

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

CWP-2069-2022 (O&M)
Date of decision:- 04.02.2022

Riya Sikarwar

...Petitioner(s)

Versus

Union of India and others

...Respondent(s)

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

Present: Mr. Sangram Singh Saron, Advocate,
for the petitioner.

Mr. Arun Gosain, Senior Government Counsel,
for respondent No. 1 – UOI.

Mr. Vivek Singla, Advocate,
for respondent No. 3.

(The aforesaid presence is being recorded through video conferencing since the proceedings are being conducted in virtual Court)

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RAVI SHANKER JHA, C.J. (ORAL)

The present writ petition has been filed by the petitioner praying for a direction to the respondent-authorities to grant her admission in respondent No. 3, namely, Dr. B.R. Ambedkar National Institute of Technology, Jalandhar in the Bachelor of Technology (B. Tech) Program 2021.

The brief facts leading to the filing of the present writ petition are that the petitioner participated in the JEE (Main) (B.E./B. Tech) examination 2021-2022 and according to her merit she was allotted a seat by the Joint Seat Allocation Authority (JoSAA) in the Textile Technology (4 years, Bachelor of Technology) Programme in the respondent No. 3 - Dr. B.R. Ambedkar National Institute of Technology, Jalandhar. Subsequently, the petitioner with a view to obtaining admission in a better institute participated in the first Central Seat Allocation Board (CSAB) special round of counselling and opted for admission in an institute at Arunachal Pradesh. It is stated in the petition that subsequently the petitioner again participated in the second special round of counselling and opted for admission in respondent No. 4 – National Institute of Electronics and Information Technology (Dr. Baba Saheb Ambedkar Marathwada University Campus), Aurangabad, Maharashtra.

The petitioner, thereafter, filed a writ petition before this Court which was registered as CWP-728-2022, wherein it was prayed that she be granted admission in the respondent No. 3 – Dr. B.R. Ambedkar National

Institute of Technology, Jalandhar, where she was granted admission in the first round of counselling. The said writ petition was withdrawn by the petitioner on 20.01.2022 with liberty to pursue the matter with the respondent-authorities. Pursuant thereto, the petitioner filed a representation before the respondent-authorities on 21.01.2022 (Annexure P-20) and the respondent-authorities by a communication dated 25.01.2022 (Annexure P-21) informed her that the admission process for B. Tech Programme 2021 was closed as per the CSAB/JoSAA schedule and thereafter no further inquiry would be entertained by them in that regard. The petitioner being aggrieved has now filed the second writ petition praying for the same relief.

Learned counsel for the petitioner fairly concedes that she had been allotted the desired institute at Jalandhar in the first round of counselling, but in the subsequent round, with a view to obtaining better option, her father inadvertently selected an option of the institute at Arunachal Pradesh and thereafter that of the respondent No. 4 - National Institute of Electronics and Information Technology (Dr. Baba Saheb Ambedkar Marathwada University Campus), Aurangabad, Maharashtra. He further concedes that as the mistake had occurred on her part during the CSAB-2021 special rounds of counselling, in such exceptional circumstances, the present petition may be entertained as a mercy petition and the relief as prayed for be granted.

We have heard learned counsel for the petitioner as well as learned counsel for the respondents at length.

From a perusal of clause 2 (ii) of the General Guidelines regarding CSAB-2021 Special Vacant Seats Filling Rounds (Special Rounds), which has been annexed as P-18 alongwith the writ petition, it is evident that all the candidates who have accepted and paid the seat acceptance fee (as Partial Admission Fee) against the JoSAA - 2021 allotted seat and want to participate in CSAB-2021 special round are required to get themselves registered on the CSAB portal and pay the CSAB special round non-refundable processing fee of Rs. 2,000/-. The General Guidelines further provide that such candidates would retain the seat admission on which has already been secured by them after JoSAA rounds. However, it is clearly provided in the General Guidelines that in case a new seat is allotted to them in CSAB-2021 special round of counselling, then the previously allotted seat of JoSAA rounds will automatically get cancelled and the candidates will have no claim on the previously secured seat.

Clause (vii) of the General Guidelines provides that for the purposes of participating in the CSAB-2021 special round of counselling, the candidates are required to fill in their fresh choices and the earlier choices filled in by them would not be considered for allotment of seat in the special round of counselling.

The relevant clauses of the General Guidelines read as under:-

“2. (ii) All the candidates who have accepted and paid the Seat Acceptance Fee (as Partial Admission Fee) against the JoSAA-2021 allotted seat and want to participate in CSAB-2021 special Round are required to register on CSAB portal and pay the CSAB special round non-refundable processing fee of Rs. 2000/- (their partial admission fee already paid will be considered as Participation Fee for CSAB special rounds and this amount will be transferred to the finally Admitting Institution).

*Such candidates will be participating in special rounds while retaining their seat for which they have already secured admission after JoSAA rounds. But, in case a new seat is allotted in CSAB-2021 special round then previously allotted seat of JoSAA rounds will **AUTOMATICALLY GET CANCELLED** and candidate will not have any claim on the previously secured seat (refer Annexure-1).*

(vii) All registered candidates are required to fill fresh choices. Earlier filled choices (for candidates who participated in JOSAA-2021 earlier) will not be considered in this round of seat allotment.”

In the instant case, it is an admitted fact that the petitioner after obtaining the seat in the respondent No. 3 – Dr. B.R. Ambedkar National Institute of Technology, Jalandhar in the JoSAA-2021 round participated in the first special round of CSAB-2021 and was allotted the institute in Arunachal Pradesh, whereupon her previously allotted seat in the respondent No. 3 got automatically cancelled. The petitioner thereafter participated in the second round of counselling conducted by CSAB and opted for and was allotted the seat in the respondent No. 4 - National Institute of Electronics and Information Technology (Dr. Baba Saheb Ambedkar Marathwada University Campus), Aurangabad, Maharashtra. Thus, in accordance with the General Guidelines governing admission, her previous choice for the respondent No. 3 – Dr. B.R. Ambedkar National Institute of Technology, Jalandhar either to be opted for or for the purposes of obtaining admission was no longer available

with her as her initial admission in that institute stood automatically cancelled when she opted for another institute in Arunachal Pradesh while participating in the CSAB-2021 first round of counselling. In such circumstances, we are of the considered opinion that the petitioner having consciously participated in the CSAB-2021 special rounds of counselling and applied her mind and opted for admission in the institute initially at Arunachal Pradesh and subsequently in the respondent No. 4 – National Institute of Electronics and Information Technology (Dr. Baba Saheb Ambedkar Marathwada University Campus), Aurangabad, Maharashtra now cannot be permitted to again seek admission in the respondent No. 3 – Dr. B.R. Ambedkar National Institute of Technology, Jalandhar.

It is pertinent to note that in the previous writ petition filed by the petitioner the fact that she had participated in the CSAB-2021 first round of counselling and had initially obtained allotment in the institute at Arunachal Pradesh was not even disclosed by her. This fact was brought to the notice of this Court by learned counsel appearing for the respondents on advance copy in this writ petition. We are also of the considered opinion that the contention of the petitioner that her father by mistake had opted for the respondent No. 4 - National Institute of Electronics and Information Technology (Dr. Baba Saheb Ambedkar Marathwada University Campus), Aurangabad, Maharashtra is also a false statement and cannot be accepted. In case, the petitioner's father had by mistake opted for the institute at Arunachal Pradesh in the CSAB-2021 first round of counselling, she could have immediately objected to the same and made a representation in this regard. The petitioner instead of doing so, filed CWP-728-2022 before this Court by suppressing the fact that she had initially opted for an institute in Arunachal Pradesh in the first CSAB special round of counselling. It is also evident that the petitioner has now taken the plea of mistake in this writ petition. It is also evident from the fact that the petitioner has in fact already deposited fees and is pursuing studies in the respondent No. 4 - National Institute of Electronics and Information Technology (Dr. Baba Saheb Ambedkar Marathwada University Campus), Aurangabad, Maharashtra. In the circumstances, we do not find any merit in the petition which is accordingly dismissed.

It is made clear that though serious objection has been raised by the respondents regarding jurisdiction and maintainability of the writ petition before this Court keeping in view clause xv of the General Guidelines which grants exclusive jurisdiction in respect of disputes arising from the CSAB-2021

to the High Court at Jaipur, we refrain from expressing any opinion in that regard and leave the issue to be decided in an appropriate case.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

04.02.2022
Amodh

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