

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.15062 of 2016
Reserved on: 28.09.2016
Decided on : 05.10.2016

Kritika Verma

... Petitioner

Versus

Panjab University & others

... Respondents

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

Present : Mr. Amar Vivek, Advocate, for the petitioner.

None for respondents No.1 & 3.

Mr. Suvir Sehgal, Senior Standing Counsel with
Mr. Daman Dhir, Advocate, for respondents No.2 & 4.

G.S. Sandhawalia, J.

The petitioners seek the relief of admission in the Chandigarh College of Architecture (CCA) in the course of respondent No.4 for Bachelor of Architecture, which is a 5 years degree course, for the session 2016-17. The admission is sought against the alleged reservation for a single girl child category, in view of Clause 5.2.2.10 of the brochure of admission of the Joint Admission Committee (Annexure P3). Further, declaration is sought that the respondents are bound to create and include 2 additional seats for the single girl child, as per law and the action of the respondents in not including such a seat in the affiliated colleges of Panjab University, is illegal and arbitrary.

Petitioner's pleaded case is that she passed her 10+2 and thereafter, appeared in the JEE Mains examination, conducted by the Central Board of Secondary Education in May, 2016. Having obtained a rank of 5884, she sought admission as per the prospectus (Annexure P3)

on the strength of the fact that the respondents have provided reservation for the single girl child by way of 2 additional seats. It was her case that she had participated in the counselling but respondents had not included these 2 additional seats and she had also filed representation on 25.07.2016 (Annexure P4). She has, thus, been denied admission and approached this Court on legitimate expectations.

In the short reply filed on behalf of the respondents-College of Architecture, objection was raised on the maintainability of the writ petition on the ground that no seat had been earmarked for the said college. The reservation had been provided for the courses of Panjab University and there was suppression of facts by not displaying the complete admission brochure on the record, which was, accordingly, placed on record as Annexure R4/1. It was, accordingly, pleaded that in the absence of any seat earmarked for the single girl child in the 3 institutes which were not falling under the Panjab University, there was no vested right for the petitioner, as such, to seek admission in the said college. It was, accordingly, pleaded that in the 3 institutes, namely, the PEC Institute of Technology, Sector 12, Chandigarh, Chandigarh College of Engineering & Technology (CCCET), Sector 26, Chandigarh and the Chandigarh College of Architecture, Sector 12, Chandigarh, had been specifically excluded from the said clause and therefore, reliance upon Clause 5.2.2.10 was not justified.

The petitioners had, thereafter, filed an application for placing on record the complete brochure of admission as Annexure P3,

giving explanation for not placing the complete brochure on record, keeping in view the order dated 19.08.2016, passed earlier by this Court, as to why pages 44 to 55 of the brochure had not been placed on record and why cost of ₹20,000/- should not be imposed.

Counsel for the petitioner has vehemently submitted that the case of the petitioner was processed, as such, in the category of 'single girl child' and there was a common information brochure and the registration fee of Rs.1800/- was payable and therefore, there was valid justification for the petitioner to contend that she was entitled for admission under the said category. The Information Brochure-2016 for the 6 institutes read as under:

“INFORMATION BROCHURE-2016

1. University Institute of Engineering and Technology,
Panjab University, Chandigarh
2. Dr.S.S.Bhatnagar University Institute of Chemical
Engineering and Technology, Panjab University,
Chandigarh (Formerly Department of Chemical
Engineering & Technology)
3. University Institute of Engineering and Technology,
Panjab University SSG Regional Centre, Hoshiarpur
4. PEC University of Technology, Sector-12, Chandigarh
(Formerly Punjab Engineering College, Chandigarh)
5. Chandigarh College of Engineering and Technology,
Sector-26 Chandigarh
6. Chandigarh College of Architecture, Sector 12,
Chandigarh

Registration Fees: Rs. 1800/- (non refundable)”

It is settled principle that the petitioner can only seek admission against the reserved category if the seat in the said category is, as such, being offered. From the pleadings, as noticed above, it is the

categorical case of the respondents that there is no reservation for the single girl child in the concerned colleges at Sr. No. 4 to 6. It is the pleaded case of the petitioner herself, in the alternative, that respondents are bound to create such additional seats for single girl child by including the said seat in the respondent-college. Therefore, it would not lie in her mouth to say that there is a vested right, as such, for which she is entitled for admission. It is the categorical case of the respondents that there is no such category against which, admission, as such, are being made and neither it is the case of the petitioner that anybody has been admitted at the cost of the petitioner or even otherwise. Therefore, in the absence of any such averment and in view of the categorical stand taken, no relief, as such, can be granted to the petitioner to seek admission in the said category.

However, as a matter of fact, it is apparent that there is no dispute that there was a common brochure which provided for admission to these institutes which are situated in Chandigarh, which are offering technical courses apart from the College of Architecture. The respondents are well justified in submitting that the information brochure was divided in such a manner which provided that the first three institutes, namely, (i) University Institute of Engineering & Technology, Panjab University, Chandigarh (UIET), (ii) Dr.S.S.Bhatnagar Institute of Chemical Engineering & Technology, Panjab University, Chandigarh and (iii) UIET, SSG Regional Centre, Hoshiarpur, the said reservation was provided. The same were not applicable in PEC University of

Technology, Sector 12, Chandigarh, Chandigarh College of Engineering & Technology, Sector 26, Chandigarh and Chandigarh College of Architecture, Sector 12, Chandigarh. Clause 5.2.2.10, upon which the petitioner has relied upon, reads as under:

“5.2.2.10 Two additional seats per course are created for those girl Children for admission to a given course in the Panjab University, Teaching Departments, Regional Centres and its affiliated colleges provided they are otherwise eligible from all angles. The additional seats will be only for those girl Children who are either a single girl child of her parents or one amongst the only two girl children with no male child. The additional seat will be available to only one of the two girl children of a couple.

An affidavit on a stamp paper worth Rs.20/- duly attested by 1st Class Magistrate, to be obtained from the parents of the girl children declaring therein that the benefit of this scheme is being claimed for only One Girl Child out of the two girl children and the parent shall not claim for only One Girl Child out of the two girl children and the parent shall not claim the same for the 2nd child elsewhere in future. The specimen of the affidavit is enclosed on page 81.

5.2.2.11 One additional seat each for the student suffer from Cancer, AIDS and Thalassemia patient for admission to a given course in the Panjab University Teaching Departments, Regional Centres and its affiliated colleges provided he/she is otherwise eligible. The students will submit a certificate with proof from the National Medical Institute like PGI, AIIMS etc. in support of his/her claim.

The benefit of additional seats under the aforesaid category will not be admissible to the students seeking admission in the courses falling under regulatory agencies such as MCI, DCI, BCI and NCTE.”

It is to be noticed that the admissions as per the brochure to the said 3 institutes which did not have the necessary reservations start

from Clause 5.6 which pertains to PEC. The said clause reads as under:-

“5.6 Institutes not under Panjab University, Chandigarh.

5.6.1 PEC University of Technology, Chandigarh”

Similarly, under Clause 5.6.2 for CCET, Sector 26, Chandigarh also, there was no such reservation, rather, the break up of the seats in the 2 institutes also did not provide any such reservation whereas specific reservations were provided in the break up for the first 3 institutes in various fields. The break up of the 677 seats in branch-wise and category-wise for PEC is as under:

BRANCH -WISE & CATEGORY-WISE DISTRIBUTION OF SEATS

S. No	Category	Quota	Aerospace Engg.	Civil Engg.	Computer Sc. & Engg.	Electrical Engg.	Electronics & Comm. Engg.	Mechanical Engg.	Materials & Metallurgical Engg.	Production & Industrial Engg.	Total
1.	(a) Scheduled Castes	Chandigarh Quota	3	8	8	8	8	8	4	3	50
		All India Quota	2	8	8	8	8	8	5	3	50
	(b) Scheduled Tribes	All India Quota	1	3	3	3	3	2	1	1	17
2	Sons/Daughters/Spouses of Military/Paramilitary Personnel	Chandigarh Quota	1	3	3	3	2	2	1	1	16
		All India Quota	1	3	3	3	2	3	1	1	17

S. No	Category	Quota	Aerospace Engg.	Civil Engg.	Computer Sc. & Engg.	Electrical Engg.	Electronics & Com. Engg.	Mechanical Engg.	Materials & Metallurgical Engg.	Production & Industrial Engg.	Total
3.	Persons with Disabilities	Chandigarh Quota	1	2	1	2	1	1	1	1	10
		All India Quota	1	2	1	2	1	1	1	1	10
4.	Children/Grandchildren of Freedom Fighters	Chandigarh Quota	0	1	1	1	1	1	1	1	7
		All India Quota	1	1	1	1	1	1	0	0	6
5	Sportspersons*	Chandigarh Quota	1	2	2	2	2	2	1	1	13
6.	General Category	Chandigarh Quota	9	39	37	39	38	38	22	13	235
		All India Quota	9	39	37	39	38	38	22	14	236
Total			30	111	105	111	105	105	60	40	667

Similarly, for the fifth institute, for the 253 seats, the break up is as under:

The Branch-wise break-up of 253 seats is given in the table below

S.No	Category	Quota	Computer Science & Engg	Electronics & Communication Engg	Civil Engg	Mechanical Engg	Total
1	a)Scheduled Caste*	State Quota (UT Chd.)	8	7	8	8	31
		All India Quota	1	2	1	1	5
	b)Scheduled Tribe*	All India Quota	1	0	1	0	2

S.N o	Category	Quota	Computer Science & Engg	Electronics & Communica tion Engg	Civil Engg	Mechanica l Engg	Total
2	Sons/Dau ghters/Sp ouses of military/P aramilitar y Personnel' s	State Quota (UT Chd.)	3	2	3	2	10
		All India Quota	0	1	0	1	2
3	Persons with Disability (PwD)	State Quota (UT Chd.)	1	2	1	2	6
		All India Quota	1	0	0	0	1
4.	Children & Grandchil dren of Freedom Fighters	State Quota (UT Chd.)	1	1	1	1	4
5	Sports Persons**	State Quota (UT Chd.)	1	1	1	1	4
6	Open Seats	State Quota (UT Chd.)	37	38	37	37	149
		All India Quota	6	6	7	7	26
Total			60	60	60	60	240
A	Additional Seats for Kashmiri Migrant		-	-	-	-	1
B	Additional Seats (Supernu merary) for Economically Weaker Section	State Quota (UT Chd)	02	02	03	03	10
		All India Quota	01	01	-	-	02
Grand Total			63	63	63	63	253

The break up for the 40 seats for the CCA is as under:

(A)	CHANDIGARH QUOTA All those candidates who have passed their qualifying examination (+2) from Schools/Colleges located in the Union Territory, Chandigarh and recognized by the Chandigarh Administration	No. of seats
	(i) Scheduled Caste (15%)	5
	(ii) Scheduled Tribes (Nil)	Nil
	(iii) Military/ Para Military (5%)	2
	(iv) Persons with Disability (PWD) (3%)	1
	(v) Children of Freedom Fighter (2%)	1
	(vi) Open	22
	(vi) Sportspersons (2%)	1
	Total	32
(B)	OUTSIDE CHANDIGARH QUOTA Candidates who have passed their qualifying examination, but are not Covered under category (A) above	
	(i) Scheduled Caste (15%)	1
	(ii) Scheduled Tribes (5%)	Nil
	(iii) Military/ Para Military (5%)	Nil
	(iv) Persons with Disability (PWD) (3%)	Nil
	(v) Children of Freedom Fighter (2%)	Nil
	(vi) Open	5
	Total	6
(C)	ALL INDIA QUOTA	
	*Ward of Kashmiri Migrant	1
	*Ward of Direct Descendents of Kargil Martyrs	1

On the other hand if the breakup of seats for the first three institutes UIET, Dr. SSBUICET and UIET PUSSGRC is to be seen that there was separate reservation provided for the girl child seats. The breakup specifically provided number of seats in each course and that two additional seats were there which would be clear from the seats distribution as provided in the charts given below, at Serial No.14, 15 and 13, respectively.

5.3.1 Seats Distribution at UIET

Sr. No.	Category	Information Technology	Computer Science & Engineering	Electronics & Communication Engineering	Biotechnology	Electrical & Electronics Engineering	Mechanical Engineering
		B.E.	B.E.	B.E.	B.E.	B.E.	B.E.
1.	General	62	62	67	45	45	45
2.	Scheduled Castes (SC)	16	16	18	12	12	12
3.	Scheduled Tribes (ST)	8	8	9	6	6	6
4.	Persons with Disability (PwD)	3	3	4	2	2	2
5.	Sports	5	5	6	4	4	4
6.	Backward Class	5	5	6	4	4	4
7.	Defence Personnel	5	5	6	4	4	4
8.	Terrorist/Riot Victim	2	2	2	2	2	2
9.	Freedom Fighter	2	2	2	2	2	2
10.	Foreign National/NRI	5	5	5	3	3	3
11.	Cancer patient	1	1	1	1	1	1
12.	AIDS patient*	1	1	1	1	1	1
13.	Thalassemia patient*	1	1	1	1	1	1
14.	One Girl Child out of the only two girl children*	2	2	2	2	2	2
15.	EWS**	5	5	5	4	4	4
16.	Rural Area*	02	02	02	02	02	02
17.	Border Area*	01	01	01	01	01	01
18.	Kashmiri Migrant/Displaced#	1	1	1	1	1	1

* Additional seat as approved by the Syndicate for the candidates in each course who are otherwise eligible.

** 5% (Freeship) additional seats available for meritorious students belonging to Economically Weaker Section of the society who are otherwise eligible.

Subject to approval of Govt. of India.

The seats falling vacant from S. No.10 to 18 will not be converted into General Category.”

5.3.2 Seats Distribution at Dr. SSBUICET

Sr. No.	Category	B.E.(Chem.) (89+11NRI+6* Additional seats)	5½ year Integrated B.E.(Chem.) with MBA (36+5 NRI+3 EWS**+ 6* Additional seats) (Self Financing)	B.E.(Food Tech.) (30+3NRI+6* Additional seats)
1.	General	50	20	17
2.	Scheduled Caste	13	05	05
3.	Scheduled Tribes	07	03	02
4.	Backward Class	04	02	02
5.	Persons with Disability (PwD)	03	01	01
6.	Sports	04	02	02
7.	Defence Personnel	04	02	02
8.	Terrorist/Riot Victim	02	01	01
9.	Freedom Fighter	02	01	01
10.	EWS*	-	03	-
11.	Foreign National/NRI	11	05	03
12.	Cancer patient*	01	01	01
13.	AIDS patient*	01	01	01
14.	Thalassemia patient*	01	01	01
15.	One Girl Child out of the only two girl children*	02	02	02
16.	Wards of martyrs/permanent disabled of Kargil*	01	-	-
17.	Rural Area* students	02	02	02
18.	Border Area* students	01	01	01
19.	Kashmiri Migrant/Displaced#	01	01	01

***Additional seat as approved by the Syndicate for the candidates in each course who are otherwise eligible.**

****Additional seats available for meritorious students belonging to Economically Weaker Section of the society who are otherwise eligible.**

Subject to approval of Govt. of India.

The seats falling vacant from S. No.10 to 19 will not be converted into General Category ”

5.3.3 Distribution of seats: UIET PUSSGRC

Sr. No.	Category	ECE	CSE	Mech.	IT
1.	GEN	28	28	28	28
2.	SC	8	8	8	8
3.	ST	4	4	4	4
4.	PERSONS WITH DISABILITY (PwD)	2	2	2	2
5.	BACKWARD CLASS	3	3	3	3
6.	SPORTS	3	3	3	3
7.	DEFENCE PERSONNEL	3	3	3	3
8.	RIOT VICTIM	1	1	1	1
9.	FREEDOM FIGHTER	1	1	1	1
10.	Cancer patient*	1	1	1	1
11.	AIDS patient*	1	1	1	1
12.	Thalassemia patient*	1	1	1	1
13.	One Girl Child out of the only two girl children*	2	2	2	2
14.	Rural Area*	2	2	2	2
15.	Border Area*	1	1	1	1
16.	KASHMIRI MIGRANT/DISPLACED#	1	1	1	1
17.	EWS*	3	3	3	3
	TOTAL	65	65	65	65

* An additional seat created by the Syndicate for the candidates in each course who are otherwise eligible.

** 5% additional seats available for meritorious students belonging to economically weaker section of the society who are otherwise eligible.

Subject to approval of Govt. of India.

The seats falling vacant from S. No.10 to 17 will not be converted into General Category.”

Reliance can also be placed upon Clauses 2 & 3 of Chapter 3 of the brochure which pertain to the important guidelines which has been referred to by counsel for the UT, to submit that these institutes were being treated as two separate categories, the first three at Chandigarh having no quota, under Clause 2. Whereas, there was Chandigarh Quota

in the institutes mentioned at Sr.Nos.4 to 6. Relevant clauses read as under:

“2. Those candidates, who have passed the qualifying examination (10+2) from schools/colleges, located in the Union Territory, Chandigarh and recognized by the Chandigarh Administration, are considered under the Chandigarh Quota (for examination from elsewhere, fall under the All India Quota.

3. There is no Chandigarh Quota for University Institute of Engineering and Technology (UIET), Dr.SSB University Institute of Chemical Engg. & Technology (Dr.SSBUI CET) and University Institute of Engineering and Technology, Panjab University SSG Regional Centre, Hoshiarpur (UIET PUSSGRC).”

It was candidly argued by counsel for the UT that it was only on account of the joint counselling, as such, the petitioner is under the impression that the benefit of the single girl child category was also to be given in the respondent-college, which was not so.

Any reference, which has, thus, been made, is only on account of the fact that there was a Joint Admission Committee since there as a common brochure. As noticed, it is the case of the petitioner herself that she seeks a direction for reservation also, which, as such, is not for this Court to opine upon, once the respondents, as a matter of policy, could provide for reservation in the three of the institutes. Resultantly, this Court is of the opinion that no such direction can be issued for admission, as prayed for.

However, keeping in view the common admission process as such and the explanation given by counsel for the petitioner that there

was a legitimate expectation. The observations made in the order dated 19.08.2016 that costs of Rs.20,000/- would be imposed if the said affidavit filed by the petitioner is not found satisfactory, is accepted and the petitioner is exempted from depositing the said costs. The reason for not placing the complete admission brochure on record is accordingly accepted. However, keeping in view the above discussion, no relief is permissible to the petitioner and the present writ petition is, accordingly, dismissed.

OCTOBER 05, 2016*sailesh/naveen***(G.S. SANDHAWALIA)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No