

CWP no. 18515 of 2018 (O&M) 1

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

CWP no. 18515 of 2018 (O&M)

Date of Decision : 16.08.2018

Shubhjot Dayal

....Petitioner(s)

Versus

Panjab University, Chandigarh and others

...Respondent(s)

**CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR JUSTICE MAHABIR SINGH SINDHU**

Present : Mr.S.S.Gurna, Advocate for the petitioner(s)

Mr. Girish Agnihotri, Sr. Advocate with
Mr. Saurabh Gulia, Advocate for respondents-PU

Mr.Tribhawan Singla, Advocate for
applicant in CM no. 11449 of 2018

Mr. Rajesh Punj, Advocate for applicant
in CM no. 11785-CWP of 2018

MAHESH GROVER, J.(ORAL)

This petition has been filed by one young student aspiring for admission to BA LL.B 5 years integrated course offered by the Panjab University to press her claim against the sports category which is permissible.

Her grievance stems from the fact that though she has participated in Asian Championship she has been graded as B-7 whereas as per the gradation policy she ought to be graded as B-2 or B-4. If her category is upgraded she stands to gain in the admission process, as she perceives it to be.

We may for the purposes of reference reproduce the relevant gradations from the policy of the University:-

“CATEGORY 'B'”

B-1 xxxx

B-2 A person representing India in the Champions Trophy, Commonwealth Games, Commonwealth Championship, World Universities Games, World Universities Championship, Asian Games (Indoor/Outdoor Games), Asian Cups, Asian Championship; Asian Winter Games, Asian Para Olympics, Wimbledon Championship, US, French and Australia Open (Tennis) Championships, All England Badminton Tournament(s) and Youth Olympic Games.

B-3 xxxx

B-4 A person representing Indian team in other International Tournaments recognized by IOA/SGFI/MYAS/BCCI.

B-5 xxxx

B-6 xxxx

B-7 A person getting any of the first three positions in the National Championships for Junior/Youth/Schools conducted by recognized National Federation /SGFI/ (School Games Federation of India).”

Notice of motion having been issued, we now have the benefit of the response of the University who have stated in para 4 of their reply that

which the incumbent participates is to be junior, sub junior, youth or senior level. They have construed it in their wisdom to be attributable only to senior participants. For ready reference, para 4 of the reply is extracted herebelow:-

“4. That as evident from Annexure P-6, the petitioner participated in three International events in the discipline of Fencing and represented the India Fencing Team in the year February, 2016, November, 2017 and March, 2018. As per her certificates she participated in the junior International competitions whereas the B-2 and B-4 categories are for senior level only. It is further worth mentioning that the categories in which the level has been specified i.e whether a person as participated in junior, sub-junior, youth or senior level, that level is taken to be the participation level for purpose of gradation whereas the categories in which the level has not been specified are taken to be as senior level. Therefore as evident in the present case the petitioner has participated in junior level international events as mentioned on her certificates.”

We have heard learned counsel for the parties and have perused the records. We have little hesitation to conclude that the stand of the respondents-University is not only vague but arbitrary as well. Reading of category B-2 indicates that “a person representing India” in various championships that have been enumerated therein including Asian

Championship would be entitled to this grade. The certificate issued to the

petitioner; not denied by the respondents indicates her participation in three Asian level competitions held at Dubai; Sochi, Russia; and Damman & Manama, having represented India, at that level.

It would be a transversity to disallow the petitioner the category she is entitled to only because of a vague interpretation placed upon it by the University.

Rather we feel that juniors/seniors words have been deliberately kept out while entitling “a person representing India” to this category. Evidently, the idea is that any person who has participated in a higher competition other than national one be held entitled to this higher category.

We find the stand of the respondents-University to be totally ambiguous and unsustainable, and, therefore, accept the petition to direct that the petitioner be placed in a higher category i.e B-2 to consider her claim for admission for the course that she has applied for.

CM nos. 11449 and 11785-CWP of 2018

Since it has been candidly conceded by the learned counsel for the applicants that even if the petitioner's category is upgraded, they do not suffer any consequences on re-consideration, we decline the prayer of the applicants. Hence, applications are hereby dismissed.

(Mahesh Grover)
Judge

16.08.2018
rekha
Whether speaking/reasoned
Whether reportable

(Mahabir Singh Sindhu)
Judge

Yes/No
Yes/No