dismissal of the writ petition.

The Principal of respondent No. 3 College addressed letter dated 09.7.2015 to the Ministry of Human Resource Development regarding

reservation of seats in degree level technical courses for States/Union territories lacking in such facilities and for foreign and other categories of students for academic Session 2014-2015. The Government of India vide its letter dated 21.7.2015 (Annexure A/1) with reference to letter of the Principal respondent no. 3 College informed that the seats allotted by the Ministry of Human Resources Development, Department of Higher Education are supernumerary in nature and are over and above the sanctioned intake strength and do not affect the total strength of the students of a college. The college/University, it is mentioned, is competent to take appropriate decision for filling up the vacant seats out of its total sanctioned strength. However, supernumerary seats of the Ministry could only be allotted by the Ministry.

Mr. Amar Vivek, learned counsel appearing for respondents No. 1 to 3 has fairly conceded that a mistake while making admissions to the respondent No.3 College had occurred on account of the wrong information that came to be published in the Information Brochure-2014. It is now the undisputed position that the sanctioned intake in the five years degree course of B.Arch in respondent No.3 College is 40 seats and five seats reserved for States/Union Territories lacking in technical education facilities are over and above the said 40 seats. This is also evident from the memo dated 14.8.2015 (Annexure A-4) addressed by the Chandigarh Administration Technical Education Department to the Principal of respondent No. 3 College. It is mentioned therein that regarding the subject of reservation of seats in degree level technical courses for States/Union Territories lacking in such facilities and for foreign and other categories of

students for academic Session 2014-15, that the College is free to admit students upto the sanctioned strength and that the nomination, if any, by the Government of India are over and above it.

Therefore, evidently a mistake had indeed occurred in the Information Brochure-2014 in counting the sanctioned strength of 40 seats for intake of students to the B.Arch. five years degree course by including 5 seats of the Ministry of Human Resource Development (Department of Secondary and Higher Education), Government of India for nominees of States/Union Territories deficient in technical education facilities. These in fact were to be excluded from the sanctioned strength of 40 seats as is evident from the Government of India communication dated 21.7.2015 (Annexure A/1), wherein it has been clarified that the seats for States/Union Territories deficient in technical education facilities are over and above the sanctioned strength being supernumerary seats. Besides, the Chandigarh Administration, Technical Education Department has vide communication dated 14.8.2015 (Annexure A/4) addressed to the Principal of respondent No. 3 -College has further made it clear that the said College is free to admit students upto the sectioned strength.

The State ranking of appellant-Sukrti Bhutani is 179. She, therefore, admittedly falls in the merit of five seats of the 40 sanctioned strength, besides, admittedly, she has been provisionally admitted before the cut off date of 21.5.2015. The appellant has taken her first semester examination from a private college, besides, has appeared in the second semester examination from the respondent No. 3 College. Therefore, there is no hindrance in her continuing with the course to which she stands

provisionally admitted.

In the circumstances, the impugned judgment and order dated 1.7.2015, insofar as it has been passed in Civil Writ Petition No. 10099 of 2015 is set aside. The appeal of appellant-Sukrti Bhutani is allowed and she shall continue in her B.Arch five years degree course in respondent No.3 College as she falls within the order of merit of five seats to which she stands provisionally admitted before the cut off date of 21.5.2015.

(S.S.Saron)
Judge

(Rekha Mittal)
Judge

18.9.2015
PARAMJIT