

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

CWP-19656-2020

Date of Decision: 25.01.2021.

Gitanshu Kamboj

..... Petitioner

VS

Punjab Agriculture University and another

.....Respondents

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

Present :- Mr. Ashok Kumar Sama, Advocate
for the petitioners.

Mr. Bikram Singh Baath, Advocate
for the respondents.

AJAY TEWARI, J. (Oral)

This petition has been filed claiming that the petitioner be given admission in the B.C. category in the B.Sc. (Honours) Agriculture, 2+4 years programme at the Agricultural Institute of Gurdaspur which is run by the Respondent No.1 – Punjab Agricultural University.

The claim of the petitioner, who is otherwise from the B.C. category, is that he is eligible for admission but he had to fill up his option and inadvertently he did not fill up the option of Gurdaspur and since he did not make merit list at Bathinda he was not considered for admission.

In normal circumstances, this omission on the part of the petitioner would have disentitled him to any relief but other facts supervened insomuch as similarly situated candidates had filed a writ

petition bearing CWP No.17238 of 2020 which came up for hearing on 15.10.2020 and notice of motion was issued on 28.10.2020 and the admission at Gurdaspur was kept in abeyance. On the next date of hearing i.e. 28.10.2020 the respondents appeared before the Court and stated that they have created 17 extra seats and thus the petitioners in that case would be adjusted against those seats. It is in view of this action of the respondents that the petitioner states that once other similarly situated persons had been adjusted he also has a right to be similarly treated.

Mr. Baath, counsel for the respondents, points out that the capacity of the two courses at both the institutes was only 126 students and as of now 132 students have been admitted which is more than the real capacity of the institutes and that is why the petitioner should not be granted admission.

In our considered opinion, this argument can not prevail. No reason is forthcoming as to why the University did not take this plea in the previous petition and rather unilaterally created 17 more seats (as against 11 petitioners in that case). It has to be held that the Academic Council considered all the facts and circumstances including the capacity of the two institutes while increasing the seats to 143. In these circumstances, it would not now lie in the mouth of the respondents No.1 and 2 that the seats which have been created are unjustified.

It is also admitted that as of now as against those 143 seats one B.C. category seat is available at Gurdaspur for which the

petitioner has the requisite merit to be admitted. Consequently, the petition is allowed and it is directed that the petitioner be admitted against that seat forthwith.

Since, the appeal is allowed, the pending application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

(RAJESH BHARDWAJ)
JUDGE

25.01.2021

priyanka

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No