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

Civil Writ Petition No.15485 of 2016

Date of decision: 27.10.2016

Poonam

...Petitioner

Versus

State of Haryana and others

...Respondents

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

Present: Mr. Fateh Saini, Advocate for the petitioner.

Mr. Gaurav Jindal, Addl. Advocate General, Haryana
for respondents no.1 to 3.

Mr. Shailender Sharma, Advocate for respondents no.4,5 & 7.

G.S.SANDHAWALIA, J. (Oral)

The petitioner seeks admission in two years' Diploma course in Elementary Education (D.El.ED.) against the five village seats in the District Institute of Education, Iccus (Jind).

It is the case of the petitioner that she had passed her Senior Secondary examination on 5.6.2014 securing 77.80% marks (Annexure P/4) and was eligible for admission in the Diploma course in Elementary Education. She applied for the same on 18.6.2016 vide online application form (Annexure P/2-Colly) and sought preference against the village seats in the above said institute. It is her case that the candidates (private respondents) who were having marks between 73.40% to 51.20% and

the admission.

The defence of the State is that in the said institute D.I.E.T. (Iccus) cut off was higher which was 82.8% and therefore, the petitioner did not make a cut in the Ist round of counselling which was held from 4.6.2016 to 20.6.2016. In the second preference she had preferred Jat Senior Secondary School, Jind for admission where also the cut off was 80.2%. In the 3rd preference she had preferred Haryana College of Education, Kinana in which cut off being 72.20%, the petitioner was allowed admission and on the basis of the same she had to report for admission there from 23.5.2016 to 26.6.2016. Accordingly, her name was deleted from the list of village seats category by auto computer system.

It is further pleaded that if she was only interested in village seats category she would not have opted for other institutes. It is the case of the official respondents that private respondents had also given other preferences but on account of having higher cut off they could not be adjusted elsewhere. Resultantly, their names were sent to the Principal, D.I.E.T., Iccus (Jind) for admission against village seat category on merit and they were given admission. It has also come on record that respondent no.6-Kiran Bala had not joined the said course and therefore two seats continued to remain vacant.

It is not disputed that during pendency of the writ petition on 1.9.2016, counsel for the State had submitted that in case the petitioner files representation, the matter could be considered. Accordingly, counsel for the petitioner undertook that he would file a representation within two days and the decision was to be taken within two weeks thereafter. It is not

disputed that on 8.9.2016 vide Annexure P/7, the said representation has been rejected.

A perusal of the said order would go on to show that the reasoning which prevailed with the Director, S.C.E.R.T., Haryana was that the State Government published fresh notice for supplementary admission in the said Course vide which fresh online applications were invited from 26.7.2016 to 5.8.2016 for the vacant seats including village seats from the residents of Haryana and outside Haryana and the petitioner did not apply for the same. Two vacant seats had already been filled up and therefore, all the five village seats had been filled up.

It is not disputed that 4th round of counselling was held from 26.7.2016 to 5.8.2016. The State had been served on 3.8.2016 while notice of motion was issued. The State was thus well aware at that point of time regarding pendency of the writ petition and the case of the petitioner who was fighting for her rights. The reasoning given by the Director, S.C.E.R.T., Haryana did not apply in case of the petitioner and cannot be held to be justified in the facts and circumstances of the case. Once the petitioner has been agitating for her rights and the State had been put to notice the case was to be considered on merits which has not been done on the basis of technicalities. Therefore, she is entitled for admission against the village seat on the basis of her merit and she deserves admission in the said institute.

Counsel for the petitioner has now pointed out that six students who had taken admission after final counselling have left the said institute.

Thus, apparently vacant seats are still there in the said institute against

which the petitioner is liable to adjusted.

Counsel for the State on instructions from Mr. Rohit Sood, Clerk, S.C.E.R.T., Haryana verified the aforesaid fact.

Keeping in view the above facts, the present writ petition is allowed. The official respondents are directed to admit the petitioner in the District Institute of Education, Iccus (Jind) within a period of one week from today.

October 27, 2016
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(G.S.SANDHAWALIA)
Judge

Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No