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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(1) **CWP No.17777 of 2015 (O&M)**
Date of decision:22.04.2016

Arjun Sood ...Petitioner

Versus

Panjab University, Chandigarh and others ...Respondents

(2) **CWP No.23968 of 2015 (O&M)**
Date of decision:22.04.2016

Mani Kamboj ...Petitioner

Versus

Panjab University, Chandigarh and others ...Respondents

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Hiten Nehra, Advocate, and
Mr. G.S.Dhillon, Advocate, for the petitioner(s).

Mr. A.K.Bakshi, Advocate,
for respondent Nos.1 to 3 and 5.

Mr. Rahul Rathore, Advocate,
for respondent No.4.

Rakesh Kumar Jain, J.

This order shall dispose of two petitions bearing CWP Nos.17777 and 23968 of 2015 as the issue involved in both the petitions is common. However, the facts are being extracted from CWP No.17777 of 2015.

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The petitioner passed 10+2 examination in the year 2015 from Green Land Senior Secondary Public School, Ludhiana, affiliated with the CBSE and secured 80.4% marks. He participated in the State Roller Skating Hockey Championship held on 21.12.2012 to 23.12.2012 at Chandigarh, in 50th National Roller Skating Championship/Inline Hockey Event, 2013 held at Noida on 21.01.2013, won Silver Medal in 51st Roller Hockey and Inline Hockey Tournament held at Sirsa from 11.12.2013 to 15.12.2013, participated in 52nd Roller Hockey & Inline Hockey Championship, held at Mumbai in the month of January, 2015 and in World Inline Roller Hockey Men Championship held at Toulouse, France from 30.06.2014 to 14.07.2014.

The petitioner appeared in the entrance written examination for admission to B.A. LL.B./B.Com. LL.B. 5 Years Integrated Course offered by the University Institute of Legal Studies (hereinafter referred to as the "UILS") under Roll No.103139 and secured 765th rank in the merit list of B.A. LL.B. and 1064th rank in B.Com. LL.B. The petitioner applied to the Vice Chancellor of the Panjab University, Chandigarh (hereinafter referred to as the "University") on 15.06.2015 and to the Director, UILS, Panjab University on 22.07.2015 for admitting him under the 2% sports quota as per Clause 9 of the Guidelines for Admission to the Reserved Category of Sports by creation of additional seats and also submitted his request dated 22.07.2015 to the Secretary, Bar Council of India, New Delhi (hereinafter referred to as the "BCI") to sanction 2% additional seats in

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sports quota. It was allegedly informed by the University on 23.07.2015 that pursuant to his letters dated 15.06.2015 and 22.07.2015, letter has been written to the BCI for sanctioning of creation of 2 additional seats under the sports category, 1 each for B.A. LL.B. (Hons.)/B.Com. LL.B. (Hons.) vide letter No.UILS/15/1195 dated 15.07.2015, but no reply was received. The petitioner then filed CWP No.15913 of 2015 titled as “Arjun Sood vs. Panjab University & others” for a writ in the nature of *mandamus* to treat him eligible under the sports quota and admit him in B.A. LL.B. (Hons.) but the said writ petition was withdrawn on 05.08.2015 in order to approach the authorities of the University. Accordingly, the petitioner approached the Director of Physical Education, Department of Sports with his application dated 06.08.2015 but he was advised that instead of writing to the Department of Physical Education, he should write to the Department of Sports and hence, the petitioner submitted his application to the Department of Sports, who forwarded his application to the Chairperson of the UILS on 11.08.2015. On 18.08.2015, the petitioner was provided information that the permission of the Vice Chancellor of the University has been obtained regarding admission under 2% sports category. It is also alleged that the trial of the petitioner was conducted on 20.07.2015 and was awarded B-1 grade. It is averred by the petitioner that the total strength of the course of B.A. LL.B. course is 120 seats + 12 NRI seats and similarly the total strength in the B.Com. LL.B. (Hons.) is also 120 seats + 12 NRI seats and in case 2% sports quota are created in terms of Clause 9, it would

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come to 5 number of additional seats in both the streams and since there are only 3 students including the petitioner, who come under Clause 9 and are eligible in the said 2% sports quota, the petitioner can be given admission. It is also alleged that in the past as well, a number of sports persons like the petitioner, of the same sport i.e. Roller Skating Inline Hockey, have been given admission, namely, Amol Sood in B-Pharma (2010-2014), Arjun Bajwa in University Business School (UBS) (2010-2012) and Aman Sood in B-Pharma (2013-2017). The petitioner has relied upon Clauses 4 and 9 of the Guidelines for Admission to the Reserved Category of Sports, which are reproduced as under:-

“Clause 4: Reservation under Sports Category is meant only for those active sports person who would participate in the Campus, University, National, International level sports tournament. Such students will be considered for admission only if:

- (i) Their achievement in sports relates to their activities in any of the three years immediately preceding the year of admission (relaxable to 4 years in exceptional cases, on merit, for outstanding sportspersons).
- (ii) If they are otherwise also eligible for participation in Inter College, Inter University, National and International Sports Tournament as per Association of Indian Universities rules (see Annexure II).
- (iii) If the performance of the candidate in the trial is not satisfactory, his/her candidature can be rejected.
- (iv) No document including affidavit etc. will be accepted after the last date of submission of admission form neither by the concerned Department nor by the Directorate of sports. However, in case any sports person earn any achievement upto June 30, 2015 he/she may submit supplementary copy of the

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document to the concerned deptt. as well as Directorate of Sports along with additional affidavit.

- (v) At least two times sports participation in the same game is compulsory for the students seeking admission under this category (within the prescribed period of three years i.e. from 1st July, 2012 to 30th June, 2015). The admission is Sports Category will be purely on the basis of gradation criteria given in Annexure-V, however the minimum level of sports participation to be considered for supporting certificates will be Inter School (State Level)/ Inter College/State Participations.”

“Clause 9: The case of sports person with achievements in games/disciplines, not include in Annexure-I but excelling at International level, shall be recommended by University Director of Physical Education and may be considered by the Vice-Chancellor for admission to a particular course by creating an additional seat to the extent of 2% seats in the respective course. These seats shall be treated as being in addition to the approved strength of the course in the year only. Sports person wishing to avail Clause 9 should submit a separate application along with the concerned department’s Admission Form.”

“Annexure-1

Following are the Games/Discipline on the basis of achievement in which claims to admission in the category of Reserved Seats for Sports can be considered.

Sr. No.	Game	Section
1	Archery	(Men & Women)
2	Athletics	(Men & Women)
3	Aquatics (Swimming & Diving M&W), Water pool	(Men)
4.	Badminton	(Men & Women)
5	Ball Badminton	(Men & Women)
6	Basketball	(Men & Women)
7	Baseball	(Men & Women)
8	Best Physique	Men

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9	Boxing	(Men & Women)
10	Canoeing (M) & Kayaking	(Men & Women)
11	Chess	(Men & Women)
12	Cricket	(Men & Women)
13	Cross Country	(Men & Women)
14	Cycling (Road & Track)	(Men & Women)
15	Fencing	(Men & Women)
16	Football	(Men & Women)
17	Gatka	(Men & Women)
18	Gymnastics Artistic	(Men & Women)
19	Handball	(Men & Women)
20	Hockey	(Men & Women)
21	Judo	(Men & Women)
22	Kabbadi (NS)	(Men & Women)
23	Kabbadi (PS)	(Men & Women)
24	Kho-Kho	(Men & Women)
25	Netball	(Men & Women)
26	Power lifting	(Men & Women)
27	Rowing	(Men & Women)
28	Rhythmic Gymnastics	Women
29	Shooting (Air-Pistol & 177 Air Rifle Peep Sight) Clay pigeon, shooting trap, double trap and skeet.	(Men & Women)
30	Softball	(Men & Women)
31	Squash	(Men & Women)
32	Table Tennis	(Men & Women)
33	Tackwondo	(Men & Women)
34	Tennis	(Men & Women)
35	Volleyball	(Men & Women)
36	Weight-Lifting	(Men & Women)
37	Wrestling	(Men & Women)
38	Yachting	(Men & Women)
39	Yoga	(Men & Women)
40	American Football	(Men & Women)
41	Indoor Hockey	(Men)”

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It is alleged that though the game played by the petitioner is not mentioned in Annexure-I, appended with Clause 9, but the said game is duly recognized by the International Olympic Committee and the International Olympic Association and hence, even if the sport of the petitioner does not fall in Annexure-I yet the petitioner is entitled for admission under 2% sports quota. Vide order dated 03.09.2015 passed by this Court, the petitioner was allowed to attend classes provisionally, subject to the final decision of the present petition, making it clear that the interim order will not entitle the petitioner to claim any equity at any subsequent stage.

The petitioner in CWP No.23968 of 2015 is also from the same discipline of sport who had participated in the Asian Roller Skating Championship held at China in the years 2012 and 2014 and at the 12th Ladies World Roller Championship in the Senior Women Category held from 25th October to 1st of November 2014 at Tour Coinog, France. She has also got admission in Backward Class category at Panjab University Regional Centre, Ludhiana in B.A. LL.B. 5 years integrated course. She has placed reliance upon the pendency of CWP No.17777 of 2015 alleging that she has got A-1 certificate but still her application has not been decided for the purpose of creation of 2% additional seats in the sports category.

CWP No.23968 of 2015 was ordered to be heard along with the present petition vide order dated 06.11.2015 when notice was issued in it and, thus, both the petitions are being disposed of together.

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The sum and substance of the pleadings and the submissions made by the petitioners in both the cases is that the respondents may be directed to create 2% additional seats in sports quota and admit them either in B.A. LL.B. or B.Com LL.B. 5 years integrated course in the ULS of the Panjab University in terms of Clauses 4 and 9 of the Guidelines for Admission to the Reserved Category of Sports.

The stand of the University is that it cannot create 2% additional sports quota seats over and above the seats created by the BCI. The case of the petitioner was sent by the University on 15.07.2015 to the Secretary, BCI for creation of the additional seats in the sports category as requested by the petitioner but in the reply filed by the BCI, it is averred that the permission of the BCI is mandatory in case of increase/creation of any additional seat. The matter of creation of seat was placed before the Legal Education Committee for recommendation to the BCI for consideration, which was held on 18.10.2015, in which the following had transpired:-

“During the course of discussion in any other matter, a judgment in CWP-17777 of 2015 by the Hon’ble High Court of Punjab and Haryana passed an order in respect of granting admission under sports quota was placed which is recorded hereunder:-

Keeping in view of the above factor, the petitioner is allowed to attend classes provisionally, subject to the final decision of the present writ petition. It is, however, made clear that this interim order will not entitle the petitioner to claim any equity at any subsequent stage.

The Committee finds there is no provision under the statutory legal education rule 2008 made under the Parliament and hence question of granting admission based on sport quota does not arise. The matter should be

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contested by the Bar Council of India in the High Court by stating the correct legal provision at an early date, so that student may not continue to study and go on passing law with college concern.”

The University has also placed on record the communication by the BCI dated 23.02.2016 as per which the aforesaid deliberation of the Legal Education Committee has been approved, meaning thereby the creation of 2% additional seats in sports category has been turned down by the Competent Authority, namely, the BCI on the ground that there is no provision under the Statutory Legal Education Rules, 2008.

Counsel for the petitioner has submitted that the petitioner has been discriminated because in the case of one Vipin Kumar, the BCI has given the permission. It is also argued that some other students, who are mentioned in paragraph 7 of the writ petition, have been given admission by creating 2% additional seats in sports quota.

In this regard, counsel for the respondents has submitted that the case of Vipin Kumar cannot be equated with the petitioner because it was a case of adjustment and not of creation of an additional seat and has referred to the order dated 03.07.2013 passed in LPA No.1989 of 2012, which is reproduced as under:-

“The appellant is an international level roller skater. The appellant was seeking admission under the sports quota as also under the category of backward class. The issue of admission of the appellant does not survive as the appellant has been admitted to the respondent-University and the only controversy which now remains is that the appellant is at the Ludhiana Centre and wants to pursue studies in the Chandigarh Centre especially with the object of furtherance of the interest in sports. The appellant is already in the Learned Counsel for the University states that the Vice-

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Chancellor would not be competent to do so as seats would have to be increased since there is no corresponding migration case. For that purpose, one seat would have to be increased at the Chandigarh Centre, while reducing a seat at the Ludhiana Centre for that year alone which is stated to be under the purview of the Bar Council of India.

Learned counsel for the Bar Council of India states that there is a Legal Education Committee which recommends such cases on the representation made by the university.

Since the University does not have any objection, we are of the view that the case of the appellant be examined sympathetically and expeditiously by the Committee and the final order be passed by the Bar Council of India on or before 31.07.2013. This is apparently feasible because the number of seats under the University will not change and it is only an adjustment of one centre with the other and that too in case of a sports person of International repute.

The writ petition stands disposed of with the aforesaid directions.”

Insofar as the admission given to other students who are mentioned in para no.7 of the petition are concerned, those are not the students of the law rather they are the students of B. Pharmacy and other disciplines.

Counsel for the petitioner has also submitted that during the pendency of this petition, one student, namely, Vikas Barwal who had taken admission in the B.A. LL.B. 5 years integrated course in the UIIS in the session 2015-16 in the sports quota (Tennis), has left the course as he wanted to go abroad for further studies and that seat may be given to the petitioner.

In this regard, counsel for the respondent-University has submitted that the petitioner has not applied to the University against

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the seat which has been allegedly vacated by Vikas Barwal and since there are two petitioners, therefore, it cannot be offered only to the petitioner in CWP No.17777 of 2015 alone.

I have heard learned counsel for the parties and examined the available record.

Insofar as the issue of creation of 2% additional seats in sports category is concerned, the University can only apply to the BCI in this regard as it is governed by the BCI in regard to the number/strength of seats as the BCI regulates standards of the legal education as per the powers given to it under the Advocates Act, 1961. The University sent a letter to the BCI on 15.07.2015 for sanctioning of additional seats by creating 2% additional seats in the B.A. LL.B. 5 years integrated course, taught by the UILS, for the sportspersons, which has been declined by the BCI, observing that there is no provision under the Statutory Legal Education Rule, 2008, for creation of extra seats and hence, the question of granting admission based on sports quota does not arise.

In the absence of any provision in the Statutory Legal Education Rules, 2008, even the BCI was not in a position to create additional seats and, thus, the prayer made by the petitioner for creation of 2% additional seats in sports category as per Clause 9 of the Guidelines for Admission to the Reserved Category of Sports contained in the Handbook of Information for admission 2015-2016, cannot be granted.

However, if one seat is vacated in the sports quota (Tennis) by Vikas Barwal, in the UILS, in the B.A. LL.B. (5 years integrated

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course), the petitioners in both the petitions, who are trying for the seat in the UILS, Panjab University, Chandigarh, may apply to the competent authority and their request shall be considered by the competent authority, in accordance with law, as early as possible so that the petitioner in CWP No.17777 of 2015, who has been given permission to attend the classes under the orders of the Court, may not continue his studies in case his prayer is rejected.

With these observations, both the petitions stand disposed of.

April 22, 2016
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(Rakesh Kumar Jain)
Judge