

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 6543 of 2021

Date of Decision: 22.03.2021

Ankur Aggarwal

.....Petitioner

versus

Union of India and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE RAVI SHANKER JHA, CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI, JUDGE

Present : Mr. Vishwajeet, Advocate, for the petitioner.
Mr. Arvind Seth, Advocate, for Union of India.

RAVI SHANKER JHA, CHIEF JUSTICE (oral)

This petition has been filed by the petitioner praying for a direction to the respondent authorities to grant him admission in Ph.D. course of Dairy Chemistry in NDRI, Karnal. The petitioner submits that he has done B.Tech and M.Tech degree in Dairy Chemistry from NDRI, Karnal and wishes to take up the Ph.D. Programme in the same institution.

The petitioner submits that he has participated in the admission process which was conducted by the Centralized Agency for all the ICAR's/accredited AUs, namely, AAU, Anand, KVAFSU, Bidar and WBUA&FS, Kolkata. It is submitted that four seats in the general category, to which the petitioner belongs, were available in the Dairy Chemistry Programme in NDRI, Karnal but he has been denied admission in the same on account of Clause 7(iii) of the AIEEA Online Counseling Brochure for admission to Ph.D. degree programme. According to the said clause, it is mandatorily provided that a candidate for being eligible to pursue Ph.D. degree in an AU has to have obtained Bachelor or Master degree from some other institute and not from the same Institute/AU. The petitioner submits that for the 2021 session, seats for admission in Dairy Chemistry course have been offered only by NDRI, Karnal and not by any other institute and as the petitioner has obtained his B.Tech. and M.Tech degree from NDRI, Karnal itself, he has been denied admission.

It is stated that the petitioner has approached this Court on previous occasion also by filing a Civil Writ Petition No. 21553 of 2020 which was disposed of on 15.12.2020 by this Court directing the respondent authorities to consider his representation which has been considered and

rejected by the respondent-authorities by the impugned order dated 07/11.01.2021. Hence this petition.

At the very out-set, on being asked, learned counsel for the petitioner submits that the petitioner has obtained 7th rank in the merit list prepared by the respondent-authorities pursuant to the entrance procedure. Admittedly, only four seats in the Dairy Chemistry were available at Karnal in the general category to which the petitioner belongs which have already been offered and occupied by the students/candidates who have been ranked 1,2,4 and 5 and therefore, as on date, no seat in the general category remains vacant. By no stretch of imagination, the petitioner, who has obtained 7th rank in the examination as per merit list, would be accommodated against these seats more so these seats have already been offered and occupied by the students/candidates who are more meritorious to him and no seat as on date is available to accommodate him.

Apart from the above, we are also of the considered opinion that the petitioner being lower in rank cannot even be considered for being accommodated against the aforesaid seats and therefore, his claim for admission in the course of Dairy Chemistry in NDRI, Karnal is misconceived as he has not qualified for the same on-merits. As the petitioner is not entitled to be granted admission or to be considered for admission on-merits itself, we do not find any reason to delve into the academic issue raised by the petitioner regarding the validity of clause 7(iii) of the admission brochure as the said question would arise only in case the petitioner would have qualified for the same on-merits. As the petitioner is not meritorious and has not qualified for the same to be granted admission in the Dairy Chemistry, we do not find any merit in the petition and is accordingly dismissed.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

22.03.2021

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