

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

C.W.P.No.19990 of 2018 (O&M)

Date of Decision: September 24, 2018

Manica Jetley

...Petitioner

Versus

Panjab University, Chandigarh & others

...Respondents

**CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL
HON'BLE MR. JUSTICE AMIT RAWAL**

Present: Mr. C.B.Goel, Advocate,
for the petitioner.
Mr. Saroj Malakar, Advocate,
for the respondents.

AMIT RAWAL, J.

CM No.14078 of 2018

Prayer in the application is for placing on record documents
Annexure P-4 (colly).

Allowed subject to all just exceptions.

CWP No.19990 of 2018

Petitioner has sought the mandamus through the intervention of this Court for issuance of appropriate directions to the respondents for granting admission in LL.B 5 years integrated course in NRI quota on the premise that she had passed her 10+2 examination from the Central Board of Secondary Education, New Delhi by obtaining 62% marks. In response to the notification for seeking admission to B.A.LL.B five years integrated course issued by respondent No.2, petitioner is stated to have applied for one of the seats reserved for NRI before the expiry of last date for submission of admission form, i.e., 06.07.2018. The respondents conducted

entrance test and the petitioner appeared vide Roll No. 801976 and her rank in the general category was 2089.

It has been averred that for the purpose of seeking admission under NRI quota, no other candidate had applied and, therefore, the seat was available. Reference has been made to the application form (Annexure P-3) submitted for seeking admission as perpetual visits to the concerned department did not yield any result and, thus, sought the indulgence of this Court through the present writ petition.

In pursuance to the notice of motion, respondents filed written statement by raising objection qua maintainability of the petition on the premise that the petitioner did not apply under NRI quota, but under the general category. Reference in this regard was made to the same admission form (Annexure P-3). The Panjab University in the prospectus for the session 2018-19 for the course of BA/B.Com. LL.B. (Hons.) five years integrated course, nowhere advertised/mentioned any seat reserved for NRI quota. Reference has been made to the relevant extract of the prospectus Annexure R-1 (colly).

As per communication dated 21.06.2017. Annexure R-3, received from the Bar Council of India, 10% additional seats for the foreign/NRI/NRA sponsored students as passed by the Panjab University for the academic courses could not apply to the law degrees without the approval of the Bar Council of India and objection qua non-impleadment of Bar Council was also taken.

Mr. C.B. Goel, learned counsel representing the petitioner drew the attention of this Court to form Annexure P-3 and as well as documents Annexure P-4 (colly), sought to be placed on record by CM No.14078 of

2018, to submit that on 21.07.2018, petitioner had requested respondent No.3 for consideration of admission in B.Com.LL.B 5 years integrated course through NRI seat and also enclosed copy of passport to be of Canada.

Mr. Saroj Malakar, learned counsel appearing on behalf of the respondents submitted that the petitioner applied for general category as there was no provision for granting admission in University Institute of Legal Studies 5 years integrated course under NRI quota.

We have heard the learned counsel for the parties, appraised the paper book and are of the view that there is no force and merit in the submissions of Mr. C.B. Goel, learned counsel for the petitioner.

On plain and simple perusal of form Annexure P-3 against column No.12 , i.e., specifying the category, petitioner filled as “general” instead of “NRI”, thus, the contention of the petitioner that she had applied for NRI quota and had not been granted admission is wholly misplaced and devoid of merit. No other document has been placed on record to rebut the extract of the prospectus showing no reservation for session 2018-19 for filling up the seat under NRI quota. *De hors* of the fact that the petitioner is citizen of Canada would not clothe her status as NRI in the absence of any reservation.

In view of the aforementioned facts, we do not find any merit in the writ petition. Resultantly, the same is dismissed.

(RAJESH BINDAL)
JUDGE

(AMIT RAWAL)
JUDGE

September 24, 2018
ramesh

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No