

101

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-20846-2020

Date of Decision:04.12.2020.

Anmol Partap Singh

..... Petitioner

Vs.

Paanjab University and others

.....Respondent

CORAM: HON'BLE MR.JUSTICE AJAY TEWARI
HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Vikas Sharma, Advocate
for the petitioner.

AJAY TEWARI, J. (Oral)

1. This petition has been filed with a prayer that the petitioner be premitted to change his category from General Category to Scheduled Caste Category for the admission process of five year integrated law course in the Panjab University.

2. The petitioner avers that originally the admission was to be made by a common entrance test and the petitioner though belong to Scheduled Caste was sanguine that he would be able to crack the entrance test and that is why he applied in the General Category. But subsequently because of the Covid situation, the University decided to scrap the admission by way of common entrance test and decided to conduct the admission on the basis of merit obtained in 10+2. It is further averred that there are 27 seats which are reserved for Scheduled Caste candidates and if the petitioner is considered as Scheduled Caste candidate he would be at No.5 but if he is considered as a General Category candidate he would not be entitled to admission.

3. Mr. Subhash Ahuja, Advocate appearing on behalf of the respondent-University on advance notice has argued that the terms of prospectus are clear and unequivocal. He has referred to condition Nos. 21.3 and 21.4 of the prospectus which are quoted herein below:-

21.3 Every candidate must indicate in her/his Admission Form the reserved category/ies for which s/he wants to apply. If the category is not mentioned in her/his Admission Form, the candidate will be considered for the General Category only. No candidate shall be considered for admission against any reserved category/ies for which s/he has not applied. However, a reserved category candidate, will be considered for admission against General category seats also as per his general merit position, subject to the condition that the candidate of SC/ST/BC/PWD categories fulfills the minimum eligibility requirement of General Category and must not have availed of relaxation in eligibility marks.

21.4 Once the candidate has submitted the online Admission Form, any change in the Form including category once marked shall not be allowed.

4. As per the learned counsel for the respondents, it is trite law that the prospectus is binding. Moreover, the petitioner took a conscious decision to fill in the category and he cannot be allowed to change the same. It is further argued that if this is allowed no admission would ever be finalised because a person could be from the Scheduled Caste, be a good sportsman whose father is a defence employee and whose grandfather was a freedom fighter. If such a person is allowed to change his category from time to time, it would not only create a havoc with the admission process but would also serve to disentitle other candidates who have not made the mistake like such candidate may have made. To support his argument,

learned counsel for the respondents has relied upon the decisions of this Court in the matter of *Sandeep Singh Vs. Panjab University, Chandigarh and others, 1996 (3) S.C.T. 767* and in the matter of *Aanchal Setia Vs. Chandigarh Administration and others*, passed in CWP No. 19555-2020, decided on 23.11.2020. He has further relied upon a decision of the Supreme Court in the matter of *Priyadarshini College of Computer Science and another Vs. Manish Kumar and others*, 2013 (2) S.C.T. 157.

5. Learned counsel for the petitioner has not been able to cite any contrary judgements.

6. Consequently, petition is dismissed.

7. Since the main case has been dismissed, the pending application (s), if any, also stands dismissed.

(AJAY TEWARI)
JUDGE

(RAJESH BHARDWAJ)
JUDGE

04.12.2020

priyanka

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No