

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

CWP-14594-2023

Date of decision : 14.07.2023

Dev Gupta

....Petitioner

Versus

PEC University of Technology, Sector 12, Chandigarh and others

....Respondents

2)

CWP-14840-2023

Jai Dogra

....Petitioner

Versus

PEC University of Technology, Sector 12, Chandigarh and others

....Respondents

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

Present: Mr. D.S. Patwalia, Senior Advocate, with
Mr. Bikramjit S. Patwalia, Advocate, and
Mr. Akshit Pathania, Advocate
for the petitioner (in CWP-14594-2023).

Mr. Gurminder Singh, Senior Advocate, with
Ms. Harpriya Khaneka, Advocate,
for the petitioner (in CWP-14840-2023).

Mr. Ashwni Talwar, Advocate,
for the respondent-PEC University of Technology.

Mr. Sanjiv Ghai, Advocate, and
Mr. Himanshu Arora, Advocate,
Mr. Parminder S. Kaul, Advocate
for the respondent-U.T., Chandigarh.

RAVI SHANKER JHA, CHIEF JUSTICE (Oral)

These petitions have been filed by the petitioners being aggrieved by the prescription of 75% aggregate marks, as an eligibility condition in the qualifying examination, for the purpose of granting admission in Engineering Courses under sports quota to the extent of 2% in each discipline that has been reserved, in terms of the decision of Chandigarh Administration and the Punjab Engineering College.

Learned Senior Counsel for the petitioners point out that the eligibility criteria that has been prescribed for the sports persons is the same that has been prescribed for general category candidates. They submit that after crossing this barrier, the criteria of merit loses its significance, as the policy prescribes that *inter se* merit of sports persons would be determined on the basis of their gradation in the concerned sports, as granted by the respondent authorities and the marks obtained in the Joint Entrance Examination (JEE) would have no relevance, for the purpose of determining *inter se* merit of the candidates of sports category, except in case where there is a tie in sports and defence category.

We have heard learned senior counsel for the petitioners as well as counsel for the respondents.

In view of the settled principles of law, we are of the considered opinion that the matter needs to be first considered by the concerned competent authorities, i.e. Chandigarh Administration and the Punjab Engineering College (respondent No.1). Even the petitioners have already approached the abovesaid authorities vide their respective representations, which are pending consideration.

In the light of the aforesaid circumstances and without expressing any opinion on the merits of the issues raised, both these petitions are disposed of, directing the Chandigarh Administration and Punjab Engineering College (respondent No.1), to conjointly examine the representations of the petitioners, under the supervision of the Principal Secretary, Technical Education, and take a decision thereon expeditiously, preferably by the end of next week. However, while taking

a decision in the matter, the authorities shall consider all the issues raised by the petitioners.

Copies of the petitions be supplied to the counsel for the respondents.

Both the petitions are disposed of accordingly.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

July 14, 2023
Ak Sharma

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