

IN THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

421

CWP-12315-2014 (O&M)

Decided on : 09.11.2016

Kurrun Singh Sekhon

... Petitioner

Versus

U.T.Chandigarh and others

.. Respondents

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

Present:- Mr.Rajiv Atma Ram, Sr. Advocate with
Mr.Arjun Pratap Atma Ram, Advocate
for the petitioner.

Mr.Vishal Sodhi, Advocate
for respondent No.1 & 3.

Mr.Gaurav Gogna, Advocate for
Mr.Gaurav Mohunta, Advocate
for respondent No.2.

G.S.Sandhawalia, J. (Oral)

Petitioner seeks quashing of the order dated 19.06.2014 (Annexure P/8) passed by respondent No.2 and the subsequent corrigendum dated 20.06.2014(Annexure P/4) whereby one Non-Resident Indian (NRI) seat has been reserved for SC -NRI. On account of non-availability of the candidate, the said seat was to revert to SC -U.T resident pool. The subsequent communication admittedly is in view of the earlier decision taken by respondent No.2-Secretary Home-cum-Medical Education and Research Chandigarh Administration.

Perusal of the said order would go on to show that it was allegedly passed on account of the said representations which had been

received from some of the candidates requesting for applying reservation policy for SC category for seats under NRI quota. Resultantly, keeping in view the Govt. policy of reservation for SC category, it was decided that one seat out of six seats for NRI was to be filled up by SC category NRI. The decision was applicable to admission for session 2014-15 and onwards.

It is not in dispute that the petitioner was one of the applicants against the 06 NRI seats. Only on account of conversion of the seat he lost out for admission and resultantly, filed a writ petition whereby the interim relief was granted to him, since the impugned order was stayed on 09.07.2014. Thereafter, it was noticed that the affidavit had been filed by the Additional Secretary in which it had been mentioned that official record did not show the receipt of any written representation. Resultantly, on account of the undertaking given, the petitioner was granted provisional admission at that point of time on 30.07.2014 in view of the facts and circumstances.

This Court is of the opinion that this writ petition is liable to be allowed on a short issue itself as to whether respondent No.2 was entitled to change the terms and conditions of the prospectus after the last date of submission of online forms and submission of the receipt of printout of the online applications.

Perusal of the prospectus (Annexure P/1) would go on to show that 15.06.2014 was the date fixed whereby the candidates had to submit online forms upto 4 pm and 17.06.2014 was fixed for

submission of receipt of complete print out of online application(s) by 5.00 pm. It is thus apparent that vide subsequent decision on 19.06.2014 (Annexure P/8) which was formalized on 20.06.2014 (Annexure P/4), the terms of the prospectus as such have been altered. The settled rights of consideration against 06 seats were disturbed and the rules of the game_were changed by respondent No.2 which was not permissible.

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.”

In such circumstances, this Court is of the opinion that the action of the respondent No.2 was not justified at that point of time. Accordingly, the present writ petition is allowed and the interim orders are confirmed. The order dated 19.06.2014 (Annexure P/8) passed by respondent No.2 and the subsequent corrigendum dated 20.06.2014 (Annexure P/4) are quashed . The petitioner is entitled to continue with the course and the respondent college shall declare the result and issue necessary certificates as and when they become due.

09.11.2016

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Whether speaking/reasoned

Whether Reportable

[**G.S.Sandhawalia**]**Judge**

: Yes/No

: Yes/No