

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

CWP No. 31234 of 2019

Date of decision : 16.11.2019

Shrey Kumar Garg

.....Petitioner

Versus

State of Haryana and others

...Respondents

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

Present : Mr. Ramashish Byahut, Advocate for the petitioner.

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DAYA CHAUDHARY, J.

Petitioner is aggrieved by the action of the respondent-University while granting admission to respondents No.5 and 7 in B.A. LL.B. five years integrated course for the session 2019-20 under the Economically Weaker Section (EWS) quota.

As per the case of the petitioner, seats meant for EWS quota have been reduced from 12 to 8, which has resulted into injustice to the petitioner as he has not been granted admission in the course. Petitioner appeared in CLAT examination for taking admission in B.A. LL.B. five years integrated course which was conducted on 26.05.2019. Petitioners secured 102.25 marks and his All India Rank was 10181 in the merit list. He applied in EWS quota with the respondent-University. There were total 120 seats, out of which, 90 seats were of All India Category and 30 seats for

Haryana Category. Total 12 seats were for EWS quota but it was reduced to 8. Seven seats were for All India Category and one seat for Haryana Category. As per case of the petitioner, he submitted his application along with EWS Certificate. Eighteen candidates were called for counselling but they were not having EWS Certificate. Out of total 18 candidates, 4 candidates were admitted in the course but only 2 candidates submitted EWS Certificate at the time of submission of the admission application form.

Learned counsel for the petitioner submits that action of respondents No.2 and 3 is *mala fide* while granting admission on the basis of incomplete applications and by reducing seats of EWS quota from 12 to 8. In case the admissions of those candidates is quashed, the petitioner has a right to be considered against the vacant seat. Learned counsel for the petitioner also submits that at the time of third counselling, certain candidates were sent back by stating that the admissions were over and no vacancy was there, whereas admission was granted to ineligible candidates without taking into consideration their Certificate of EWS.

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

Facts regarding the course in which admission was sought by the petitioner, last date of admission and number of candidates who applied in EWS category are not disputed.

The petitioner is aggrieved only on the ground that certain ineligible candidates, who were not having Certificate of EWS, were

considered for admission and their admissions, being illegal and unlawful, are liable to be set aside and claim of the petitioner can be considered on vacancy of seats after cancelling the admission of respondents No.5 and 7.

Admittedly, last date of admission is over as it was upto 10.07.2019. First semester is likely to be completed. It is not the case of the petitioner that he was more meritorious viz-a-viz respondents No.5 and 7. As per provisional merit list (Annexure P-7), petitioner is at Sr. No.38, whereas respondents No.5 and 7 are at Sr. Nos. 19 and 11, respectively. Petitioner has filed this petition in the month of October 2019, whereas admissions have been completed in the month of July, 2019. The petitioner is claiming his right only by considering that there were total 12 seats of EWS quota and it was reduced to 8. In case there was no reduction of the seats and admission of respondents No.5 and 7 is set aside, the petitioner could have got admission but he has not been considered. In case the seats remain lying vacant after the last date of admission, extension cannot be granted only on this ground. Moreover, first semester is likely to be completed. This view was held in judgment of Hon'ble the Apex Court in case ***Education Promotion Society for India and another Vs. Union of India and others Writ Petition (Civil) No. 747 of 2019*** decided on **21.06.2019**. The admission in the mid-stream not only disturbs the course but the time schedule provided for granting admission is also disturbed. To grant admission or to set aside the admission of other candidates at this stage would not only create hardship to those candidates but to the petitioner as well, as the petitioner himself would not be in a position to

complete his study and to fulfil the criteria of attendance. Moreover, respondents No.5 and 7 are more meritorious viz-a-viz the petitioner.

Accordingly, by considering the submissions made by learned counsel for the petitioner and finding no merit in the contentions, the present petition is dismissed.

(DAYA CHAUDHARY)
JUDGE

Dated : 16.11.2019

sunil yadav

(SUDHIR MITTAL)
JUDGE

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No