

CWP-13864 of 2017

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

**CWP-13864 of 2017
Decided on:27.06.2017**

Neha

.... Petitioner

Versus

Central Board of Secondary Education & Ors.

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

**Present: Mr. Harsh Goyal, Advocate
for the petitioner.**

**Mr. Nitin Kaushal, Advocate for UT
(Additional Govt. Pleader).**

**Mr. Harsh Aggarwal, Advocate
for respondents.**

Sudip Ahluwalia, J. (Oral)

Heard both sides.

Admittedly, the writ petitioner had in online application described herself as “General Category” candidate. There is also some discrepancy in her name as originally mentioned in her application.

The mistakes which have occurred on the part of the writ petitioner rendered her liable for appropriate consequences in terms of Clauses 4 and 16 of the Joint Entrance Examination (Main)- 2017, Information Brochure. Furthermore, vide public notice issued on 09.01.2017, the applicants were granted an opportunity to make appropriate correction in their applications.

Unfortunately the petitioner could not do the needful in time.

Various Benches of this Court including a Full Bench of this Court considered the binding nature of provisions contained in a prospectus for like examinations as also the sanctity of the cut off date. Full Bench of this Court in *CWP No.5281 of 1997 decided on 16.05.1997, titled as **Rahul Prabhakar Vs. Punjab Technical University, Jalandhar** reported as 1997 (3) PLR 13 has observed as under:-*

*“ 7. A Full Bench of this Court in Amardeep Singh Sahota V. The State of Punjab(supra) had to consider the scope and binding force of the provisions contained in the prospectus. The Bench took the view that the prospectus issued for admission to a course, has the force of law and it was not open to alteration. In **Raj Singh v. Maharshi Dayanand University, 1994(4) RSJ 289 : 1994(2) SCT 766 (P&H) (FB)** another Full Bench of this Court took the view that a candidate will have to be taken to be bound by the information supplied in the admission form and cannot be allowed to take a stand that the suits him at a given time. The Full Bench approved the view expressed in earlier Full Bench that eligibility for admission to a Course has to be seen according to the prospectus issued before the Entrance Examination and that the admission has to be made on the basis of instructions given in the prospectus, having the force of law. Again Full Bench of this Court in **Sachin Gaur v. Punjabi University, 1996(1) RSJ 1 :1996(1) SCT 837 (P&H) (FB)** took the view that there has to be a cut off date provided for admission and the same cannot be changed afterwards. These views expressed by earlier Full Benches have been followed in CWP No.6756 of 1996 by the three of us constituting information brochure for the common entrance Test 1997 have the force of law and have to be strictly complied with. No modification can be made by the Court in exercise of powers under Article 226 of the Constitution of India. Whenever a notification calling for applications, fixes*

date and time within which applications are to be received whether sent through post or by any other mode that time schedule has to be complied with in letter and spirit. If the application has not reached the Co-ordinator or the competent authority as the case may be the same cannot be considered as having been filed in terms of the provisions contained in the prospectus or Information Brochure. Applications filed in violation of the terms of the brochure have only to be rejected”.

Similarly in “Sachin Gaur V. Punjabi University”(supra) it was held:-

“If the last date of admission is changed, such student would not, obviously, have admission in either of the University or Institution, as the case may be. Such examples can be multiplied and after considering all such examples, this Court is of the confirmed view that there has to be a cut-off date provided for admissions and the same cannot be changed afterwards. As mentioned above, it has been conceded during the currency of arguments that such cut-off date is absolutely essential. That being so, providing of cut-off date in the Prospectus-cum-Information Brochure cannot be styled to be arbitrary or repugnant to clause 3.5. No doubt, by strictly adhering to the time-frame set up in the prospectus, some students, like petitioners, would be deprived of admission despite their higher merit in the Entrance Test but such an outcome, as mentioned above, is impossible to be prevented.”

In the given circumstances, while appreciating the damage/loss likely to be occasioned by the writ petitioner for denying her the opportunity to change the particulars submitted by her in her online application beyond the cut off date, this Court can only observe that in any event there cannot be a premium to lack of due diligence on the part of a candidate. She unfortunately has little scope for any remedy for the current

year in the given circumstances.

With the above observations, the writ petition is dismissed.

(SUDIP AHLUWALIA)
JUDGE

27.06.2017
rimpal

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