

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

1. CWP-18806-2018 (O&M)

Priya Mann

...Petitioner

Versus

Union Territory, through its Secretary, Education Department,
Sector 9, Chandigarh and others

...Respondents

2. CWP-19949-2018

Anju Sharma

...Petitioner

Versus

Union Territory, through its Secretary, Education Department,
Chandigarh and others

...Respondents

Date of decision: - 07.09.2018

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

Present:- Mr. Yesh Paal Malik, Advocate,
for the petitioner (in CWP-18806-2018).

Mr. Ketan Antil, Advocate
for the petitioner (in CWP-19949-2018).

Mr. M.S. Basra, Advocate, for applicant-respondent No.1.

Mr. Subhash Ahuja, Advocate, for respondents No.2 to 4.

MAHESH GROVER, J. (ORAL)

CM-13267-CWP-2018 in CWP-18806-2018

Application is allowed, as prayed for. Reply by way of

affidavit filed on behalf of respondent No1 is taken on record.

Main Cases

By this common order, we will dispose of above-mentioned two Civil Writ Petitions. Brief facts are taken from C.W.P. No.18806-2018.

This writ petition has been filed under Articles 226 and 227 of the Constitution of India for issuance of a writ in the nature of mandamus directing the respondents to consider the candidature of the petitioner either in the UT Pool or General Pool for the admission of B.Ed. Admission-2018 and to allow him to join counselling to be held on 06.08.2018.

Initially at the time of motion hearing, the petitioner had contended that she fulfills the eligibility criteria being a graduate in Science from Kurukshetra University. Inadvertently she applied against the seat intended for UT Pool. She was denied the consideration in the General Pool also solely on the ground that she had indicated preference for UT Pool. It was also stated that she has no claim to the UT Pool and cannot insist so but would be desirous to be considered in the General Pool as the mistake was inadvertent and is not likely to prejudice anyone in the ongoing process.

We had issued notice of motion to the respondents on the strength of what was argued before us. The respondents have put in appearance and drawn our attention to the clause in the prospectus

regarding no change of category or pool, which we extract below: -

“No change of category or pool will be entertained/permitted at a later stage in the application form.”

It is further contended on the strength of notification issued by the Union Territory, the aforesaid clause was incorporated and the petitioner as an aspirant was very well aware of the same and having opted for the UT Pool no change is permissible.

Confronted with the situation, learned counsel for the petitioner changed tack and then argued that the petitioner would be eligible for the UT Pool as well. Our attention was drawn to the eligibility conditions and admission policy incorporated in the prospectus, which we extract as below for the purpose of reference: -

“2. ELIGIBILITY:

A candidate who possesses the following qualifications shall be eligible to join the course:

- i. Candidates with at least 50% Marks either in Bachelor's degree and/or in the Master's degree in Science/Social sciences/Humanities/Commerce/Home Science/B.B.A/B.C.A, B.A. L.L.B., B.Com. LL.B. or any other qualification equivalent thereto, are eligible for admission to the programme. However, while calculating merit, marks obtained in Graduation only will be considered. There shall be a relaxation of 5% marks in favour of SC / ST /PwD candidates. Candidate with less than 45% marks belonging to these categories shall not be eligible.

3. ADMISSION POLICY IN COLLEGES OF UNION TERRITORY, CHANDIGARH

- i. **UT Pool 60%:** Out of the total sanctioned intake of the institutions, 60% seats will be filled up from amongst the

students who have passed **their qualification examination from colleges recognized by the Chandigarh Administration and situated in the Union Territory of Chandigarh as a regular student of the said Colleges/Institutions**, subject to the condition that such students must have studied for two years in graduation at Chandigarh. These seats will be termed as '**UT Pool**'.

- ii. **General Pool 40%:** Out of the total sanctioned intake of the institutions, **40% seats** will be filled from amongst the students who passed their qualifying examination from the recognized institutions other than those located in the Union Territory of. These seats will be termed as '**General Pool**'. The candidates who have done their graduation/post-graduation through distance mode will be considered under this Pool only.”

It is now contended that the petitioner has done her post-graduation in MSc (Information Technology) and the respondents ought to have considered her eligible for the UT Pool.

Although this argument runs opposite to the contention raised at the motion stage, we chose to examine it and find that this plea too is a failing plea like the earlier one. As per the admission policy, 60% seats are reserved for the UT Pool in which it has been clearly stipulated therein that these will be filled up from amongst the students who have passed their qualifying examination from colleges recognized by the Chandigarh Administration and situated in the Union Territory of Chandigarh as a regular student of the said Colleges/Institution, subject to the condition that such students must have studied for two years in the colleges/educational institutions at Chandigarh.

This clearly ousts the petitioner from her claim to the UT Pool as concededly she did not study for two years in graduation at Chandigarh.

Taking all the facts into consideration, we are of the opinion that the present petitions deserves to be dismissed.

Ordered accordingly.

**(MAHESH GROVER)
JUDGE**

**(MAHABIR SINGH SINDHU)
JUDGE**

September 07, 2018
naresh.k

Whether reportable?	No
Whether reasoned/speaking?	Yes