

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

CWP No.23253 of 2019

Date of Decision: 30.08.2019

Porush Kumar

....Petitioner

Versus

Lala Lajpat Rai University of Veterinary and
Animal Sciences, Hisar and another

....Respondents

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

Present:- Mr. Ashutosh Kaushik, Advocate
for the petitioner.

DAYA CHAUDHARY, J.

Petitioner-Porush Kumar has approached this Court by way of filing the present petition under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of *mandamus* directing the respondents to allow him to participate in the 2nd Physical Counselling/Document Verification/Checking for the course of Bachelor of Veterinary Science and Animal Husbandry programme 2019-20 in pursuant to admission notice dated 06.05.2019.

A further prayer has also been made to allow the petitioner to submit latest caste certificate dated 19.08.2019 as per terms of the prospectus issued by the respondent University.

Briefly, the facts of the case as made out by the petitioner in the present petition are that after completion of 10+2 from Medical stream from C.B.S.E., he finding himself to be eligible, applied for the admission in Bachelor of Veterinary Science and Animal Husbandry Programme for the Session 2019-20 under the BCA Category. The entrance test was conducted

by the respondent University on 14.07.2019, wherein, the petitioner participated against Roll No.5308 and his overall ranking was 40th. He was issued provisional seat allotment letter, which was downloaded from the website of the respondents on 15.08.2019. The 1st counselling was on 16.08.2019. He was shortlisted for the said counselling. He attended the counselling but denied admission on the ground that the caste certificate was issued prior to the period of 01.04.2019. A request was made by him to submit certificate issued after 01.04.2019 but his request was declined. The act of the respondents in declining admission to the petitioner has been challenged by raising various grounds.

Learned counsel for the petitioner submits that the list of candidates, who were recommended for the said course, was issued on 17.08.2019. Total five candidates were selected under BCA Category. Another list was issued showing that four seats were vacant under the BCA Category and the same were to be filled up in the 2nd counselling, which was also scheduled for 21.08.2019. Learned counsel also submits that the petitioner submitted the latest caste certificate issued by the competent authority but the same was not accepted. It is also the argument of learned counsel for the petitioner that certain candidates filed **CWP No.21962 of 2019** and interim relief was granted to them. The respondent University issued a notice on 20.08.2019 for 2nd physical counselling but it was postponed due to some legal reasons and now the 2nd counselling is likely to be taken place. At the end, learned counsel for the petitioner submits that the case of the petitioner may be considered against four seats, which have not been filled up under the BCA category. The caste certificate of subsequent date may be accepted.

Learned counsel for the petitioner has relied upon the judgment of Hon'ble the Apex Court in case ***Ram Kumar Gijroya vs Delhi Subordinate Services Selection Board and another 2016(4) SCC 754*** in support of his arguments.

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

The facts of the case are not disputed. The petitioner is aggrieved by the action of the respondents as his case has not been considered against un-filled seats under BCA category and he has not been granted opportunity to attend the 2nd counselling, which was scheduled for 21.08.2019 but thereafter, postponed for some other date.

Undisputedly, the date of filing of online application was 06.05.2019 and last date for receipt of applications/admission form was 06.06.2019. The petitioner has applied under the BCA category and participated in the written test. As per instructions given in the prospectus, the candidates belonging to BCA/BCB category have to submit their latest caste certificate issued by the competent authority on or after 01.04.2019, failing which, their candidature for admission was not to be considered and they would not be eligible for subsequent counselling. The petitioner attended the 1st counselling and was asked to produce his caste certificate and he submitted the caste certificate dated 20.06.2018, which was not accepted by the respondent University on the ground that the caste certificate issued by the competent authority on or after 01.04.2019 was to be accepted. Accordingly, the petitioner was held ineligible. In absence of caste certificate, the petitioner was not considered in the reserved category.

Even in the provisional seat allotment letter issued to the petitioner on

15.08.2019, it was clearly mentioned that the candidates belonging to BCA/BCB categories had to submit their latest caste certificate to be issued by the competent authority on or after 01.04.2019 as per Annexure 4 of the prospectus at the time of document checking, otherwise their candidature for admission was not to be considered. It is also not disputed that the caste certificate produced by the petitioner was prior to 01.04.2019. A request was made by him to submit certificate issued after 01.04.2019. As per condition of prospectus, for claiming reservation under BCA category, the certificate of BCA category issued by the competent authority on or after 01.04.2019 was to be submitted as per Annexure IV. Said certificate was not submitted as per requirement of the prospectus and hence, claim of the petitioner was rejected under the BCA category. The admissions under General category have taken place and all seats have been filled up. The case of the petitioner cannot be considered neither in general category nor in BCA and admissions are over.

Accordingly, we find no merit in the contentions raised by learned counsel for the petitioner and the present petition, being devoid of any merit, is hereby dismissed.

(DAYA CHAUDHARY)
JUDGE

(SUDHIR MITTAL)
JUDGE

30.08.2019
gurpreet

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No