

CWP NO.26079 OF 2018(O&M)

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Sr.No.254

IN THE HIGH COURT OF PUNJAB AND HARYANA CHANDIGARH

CWP NO.26079 OF 2018(O&M)

Date of Decision: 22.10.2018

Sana Sawhney

.....Petitioner

versus

Chandigarh College of Architecture, and others

.....Respondents

**CORAM HON'BLE MR. JUSTICE MAHESH GROVER
HON'BLE MR. JUSTICE AMIT RAWAL**

Present Mr.Arjun Partap Atma Ram, Advocate for the petitioner.
Mr.Namit Kumar, Advocate for respondents no.1 and 2.
Mr. Arun K. Bakshi, Advocate for respondents no.3 and 4.

MAHESH GROVER, J(ORAL)

This writ petition has been filed by the petitioner seeking admission to the Bachelor of Architecture course. The petitioner has based her claim on the seats which remained unfilled on account of abdication of seats by 2/3 candidates after getting admission.

The fact situation is not disputed and it has been stated in the reply that two candidates did not report physically for the admission. This means that these two seats have gone abegging. The petitioner states by placing reliance on the judgment of the Hon'ble Supreme Court in **State of Uttar Pradesh and others v. Arvind Kumar Srivastava and others 2015(1) RSJ 704**, wherein it has been observed that seats to the professional courses should not ordinarily be wasted and if human resource is available, admission should be made to absorb them.

Learned counsel representing the college states that they would be bound to a schedule but has been unable to show any regulation or

procedure governing the architectural course to such a schedule. Although a reference has been made to the schedule provided for engineering colleges in the AICTE exams but the same would be of no consequence considering that the strict adherence to rules is prescribed as far as engineering colleges are concerned but the present course of Bachelor of Architecture is not governed by any strict regimen captive to a schedule, ostensibly due to the flexibility of completion the course offers as is evident from Regulation no.3 of the Council of Architecture, Minimum Standards of Architectural Education Regulations, 1983, which we extract here below:-

3. Duration and Stages of the Course

- 1. The architecture course shall be of minimum duration of 5 academic years or 10 semesters of approximately 16 working weeks each inclusive of six months/one semester of approximately 16 working weeks of practical training after the first stage in a professional office;*
- 2. The architecture course may be conducted in two stages;*
- 3. The first 3 academic years / six semesters of approximately 16 working weeks each of the course shall be a basic standard course and shall be the first stage provided that candidates admitted to the course shall complete the first stage within 5 years of admission to the course;*
- 4. The second stage of the course shall be of 2 academic years / 4 semesters of approximately 16 working weeks each;*
- 5. The completion of first stage shall not qualify candidates for registration under the Architects Act, 1972.”*

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Be that as it may, since the seats are concededly lying vacant and the petitioner being the sole claimant to it, we are of the opinion that no fruitful purpose would be served by permitting the seat to go abegging.

We, therefore, accept the writ petition and direct the college to admit the petitioner to the course in question subject to completion of all other formalities.

(MAHESH GROVER)
JUDGE

22.10.2018
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(AMIT RAWAL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No