

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

204

CWP-19369-2024
Date of decision: 22.08.2024

HARSHWARDHAN

..Petitioner

Versus

PUNJAB ENGINEERING COLLEGE CHANDIGARH & ANR.

..Respondents

CORAM: HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE
HON'BLE MR. JUSTICE ANIL KSHETARPAL

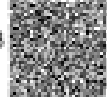
Present: Mr. Ravinder Malik (Ravi), Advocate
for the petitioner.

Mr. Ashwani Talwar, Advocate
for respondent-University.

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SHEEL NAGU, C.J. (Oral)

1. The petitioner who is an aspirant to admission to B.Tech. (UG) four year course had secured 74.6% marks in Class 12th examination and therefore, was not eligible since the minimum requisite eligibility marks in Class 12th for applying for the said course was 75% marks in the category of 'Freedom Fighter'.
2. The last date for online registration was 12.07.2024. In the meanwhile, the petitioner applied for improvement in marks in Class 12th. The result of improvement in marks was announced on 02.08.2024 and the marks of petitioner was revised to 78.2%, thereby, rendering the petitioner eligible for applying for said course but by that time, the last date for online registration i.e. 12.07.2024 had elapsed.



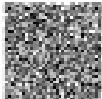
3. Learned counsel for the petitioner however submits that last counselling was held on 10.08.2024, when eight vacant seats in the category of 'Freedom Fighter' remained unfilled and therefore, prayer is made to consider petitioner against one of those vacant seats.

4. Learned counsel for the respondent on the other hand submits that since the petitioner was not eligible on the last date of online registration as he had secured less than 75% marks and thus did not apply, any subsequent revision in marks of Class 12th cannot change the ineligibility into eligibility retrospectively.

5. No doubt, the petitioner's marks were increased but the same were increased after the last date of online registration i.e. 12.07.2024. It may be hard case but considering the sanctity and inviolability of the timeline provided for admission to professional courses as emphasized by Apex Court in **Parshavanath Charitable Trust and others Vs. All India Council for Technical Education and others, 2013(3) SCC 385**, the relevant portion of which, is reproduced below:-

*“44. The admission to academic courses should start, as proposed, by 1st August of the relevant year. The seats remaining vacant should again be duly notified and advertised. All seats should be filled positively by 15th August **after which there shall be no admission, whatever be the reason or ground.***

45. We find that the above Schedule is in conformity with the affiliation/recognition schedule afore-noticed. They both can co-exist. Thus, we approve these admission dates and declare it to be the law which shall be strictly adhered to by all concerned and none of the authorities shall have the power or jurisdiction to vary these dates of admission. Certainty in this field is bound to serve the ends of fair, transparent and judicious method of grant of admission and commencement of the technical courses. Any variation is bound to adversely affect the maintenance of higher standards of education and systemic and proper completion of courses.”



6. In view of above, this Court despite having all sympathies for the petitioner is unable to help the petitioner as the timeline prescribed for the professional course is sacrosanct and ought not to be breached. This Court is afraid that no relief under Article 226 of Constitution of India can be granted solely based on sympathy and compassion.
7. Moreso, the classes for the said course have already been started.
8. Accordingly, the present petition stands dismissed.

(SHEEL NAGU)
CHIEF JUSTICE

(ANIL KSHETARPAL)
JUDGE

August 22nd, 2024
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No