

Sr. No.245

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

CWP No. 6227 of 2016(O&M)

Date of decision:17.01.2017

Shiv Charan and another

.....Petitioners

versus

Kurukshetra University and others

.....Respondents

Coram: Hon'ble Mr.Justice Rakesh Kumar Jain

Present: Mr. Ravinder Malik Ravi, Advocate
for the petitioners.

Mr. A.S.Virk, Advocate
for respondents No. 1 and 2.

Rakesh Kumar Jain, J.(Oral)

This petition is filed for the issuance of a writ in the nature of certiorari for quashing the list prepared for the Ph.D. Programme Session 2015-16 dated 22/03/2016 by which S.C.Category seat was kept in the entrance test category instead of exempted category as has been done in the past.

In short, the respondent advertised various Ph.D courses in the session 2015-16 including the Ph.D. Course for Lib. & Information Science. It was provided in the ordinance and application form of 2015-16 for doctorate of the university that "*candidates applying in allied subject or an examination recognized as equivalent thereto will be considered only for appearing in entrance test. However, where applicants have qualified the common UGC-CSIR-JRF/NET/GATE or any other common examination recognized by UGC shall be exempted from entrance test for admission to*

Ph.D course in allied subjects also”.

This petition pertains to five seats offered in March, 2016. The petitioner is a scheduled caste(SC) candidate who has cleared the Junior Research Fellowship(JRF) exam, is aggrieved that in the session i.e. 2015-16, the SC category has been kept in the entrance test category instead of exempted category. His agitation is that had the SC category should have been kept in the exemption category as has been done in the past so that the petitioner who is a JRF may be exempted from taking the entrance test.

This petition is now being pursued only by petitioner No. 2 who has failed to clear the entrance test. The petitioner secured 58.30% in JRF whereas the selected candidate Dalip Singh secured 55.92% marks who had taken the entrance test unlike the petitioner who is now trying to enter the Ph.D course through the exempted category on the strength of being a JRF.

Counsel for the respondent has submitted that it is provided in the ordinance that 50% seats are to be filled up from the exempted category and the remaining from the entrance test. Since there were five seats offered by the University, therefore, three were put in the exempted category and two were in the entrance test. It is also submitted that for the purposes of allocating the seats for the purpose of exemption and entrance test, reservation policy of the State was followed as provided in clause 8.4 of the ordinance.

During the course of hearing, counsel for the respondent also produced the minutes of the meeting held on 1.12.2016, of the Department of Ph.D Committee, in which decision was taken to the following effect:-

“The matter has been reconsidered by the Committee. The admissions in Ph.D for Session January 2016 have been made strictly in accordance with merit in terms of the provisions of Ph.D. Ordinance. The distribution of seats was made keeping in view the Reservation policy. In the earlier years too, the seats were being distributed accordingly and it has been found as a matter of fact that in the previous years too the seats under reserved categories were being allotted in terms of number of seats in the relevant years as well as the availability of candidates. It is not the case that in all the previous years the reserved seat under SC category was being allotted under Exemption category rather reserved seats under BC Category were also being assigned under Exemption category. As such, the Committee unanimously resolved that the reserved seat under BC Category was rightly assigned under Exemption Category and SC seat under Entrance test category keeping in view of provisions of Ph.D. Ordinance by following the Reservation Policy of the State of Haryana.”

Counsel for the petitioner has failed to cite any law in his favour for the purpose of persuading this Court to hold the action of the respondents illegal in keeping the seats meant for SC category in the entrance test category.

Thus, in my considered opinion the case set up by the petitioner is totally frivolous and deserves to be dismissed with heavy cost. Consequently, the present petition is hereby *dismissed* subject to payment of ₹ 1 lac as costs which shall be deposited by the petitioner with the Kurukshetra University within a period of one month. In case, the cost is not

deposited the Kurukshetra University shall recover the cost in accordance with law.

17th January, 2017

Shivani Kaushik

[Rakesh Kumar Jain]

Judge

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>