

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

**CWP No. 2171 of 2018
Date of Decision: 2.2.2018**

Arjun Sisodia

.....Petitioner

v.

Union Territory Chandigarh and others

.....Respondents

CORAM HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present:- Mr. Akshay Jain, Advocate, for the petitioner

RAKESH KUMAR JAIN, J.

The petitioner has made two prayers in this petition; firstly; for issuance of a writ in the nature of certiorari for quashing the notice dated 1.12.2017, published by respondent No.4 and, secondly; for the issuance of a writ in the nature of mandamus, directing respondent No.4, to decide his representation/legal notice dated 15.1.2018 and to re-advertise the process of admission issued by the Government under the Right to Education Act and Rules framed by CBSE at the time of giving affiliation to respondent No.4.

The matter pertains to the admission to Nursery Class. The respondent No.4 gave the notice for admission to Nursery Class for session 2018-19 by an advertisement dated 1.12.2017 with eligibility conditions on their school website. The petitioner applied for the admission of his ward vide receipt No. 11885 dated 8.12.2017, fulfilling all the requisite conditions under the General Category. The last date for submitting the form was 16.12.2017 till 12.30 p.m. The name of the ward of the petitioner was also put in the draw of lots, which was held on 15.1.2018 at 3.30 p.m. in the school. In the draw of

lots, the petitioner was unsuccessful. The petitioner has, thus, challenged the admission notice as well as prayed for re-advertising the process of admission.

It is submitted by Learned counsel for the petitioner that admission notice dated 1.12.2017 was only pertaining to the eligibility but the reservation of the seats was not uploaded on the website on the said date. According to him, the reservation/allotment of seats, under various heads/categories, was made known to the petitioner much less the others on 15.1.2018 i.e. the day on which the draw of lots was to be held.

It is submitted that on the one hand, respondent No.4 has provided 20% seats under the Sikh Minority Quota which is a part of the total quota of Sikh children (18 seats), but on the other hand, Category A (Siblings), Category B (children of alumni), Category C (children of staff) finds various Sikhs students having been admitted beyond the quota of 20% seats. Learned counsel for the petitioner has also submitted that respondent No.4 has not prepared the waiting list as well. He has, thus, prayed that there is a wholesale bungling in the admission made by respondent No.4.

I have heard learned counsel for the petitioner and after taking into consideration all the facts and circumstances of the case, am of the considered opinion that no writ can be issued as prayed in the present facts and circumstances because, firstly; the petitioner has prayed for quashing of admission notice dated 1.12.2017 and also prayed for re-advertisement of admission process and draw of lots held on 15.1.2018.

There is a right vested much less a legitimate expectation with the students/parents who have been successful in draw of lots for getting admission, who are not before this Court, arrayed as respondents for the purpose of contesting this petition on facts. Any order which may be passed by

this Court, if the petition is entertained, against those persons, going to affect them behind their back violating the principle of natural justice. There is no evidence brought on record by the petitioner to the effect that the selection criteria was uploaded by respondent No.4 on the school website on 15.1.2018. Therefore, presumption is drawn that the reservation criteria was a part of the admission notice which was uploaded on the website on 1.12.2017. If the petitioner was not satisfied with the manner in which the seats are allotted, he should have challenge it before the draw of lots and should not have participated in the draw of lots. But once he had participated in the draw of lots and remained unsuccessful, he cannot turn around and challenge the admission process.

In view of the aforesaid facts and circumstances, I do not find any merit in this petition and the same is hereby dismissed.

A copy of this order be given to learned counsel for the petitioner under signatures of the Bench Secretary.

(RAKESH KUMAR JAIN)
JUDGE

2.2.2018
Ashwani

Speaking/Reasoned	Yes/No
Reportable	Yes/No