

IN THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

245

CWP-18545-2016

Decided on : 03.11.2016

Naveen

... Petitioner

Versus

Union of India and another

.. Respondents

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

Present : Mr.Raj Kapoor Malik, Advocate
for the petitioner.
Mr.Vinod Sharma, Advocate
for respondent No.1.
Mr.R.V.Sinha, Advocate and
Mr.Amit Sinha, Advocate
for respondent No.2.

G.S.Sandhawalialia, J. (Oral)

No reply has been filed on behalf of respondent No.2-

Institute. On 15.09.2016, the following order was passed:-

“Mr.R.V.Sinha, Advocate has filed power of attorney on behalf of respondent No.2.

On 7.9.2016, following order was passed:-

*Counsel inter alia submits that there were 5 seats for the OBC (NC) category. As per Annexure P-2, only two candidates made the cut in the said category and the petitioner is a general candidate and wait listed at Sr. No. 2 (Annexure P-4). It is submitted that for the reserved category, there are no other candidates and the seats are going to go vacant. Representation dated 23.08.2016 (Annexure P-5) has be made to convert the same into general category and reliance has been placed upon the observations of the Apex Court in **P.V. Indiresan vs. UOI ad others, 2011 (4) SCT 657.***

Notice of motion for 15.09.2016.

Dasti.”

It is not disputed that seats are going vacant on account of the fact that no OBC candidate is available.

In view of the fact that created infrastructure should not go waste and there are vacant seats available and the petitioner should not lose chance on account of his merit, this Court is of the opinion that provisional admission should be granted to the petitioner.

Let needful be done within a period of one week from today.

Reply be filed on or before the next date.

Adjourned to 3.11.2016.

Copy of this order be supplied to the counsel for the petitioner under the signature of the Special Secretary.”

It is not disputed that in pursuance of the aforesaid order, admission has been granted to the petitioner on 16.09.2016.

Keeping in view of the above, and the fact that representation of the petitioner had never been acted upon, this Court is of the opinion that once there is a vacant seat available, the petitioner would be entitled for admission.

Accordingly, the writ petition is disposed of by making the interim order absolute. The Institute shall regularize the admission and allow the petitioner to continue with the course.

[G.S.Sandhawalia]
Judge

03.11.2016
sd

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No