

2024:PHHC:044707-DB

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Sr. No.103

CWP-7459-2024

Date of decision : 03.04.2024

Manisha Yadav

..... Petitioner

Versus

Registrar, Indira Gandhi University, Meerpur and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL
 HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present : Mr.S.S.Khurana, Advocate, for the petitioner.

Mr.Anil Mehta, Advocate, and
Mr.Nishant Indal, Advocate, for the respondent-University.

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DEEPAK SIBAL, J. (Oral)

1. Through a brochure published by the Indira Gandhi University at Rewari (for short, the University) applications were invited for the session 2023-24 from eligible candidates for admission to the Doctorate of Philosophy (for short, Ph.D). The relevant department for the purpose of the present petition is the Department of Management in which two seats were offered, one of which was for the general category and one seat was reserved for candidates belonging to the Backward Class (A) category (for short, BC-A). As per the brochure the reserved and general categories candidates were to be first considered as per their overall merit and thereafter if the reserved category candidate would not be selected as per his merit only then would he be then considered under the reserved category to which he belonged and had applied. The brochure further provided that the Scheduled Caste/Backward Class candidates who would be admitted on the basis of their own merit would not be counted against the seats reserved against their respective categories and that in case a seat reserved for BC-A or BC-B categories remained vacant the same would be first offered to a candidate belonging to the other sub category of the BC category.

2. The petitioner applied under the general category for consideration of her

candidature for being admitted to the Ph.D Programme in the Department of Management. Respondent No.3, who belongs to the BC-B category, also applied to be admitted to the Ph.D Programme in the same department.

3. The University considered the candidature of the petitioner, respondent No.3 and other eligible candidates and then displayed a merit list as per which one Shivani Anant, who belonged to BC-A category, stood first by securing a total of 42.64 marks with respondent No.3 at merit No.2 with 42.09 marks. The petitioner was at merit No.3 with 42.06 marks and Surbhi Kumari, who belonged and had applied under the BC-A category, stood at merit No.4 with 41.09 marks. Shivani Anant opted for the Department of Commerce and therefore, respondent No.3, who, though belonged to the BC-B category, was considered as per her overall merit and granted admission in preference to the petitioner who had a lower score than respondent No.3. The only other seat reserved for the BC-A category was offered and accepted by Surbhi Kumari who was at merit No.1 in that category.

4. The petitioner was aggrieved by the admission granted to respondent No.3 as according to her respondent No.3 had applied under the BC-B category and there being no seat in that category her form should have been outrightly rejected. Resultantly, the petitioner who was topping in merit in the general category would then be entitled to admission against the only seat meant for the general category. In this regard, a legal notice was got issued on the petitioner's behalf to the respondent-University in response where to the respondent-University sought to justify its action by referring to Clause 7 of the brochure as per which if a candidate belonging to the reserved category was higher in merit then he would to be considered in the general category. It is in these circumstances that the petitioner has knocked the doors of this Court seeking quashing of the admission granted to respondent No.3 as also for issuance of directions to the respondent-University to admit the petitioner in place of respondent No.3 against the seat meant for the general category in the Ph.D

Programme in the Department of Management.

5. Learned counsel for the petitioner submits that as per the merit list displayed by the respondent-University respondent No.3 had applied under the BC-B category for which category no seat had been advertised. Therefore, there was no question of even consideration of her candidature and that the petitioner being next in merit and at number 1 in the general category was entitled to be admitted to the only seat meant for the general category.

6. Learned counsel for the respondent-University seeks to justify the University's action in the grant of admission to respondent No.3 in preference to the petitioner against the seat meant for the general category on the ground that respondent No.3 had higher marks than the petitioner and irrespective of the category to which she belonged she has been considered and admitted purely on the basis of her merit strictly in terms of the brochure.

7. Learned counsel for the parties have been heard and with their able assistance the record of the case has also been perused.

8. The respondent-University invited applications from eligible candidates for admission in the academic session 2023-24 to the Ph.D Programme in its various departments including the Department of Management. Through its brochure the University offered one seat in the Ph.D. Programme in the Department of Management to the general category and one to the BC-A category. The relevant guidelines given in the brochure as to how the reserved category seats were to be filled up reads as under: -

“7. A candidate who applies for a reserved category or both reserved and general categories will be considered first in general category as per overall merit. In case, he is not selected in general category, he will be considered for reserved category. The Scheduled Castes/Backward Classes candidates who get selected/admitted in Educational/Professional/Technical Institutions and Universities in open competition on the basis of their own merit, will not be counted against the quota reserved for scheduled caste/backward classes, rather they will be treated as open competition candidates. However, such candidates shall fulfill condition of eligibility regarding age etc. as are meant for general category candidates (Memo No.13864-75 dated 24.8.2012 received from the Principal Secretary to Govt. of Haryana, Welfare of Scheduled Caste and Backward Classes, Department, Chandigarh).

8. If a candidate belongs to more than one reserved category, he/she shall be required to give his/her preference at the time of filling up the admission form. Preference once given shall not be changed.
9. If any seat remains vacant in sub-categories of BC(A) and BC(B), the same will be filled up through the candidates belonging to other sub-category in BC. For example, if any seat in BC(B) category remains vacant, the same will be filled up from BC(A) category and vice-versa.”
9. As per the afore quoted provisions of the University’s brochure an applicant under a reserved category would be first considered as per his overall merit. Only in case the reserved category applicant could not be admitted as per his overall merit would he then be considered under the reserved category under which he has applied. The SC/BC candidates who would get admission on the basis of their own merit would not be counted against the quota of seats reserved for the SC/BC candidates and that in case any seat reserved to be filled up under the BC-A or BC-B category remained vacant, the same would be first offered to the candidates belonging to other sub category.
10. At this stage it would be useful to refer to the merit list displayed by the respondent-University. The same reads as follows:-

Sr. No	Name of the Candidate	Father Name	Catego ry	JRF NET/GATE/GPAT/Teacher fellowship holders/Awardee of the fellowship by DST, ICMR, ICSSR or any other equivalent national level fellowship	10% of percenta ge of marks obtained in PG Course	Master’s/ M.Phil from IGU/Erst while IGPGRG	Total Score
1	Shivani Anant	Gopal Das	BC-A	30	7.64	5	42.64
2	Jyoti Yadav	Rajender Singh	BC-B	30	7.09	5	42.09
3	Manisha Yadav	Birender Singh	Gen	30	7.06	5	42.06
4	Surbhi Kumari	Ashok Sharma	BC-A	30	6.9	5	41.9
5	Pinki	Kailash	Gen	30	6.88	5	41.88
6	Anju Kumari	Ishwar Singh	UR	30	6.03	5	41.03
7	Dinesh Kumar	Rajender Singh	BC-B	30	5.91	5	40.91
8	Sumit Kumar	Zile Singh	Gen	30	6.71	0	36.71
9	Taruna Sharma	Pradeep Kumar	BC-A	30	6.28	0	36.28
10	Priya	Pratap Singh	BC-B	20	7.59	5	32.59
11	Preeti Yadav	Prashant Kumar	BC-B	20	7.28	5	32.28
12	Annu Yadav	Karan Singh	BC-B	20	6.88	5	31.88
13	Rahul	Rohtash	SC	20	6.77	5	31.77
14	Rampal Singh	Ranbir Singh	BC-B	-	-	5	Ineligible

11. As per the afore quoted merit list one Shivani Anant who applied under the BC-A category secured first position having scored 42.64 marks. Respondent No.3-Jyoti Yadav who belonged to BC-B category was at merit No.2 having secured 42.09 marks. The petitioner-Manisha Yadav who applied as a general category candidate was at merit No.3 having secured 42.06 marks and Surbhi Kumari who applied under the BC-A category was next in merit with 41.9 marks.
12. As per the conditions contained in the University’s brochure, which are not under challenge, all the applicants, irrespective of their respective categories, were first considered as per their overall merit. Accordingly, Shivani Anant being No.1 in merit was offered the first available seat which she declined as she opted to seek admission in the Department of Commerce. Respondent No.3 who was next in merit was then offered the seat which she accepted. Therefore, she consumed the only seat offered under the general category. Thus, by the time the petitioner was called for counseling, against the only seat offered under the general category, respondent No.3, who was undisputedly higher in merit than the petitioner, stood already admitted. Therefore, the petitioner was rightly declined admission.
13. To test the argument raised on behalf of the petitioner that respondent No.3 had applied under the BC-B category and since there was no seat available under that category her application form should have been rejected at the threshold, we asked learned counsel for the University to produce respondent No.3’s application form, which he did. The said form reads as under:-

“APPLICATION FORM FOR ADMISSION TO THE DEGREE OF DOCTORATE OF PHILOSOPHY (PH.D)
PROGRAMME FOR THE ACADEMIC SESSION 2022-23
For the candidate having UGC/CSIR-NET/JRF (*with validity period*) /GATE/GPAT/Teacher fellowship
holders/Awardee of the fellowship by DST (INSPIRE), ICMR, ICSSR or any other equivalent national level
fellowship

To

The Chairperson,
Department of Management,
Indira Gandhi University, Meerpur-Rewari

Sir/Madam

I hereby apply and submit my Application Form duly filled by me with all the particulars for admission to the Ph.D
Programme in your Department as under:-

1. Subject opted for Ph.D Programme

:

Marketing

2. Name (Mr./Ms.)

:

JYOTI YADAV

(in CAPITAL letters and as per Master’s Degree)

3. Father’s Name (Mr./Dr.)

:

RAJENDER SINGH

(in CAPITAL letters and as per Master’s Degree)

4. Mother's Name (Ms./Dr.)
(in CAPITAL letters and as per Master's Degree)

:

CHOTI DEVI
5. Date of Birth
(as given in Matriculation Certificate)

:

25/08/1998
6. Gender

:

Female
7. Category
(General/SC/SC-Deprived/ST/BC-A/BC-B/EWS/
Ex-Serviceman/Differently-Abled/D.F.F.)

:

BC-B
8. Marital Status

:

Married
9. Aadhaar No.

:

6650-7966-7730
10. Registration No.
(if already registered with IGU Meerpur)

:

1615120021
11. Permanent Address (in CAPITAL letters)
MAJRA SHEORAJ, REWARI, HARYANA, 123401
E-Mail Ids: Jyo9467@gmail.com Mobile Nos.8307054050, 8607614245

:

VILL. PHIDERI (204), PO:
12. Correspondence Address (in CAPITAL letters)
DUNGARWAS, DHARUHERA (123106)
E-Mail Ids: Jyo9467@gmail.com Mobile Nos. 8607614245

:

VILL. JONAWAS, PO:
13. Academic Qualifications: -

Examination passed	Name of Board and University	Year of passing	Roll No.	Marks or Grade Secured/Max Marks	% age of Marks	Subjects
Matric	CBSE	2014	1122567	AI	79.8%	English Hindi, Maths, Science, SST
10+2	CBSE	2016	1618930	457/600	76.1%	Economics, BS, Accounts, Finance, Phy. Edu.
Bachelor Degree	MDU, Rohtak	2019	5018914	2088/3600	58%	Accounts/Finance
Master Degree	IGU, MEERPUR	2021	191200501014	2092/2950	70.91%	Accounts/ Finance
M.Phil (Regular or Correspondence)						

14. Mention **Broad Area of Specialization** in the Ph.D:

:

Marketting
- Mention **date of validity** as per award letter of UGC/CSIR-NET JRF and also enclose documentary proof in duplicate in support thereof for admission in Ph.D Programme:
13.04.2023-13.04.2026
15. Whether employed (state Yes or No.)

:

_____ - _____

If employed, mention:

(a) Name of Post/Designation

:

_____ - _____

(b) Nature of Job (Regular/Contractual/ Ad-hoc/Temp)

:

_____ - _____

(c) Date of joining in the Service

:

_____ - _____

(d) Total period of Service

:

_____ - _____

(e) Name of the Organization

:

_____ - _____

(f) Address of the Organization

:

_____ - _____
- Mobile No. _____ Website: _____ E:mail: _____
16. Whether the candidate is pursuing any other course of study, if so, state:

(a) Name of the University/Institution: _____ - _____.

(b) Name of Class in which appearing _____ - _____ Session/Year _____ Result _____.
17. Fee Details:

Amount deposited: 250.....

Receipt Number

Dated
- DECLARATION:**
I do hereby solemnly affirm and declare that the above particulars duly filled by me in this Application Form are true and correct in all respects to the best of my knowledge. In case any information is found to be false and incorrect, this shall entail automatic cancellation of my candidature for admission in the aforesaid Ph.D. Course, besides rendering me liable to such action, as the University may deem appropriate.

Yours faithfully

JYOTI YADAV
Signature of the Candidate"

Place: IGU, MEERPUR
Date: 12.12.2023
14.

A perusal of the afore quoted application form submitted by respondent

No.3 reveals that she had applied to the University's Department of Management for
- SHAMSHER SINGH
2024.04.20 13:10
I attest to the accuracy and
integrity of this document
Chandigarh

being admitted to its Ph.D Programme. Since as per the University’s brochure, which governed the admissions, no seat had been offered for the BC-B category there was no occasion for respondent No.3 to apply for consideration of her candidate under that category. A careful scrutiny of respondent No.3’s afore-quoted application form further shows that the mention by her therein of her being a member of the BC-B category is to simply answer the questionnaire in the application form as to which category does she belong. There is no application by her for consideration of her candidature under the BC-B category. Thus, the argument raised on behalf of the petitioner has no legs to stand.

15. Even otherwise, even if respondent No.3 has so mentioned in her application that she belonged to the BC-B category, in terms of the afore quoted clauses of the University’s brochure, she being higher in merit than the petitioner, was entitled to preference over and above the petitioner.

16. In the light of the above discussion, we find no merit in the instant petition.

17. Dismissed.

[DEEPAK SIBAL]
JUDGE

03.04.2024
shamsher

[DEEPAK MANCHANDA]
JUDGE

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