

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

CWP No.16669 of 2015

Bhavika Bansal

....Petitioner

Versus

State of Punjab and Ors.

...Respondents

Date of Order: 04.04.2016

CORAM: HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present: Mr. H.S. Lalli, Advocate for the petitioner.

Mr. V. Ramswaroop, Addl.A.G, Punjab.

Mr. S.K. Liberhan, Advocate for
Mr. Ajaibir Singh, Advocate for respondent No.2.

Mr. Amrit Paul, Advocate for respondent Nos.3 & 4.

Mr. Abhishek Goyal, Advocate for respondent No.5.

RAKESH KUMAR JAIN,J (ORAL)

The Government of Punjab issued a Notification No.13/10/10-6/EDUI.1 dated 23.2.2015 appointing Guru Nanak Devi University, Amritsar (for short "the University) as the Authority competent to conduct the centralized on-line counselling for selection of students for admission to five years B.A LLB/B.A, LL.B (HONS)/B.Com, LL.B (Hons) and 3 years LLB for the session 2015-16 for the colleges affiliated with Guru Nanak Dev University, Amritsar, Panjab University, Chandigarh

and Punjabi University Patiala. The University issued its prospectus in which 2% seats were reserved for the Sports-Person. Their admission in that quota was dependant upon Gradation Certificate issued by the Director Sports, Punjab and it was required that the candidate must not be an employee. The Punjabi University, Patiala also issued its Hand-book for information regarding admissions. The petitioner applied for admission to 5 years BA LLB Course in Punjabi University, Patiala and submitted on-line application form on 16.7.2015 under Sports-person category because the petitioner had participated in the National level Basketball competition and secured second position in the same. On that basis, The Director Sports, Punjab awarded her Grade B Certificate as Sports Gradation. According to the petitioner, the merit list was put up on the Net on 29.7.2015 and she was placed at Sr.No.497 in the category of Sports-person. She submitted her choice of colleges on-line on 30.7.2015. She was allotted Government Mohindra College of Law, Patiala and was asked by the University to report to the said College between 3rd to 5th August, 2015 with the relevant Certificates. The petitioner took admission in the said college after depositing requisite fee.

The case set up by the petitioner is that the respondents have erred in not preparing a separate merit list of the Sports-persons and as a result thereof, her merit has been lowered down, otherwise she would have got admission in a better college.

Learned counsel for the University has submitted that the admissions to the BA LL.B five years course were conducted through centralized on-line counselling by the University, which prescribes only reservation of 2% seats for Sports category and there is no further directions/provisions for creating sub merit of the sports category candidates on the basis of the sports gradation certificate. It is alleged that the sports gradation certificate is only a document for claiming eligibility under 2% sports category seats. It is submitted that the petitioner took a chance even in the second round of counselling in sports category in which she got the admission in Guru Nanak Dev University, Regional Centre, Jalandhar, which was not opted by the petitioner and rather opted for the Government Mohindra College of Law, Patiala in the first round of counselling. It is further submitted that in the writ petition bearing CWP No.12657 of 2015 titled Abhinandan Jain Vs. Guru Nanak Dev University, Amritsar and Others, decided on 02.7.2015, this Court has held that the provisions of the Notification have to be followed in its letter and spirit. He has further referred to the decision rendered on 20.7.2015 in LPA No.1031 of 2015 titled Gurneet Singh and Ors. Vs. Guru Nanak Dev University and Others, wherein decision in Abhinandan Jain's case (supra) was challenged in which the Division Bench of this Court has held that the Notification issued by the Punjab Government disclosing the admission process has the force of law in view of the judgment of Full Bench of this Court in the case of Amandeep

Singh Sahota Vs. State of Punjab 1993 (4) SLR 673 and such conditions in the notification cannot be altered in any manner. It has further been held that since the admission process in respect of the law courses in State of Punjab was notified by the Punjab Government, therefore, such process has to be strictly followed.

I have heard learned counsel for the parties and examined the available record. There is no dispute that the petitioner has already got admission in five years BA LL.B course in Govt. Mohindra College of Law, Patiala in the category of Sports in the first counselling. She was offered admission in Guru Nanak Dev University, Jalandhar in the same Category in the second counselling, which she did not opt. The whole case of the petitioner is that the respondents have committed an error in not creating sub category in the sports category in which the petitioner should have been allowed to compete whereas the case of the respondents is that on-line counselling has been conducted and 2% seats of Sports category were separately kept in which the petitioner had also competed. It is also the case of the respondents that until and unless, there is specific provision in the Notification of creating sub category, the respondents could not have travelled beyond the Notification as held by the Division Bench of this Court in Gurneet Singh's case (supra).

After going through the entire record, I am of the opinion that there is no merit in the present petition because the University was appointed as Nodal Agency by the Government

for conducting on-line counselling for the purpose of admission in Guru Nanak Dev University, Amritsar, Panjab University, Chandigarh and Punjabi University, Patiala situated in the State of Punjab. 2% seats were reserved for sports category, which required that the candidates to fulfil the two conditions as mentioned hereinabove and then the candidates, who had applied under the sports category, have been given admissions. There is no error on the part of the respondents in any manner, which requires any interference by this Court, hence the present petition is hereby dismissed.

April 04, 2016
manoj

(RAKESH KUMAR JAIN)
JUDGE