

CWP No.546 of 2016 (O&M)

[1]

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

**CWP No.546 of 2016 (O&M)
Date of decision:31.03.2016**

Ajay Kumar

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. V.S.Punia, Advocate,
for the petitioner.

Mr. P.P.Chahar, DAG, Punjab.

Mr. D.K.Khanna, Advocate,
for respondent No.2.

Rakesh Kumar Jain, J. (Oral)

The petitioner has prayed for a writ in the nature of *mandamus*, seeking a direction to the respondents to convert the vacant reserved category seat into open category for the purpose of his admission in Ph.D. Biotechnology.

In brief, the case set up by the petitioner is that he was initially given admission in the Ph.D. Biotechnology in the Special Backward Class (SBC-I) category. However, the said category has been struck down at the instance of the Government. The petitioner has now prayed for converting the vacant seat of Economically Backward Class (EBC-I) category into the open category as he is at Sr. No.1 in the waiting list of the open category and would get admission.

After notice, the respondents have filed reply, in which it is

CWP No.546 of 2016 (O&M)

[2]

averred that the Academic Committee of the respondent-University has considered the issue of converting the vacant seat of EBC-I category into open category but in the absence of any provision in the Ph.D. Ordinance for the Session 2015-16, the seat could not be converted. The decision of the Academic Committee has been conveyed to the petitioner, though during the pendency of the writ petition.

Counsel for the petitioner has basically relied upon Clause 11 of Chapter 7 of the Handbook of of Information 2015-16 to contend that the seats remaining vacant in any reserved category has to be converted into open category.

Be that as it may, since the respondent-University has already taken a decision not to convert the vacant seat of reserved category into open category on the basis of Ph.D. Ordinance for the session 2015-16, this writ petition in the present form is not maintainable, in which the petitioner has only prayed for a *mandamus* which can be allowed if there is a right of the petitioner and the respondents have the corresponding duty to discharge. In this situation, the petitioner has to challenge the order/ decision of the Academic Committee by which conversion of vacant reserved category seat into open category has been declined.

Faced with this situation, counsel for the petitioner prays for withdrawal of the present petition, with liberty to challenge the aforesaid decision of the Academic Committee.

Dismissed as withdrawn.

Liberty is granted.

March 31, 2016
vinod*

(Rakesh Kumar Jain)
Judge