

2025:PHHC:127543-DB



CWP-25694-2025 (O&M)

Date of Decision: 16.09.2025

St. Soldier College of Physical Education

...Petitioner

Vs.

State of Punjab and another

...Respondents

**CORAM: HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA
HON'BLE MR. JUSTICE ROHIT KAPOOR**

Present: Mr. Sameer Sachdeva, Advocate for the petitioner.

Mr. Maninder Singh, Addl. AG, Punjab and
Mr. Sangam Garg, Advocate for the respondents.

ASHWANI KUMAR MISHRA, J. (Oral)

1. Following order was passed on 09.09.2025:-

“1. Reply by way of an affidavit dated 08.09.2025 has been filed on behalf of the respondent-State in the Court today, the same is taken on record. The Registry is directed to tag the same at an appropriate place in the case file.

2. Having heard learned counsel for the petitioner and learned Advocate General, Punjab, we find that the undisputed scenario is such that almost 200 seats would be left vacant either in the Private Colleges or in the State Colleges. This is so as only 354 students have passed the entrance test whereas there are 550 seats available in different Colleges.

3. So far as the admission process is concerned, the State Government has framed its Policy dated 27.07.2017, as per which, 40% seats in the management quota is allowed to be filled by the Institutes through an appropriate, transparent and fair system, duly approved by the SCERT, Punjab in advance.

4. In the facts of the case, we are of the view that the State of Punjab would be well advised to examine the scenario as it exists today, and take such appropriate steps, as may be warranted in law, to ensure that the remaining 200 seats available in the Colleges are also filled with persons, who possess requisite eligibility and by following a transparent process of admission.

5. Clause 3.3 of the NCTE Guidelines also provides for admission to be made on the basis of the entrance examination or any other selection process, as per the Policy of the State Government. The State Government, therefore, is conceded the jurisdiction to deal with the situation as it has arisen in the facts of this case.

6. The petitioner's contention that in the previous years, they were permitted to admit students on the strength of their own admission, would also be an aspect open for examination by the State.

7. We adjourn this matter once again to 16.09.2025, by when an appropriate decision would be taken by the State of Punjab and the same shall be placed before the Court.

2. The State has filed an affidavit in Court today. The same is taken on record. The relevant extract of the affidavit reads as under:-

“6. That taking into account the above situation and in accordance with Clause 4.0 of the said Guidelines, the respondent department has decided to permit private self-financed D.P.Ed. colleges to fill up to 40% of their approved intake under the Management Quota, through a fair, transparent and merit-based process, subject to oversight by the Department. Formal approval in this regard would be issued vide office letter dated 11.09.2025. All concerned institutions

have been directed to submit the list of admitted candidates under the Management Quota by 19.09.2025. A letter dated 11.09.2025, is appended as Annexure R-5/T.

7. That it is further submitted that in order to ensure that no seat is wasted and to optimize the utilization of available capacity for the D.P.Ed. course, the respondent-State can initiate a supplementary round of admissions. This new process will involve inviting fresh applications from all eligible who meet the eligibility criteria. The aim is to provide a fair and transparent opportunity for prospective students who may have missed earlier rounds, thereby maximizing seat utilization without compromising on merit or quality standards. This process, if undertake, shall strictly adhere to the eligibility norms prescribed under the NCTE Regulations, 2014, and the existing state policy and shall be conducted in a transparent and merit-based manner without compromising on academic standards.

8. That the department has taken all necessary and appropriate steps, as warranted in law and policy to address the current situation in a fair and transparent manner and to ensure that the remaining vacant seats are filled with candidates who are eligible and competent, without compromising on quality or norms.”

3. In view of the stand taken by the respondents in the affidavit (supra), we are of the view that this petition can conveniently be disposed of with the observation that the petitioner-college shall be at liberty to fill-up the management quota seats from the existing list and if vacancies still remain

with the college, the college shall be at liberty to inform the State Government about it and appropriate decision in respect thereto would be taken by the State to ensure that left over seats are filled-up by granting admission to eligible candidates from the available list, in a transparent and fair manner.

4. What exactly would be the mechanism to be followed for such purpose, the same is left to be determined by the State. However, we clarify that State would make all endeavours as would be necessary to ensure that all available seats are filled.

5. All pending misc. application(s), if any, also stand disposed of.

(ASHWANI KUMAR MISHRA)
JUDGE

(ROHIT KAPOOR)
JUDGE

16.09.2025
rajesh

1. Whether speaking/reasoned?	:	Yes/No
2. Whether reportable?	:	Yes/No