

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CWP No.5849 of 2018
Date of Decision:04.05.2018

Master Mihir and others

. Petitioners

Vs.

State Council of Education Research and others

. Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: - Mr.Pankaj Chandgothia, Advocate,
for the petitioners.

Mr.Ashish Rawal, Advocate,
for respondents No.1 and 4.

Mr.Arun Gosian, Advocate,
for respondents No.2 & 3.

RAKESH KUMAR JAIN, J. (ORAL)

The petitioners have prayed for the issuance of a writ to set aside the public notice placed by respondent No.1 on its website on 21.2.2018 by which seats of General Category candidates have been reduced from 10 to 7.

In brief, the State Council of Educational Research and Training [for short 'the SCERT'] issued an advertisement for State National Talent Search Examination [for short 'the NTSE'] of the students studying in Class X through the National Council of Education Research and Training [for short 'the NCERT']. The NTSE is divided into two stages. In the first stage, the exam is conducted by the SCERT and the stage 2 exam is conducted by NCERT. The examination of stage-1 was held on 5.11.2017. After the examination, the respondents published the result in which 8 candidates were accommodated in

General Category because of a tie between candidates No.7 & 8. The grievance of the petitioners is that on the website of the NCERT, the State Quota seats allotted to UT Chandigarh were mentioned as 10 for the General Category, 2 for the Scheduled Castes and 1 for the Physically Handicapped category. However, in the subsequent information, uploaded on the website of the NCERT, the breakup of the 10 seats was given as 7 for General Category, 2 for the Scheduled Castes and 1 for the Physically Handicapped category. Thus, the precise grievance of the petitioners is that the respondents have reduced 3 seats from the quota of General Category.

After notice, the respondents have filed their respective replies.

Learned counsel for respondents No.1 & 4 has submitted that the State quota was specifically mentioned in the advertisement which is attached as Annexure R1/1 comprising of 10 seats for scholarship. The exact language used is *“Union Territory Chandigarh has been allotted a quota of 10 seats of scholarship. The division of seats will be done according to reservation policy of UT Chandigarh”*.

It is further submitted by him that same was the position in the examination held in the last two years as well. It is thus submitted that actually the quota allocated to the UT, Chandigarh is of 10 seats of scholarship but due to an error of commission, it is wrongly mentioned in the website as 10 seats for the General Category, 2 for the Scheduled Castes and 1 for the Physically Handicapped category though it was otherwise mentioned therein that the State quota 10 seats are allocated for UT Chandigarh, therefore, as soon as the error came to their notice,

the same was corrected and the breakup of the 10 seats were clarified as General Category-07, Scheduled Caste-2, Physically Handicapped-1.

I have heard learned counsel for the parties and after taking into consideration the aforesaid facts and circumstances, am of the considered opinion that the quota of UT, Chandigarh for scholarship is only of 10 seats and not 13 seats as suggested by counsel for the petitioner and it was only an error of commission in uploading the breakup on the website which was immediately corrected. Therefore, the petitioners cannot be allowed to take advantage of the said error which was otherwise corrected later on. Had the intention been there for increasing the seats, there would have been a separate advertisement or some order and in that case also all 3 seats would not have been given to General Category. No other point has been raised.

In view of the above, I do not find any reason to interfere in this petition.

Dismissed.

04.05.2018

Vivek

(RAKESH KUMAR JAIN)
JUDGE

Whether speaking /reasoned : Yes/No

Whether Reportable : Yes/No