

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

1) CWP No.9452 of 2018

Kamya Kansra

....Petitioner

Versus

Union of India and others

....Respondents

2) CWP No.25820 of 2017

Ishita Singh

....Petitioner

Versus

Union of India and others

....Respondents

3) CWP No.25821 of 2017

Rishabh Jain

....Petitioner

Versus

Union of India and others

....Respondents

4) CWP No.25822 of 2017

Anshia Singla

....Petitioner

Versus

Union of India and others

....Respondents

Date of Decision : 18.05.2018

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR.JUSTICE RAJBIR SEHRAWAT

Present: Mr.Amar Vivek, Advocate with
Ms.Adrija Das, Advocate and
Mr.Ankit Dhawan, Advocate
for the petitioner(s) in all the petitions.

Mr.Vinod Sharma, Sr.Panel Counsel,
Union of India.

MAHESH GROVER, J. (Oral)

By this order we will dispose of all the aforesaid writ petitions bearing Nos.9452 of 2018 and 25820, 25821 & 25822 of 2017.

All the petitioners have successfully undertaken JEE (Main)-2017 and are aspirants for B.Arch. course. The Chandigarh Architecture College has 40 seats and the petitioners did not make the grade so as to be granted admission against these limited seats. They lay their claim to 5 supernumerary seats created on the direction of Union of India and intended for States/UTs lacking such facilities and for foreign and other categories of students. We may for the purpose of reference extract this letter which in fact forms the foundation of creation of these 5 supernumerary seats in the college :-

“Sub: Reservation of seats in Degree Level technical courses for States/Union Territories lacking in such facilities and for foreign and other categories of students for academic session 2014-15-regarding.

Sir,

Please take reference of your letter no.59-Arch-College-2015/3891 dated 09/07/2015 on the subject mentioned above. The seats allotted by this Ministry are for students of North Eastern States/UTs and for certain other agencies/Ministries and are supernumerary in nature. These seats are over and above the sanctioned intake strength and do not affect the total strength and do not affect the total strength/intake of the students of a college.

2. The college/university is competent to take an appropriate decision for filling up the vacant seats out of its total sanctioned strength. However, Supernumerary seats of

this Ministry can only be allotted by this Ministry.”

Reliance has been placed on a Single Bench judgment of this Court where some students were granted accommodation against these seats. Learned counsel for the petitioners while drawing strength from the reasoning of the said judgment contends that a similar indulgence be granted by this Court to the present petitioners so as to enable them to undertake the course in the college of their choice at Chandigarh.

After hearing the learned counsel for the petitioners, we are of the opinion that the claim of the petitioners qua these seats is unfounded. These seats exist only to be filled up from the intended beneficiaries reflected in the afore-extracted letter. More importantly it emphasizes that these seats (described as supernumerary) can only be allotted by the Ministry while also clarifying that the Colleges/Universities are competent to take appropriate decision for filling up the vacant seats out of its total sanctioned strength. We would construe this to mean a liberty to the college or university to take appropriate decision for filling up the vacant seats out of its total sanctioned strength but filling up of supernumerary seats will fall solely within the domain of the Government of India, Ministry of Human Resource Development, Department of Higher Education.

Learned counsel for the petitioners contends that they have already made representations to the Union of India in this regard. If that is so, they would be at liberty to pursue their remedy but as far as intervention of the Court is concerned, we would

unhesitatingly decline the prayer made before us.

Petitions stand dismissed.

(MAHESH GROVER)
JUDGE

18.05.2018
dss

(RAJBIR SEHRAWAT)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No