

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

CWP No.17819 of 2019

Date of Decision: 12.07.2019

Ankita Sharma

....Petitioner

Versus

The Chairman, Joint Admission Committee,
Chandigarh

....Respondent

***CORAM :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY
HON'BLE MR. JUSTICE SUDHIR MITTAL***

Present:- Mr. Arvind Seth, Advocate
for the petitioner.

Mr. Amit Mehta, Advocate
for the respondent.

DAYA CHAUDHARY, J.

Petitioner is aggrieved by the action of the respondent authority in not accepting her Sports Gradation Certificate after the last date of filling up the form and her claim has been rejected on the ground that the Sports Certificate was not submitted with the application form.

Prayer in the present petition has been made by the petitioner for issuance of direction to the respondent authority to accept her Sports Gradation Certificate for admission in B.E./B.Tech and also to quash the communication/e-mail dated 01.07.2019 issued by the Joint Admission Committee, Chandigarh.

Briefly, the facts of the case, as made out in the present petition, are that the petitioner, while submitting her application form, did not attach the Sports Gradation Certificate and her claim was not considered in the sports category. Subsequently, the Sports Gradation Certificate was submitted but it was not accepted and accordingly, her claim was rejected. The petitioner cleared the JEE (Joint Engineering Examination) on 29.04.2019. The sports certificate was issued to the petitioner on 19.06.2019 whereas the application was submitted by her on 31.05.2019. She appeared for interview and thereafter the documents were verified on 14.06.2019. The claim of the petitioner was rejected on 01.07.2019 by the Joint Admission Committee, Chandigarh and her case was not considered in the category of sports on the ground that the certificate was not attached with the application, whereas, it should have been submitted at the time of submission of application. The petitioner supplied the requisite certificate of sports after the closing date of submission of application.

Learned counsel for the petitioner submits that eligibility of the petitioner for admission was there and her claim has been rejected only on the ground that Sports Certificate was not submitted well in time. Learned counsel also submits that the participation of the petitioner in sports was much earlier to the last date of submission of application. The eligibility condition is to be seen on the last date of submission of the application form and the petitioner was eligible in sports category as she was fulfilling all the parameters of eligibility but still her claim has been rejected.

Learned counsel for the respondent submits that the petitioner applied in the Sports category but no Certificate of Sports was given at the time of moving application and her case has rightly been rejected on this

ground that the requisite certificate was submitted after the last date of closing of admission i.e 28.06.2019. Said certificate was required to be furnished/uploaded on or before 22.06.2019. The eligibility is to be seen at the time of submission of application only.

Heard the arguments of learned counsel for the parties and we have also perused the documents available on the file.

The facts are not disputed. The petitioner applied in the Sports category but without annexing any Sports Gradation Certificate. The claim of the petitioner has been rejected on the ground that at the time of submission of application, she was not fulfilling the parameters for inclusion of her name in the sports category. The information brochure/admission notice or prospectus are having force of law and it is necessary to be strictly complied with. No modification can be made by any authority not competent to do so. The instructions have to be strictly followed. The application form was submitted but no Sports certificate was submitted along with it. The Sports certificate was handed over by the petitioner after the expiry of last date of submission of application and accordingly, her claim was rejected as she was not fulfilling the criteria in view of parameters laid down for considering her case in the Sports category.

The same issue was there before the Himachal Pradesh High Court in case ***Gunjan Kapoor vs State of H.P and others 1999(2) CLJ (H.P.) 203***. In that case also, the claim of the candidate was not considered in the Sports category as the certificate was not submitted before the last date of admission. The decision of admission counselling committee was challenged which was considered and quashed. It was held in that case that

no modification can be made by any authority as such variation leads to injustice, arbitrariness and unfair results.

In full Bench judgment of this Court in case ***Rahul Prabhakar vs Punjab Technical University, Jalandhar 1997(3) S.C.T. 526***, the application form was sent by post and the same was received after the last date. It was not entertained either by relaxation of conditions or by enlarging the time on the ground that the delay was only on the part of the postal authorities. It was held that information brochure/prospectus has the force of law and its conditions have to be strictly construed. Any relaxation may lead to illegal and arbitrary action on the part of the authorities.

One more judgment of Division Bench of this Court in case ***Mandeep Singh vs State of Punjab 2001(1) S.C.T. 320*** is also relevant in the present context. In that case, the application form was submitted but the certificate was issued after the last date of submission of application and it was not entertained. The admission was granted in the reserved category on the basis of certificate submitted after the last date and it was quashed.

In the present case also, the Sports Gradation Certificate was submitted after the last date and the same was not considered. The claim of the petitioner has rightly been rejected as the certificate was handed over after the last date.

Hence, we find no illegality or irregularity in passing of impugned communication while rejecting the claim of the petitioner in the sports category.

Accordingly, in view of the observations as made above and the law position as discussed above, there is no merit in the petition and the

same being devoid of any merit is hereby dismissed.

(DAYA CHAUDHARY)
JUDGE

(SUDHIR MITTAL)
JUDGE

12.07.2019

gurpreet

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No