

Punjab-Haryana High Court

Sunita Rani vs Panjab University And Others on 12 September, 2008

CWP No. 13951 of 2008

( 1 )

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CWP No. 13951 of 2008

Date of Decision: 12-09-2008

Sunita Rani

....Petitioner

Versus

Panjab University and others

.....Respondent

Coram: HON'BLE MR. JUSTICE HEMANT GUPTA  
HON'BLE MR. JUSTICE KANWALJIT SINGH AHLUWALIA

Present: Shri J.S. Maanipur, Advocate, for the petitioner.  
Shri Manish Bansal, Advocate, for the respondents.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

HEMANT GUPTA, J.

The petitioner is a Scheduled Castes candidate having graduated from the Panjab University, as a private candidate, in the year 2006.

The respondent-University, issued Prospectus for admission in B.Ed. (Regular)-2008 for Colleges of Education, situated in Chandigarh. The petitioner applied for admission to such course under Union Territory Pool Category, considering herself to be eligible on the basis of her B.A. Qualification. On the basis of Entrance Test conducted on 6.7.2008, the petitioner was ranked 453.

It is the case of the petitioner that the candidates who are lower in merit have been admitted, whereas the petitioner has been denied admission and thus, aggrieved, she has invoked the writ jurisdiction of this Court. It is pointed out by the petitioner that in the Prospectus, there are two sources for filling up the seats for admission. One is 60% Union Territory Pool, which is meant for students who passed their qualifying examination from Colleges recognised by the CWP No. 13951 of 2008 ( 2 ) Chandigarh Administration and situated in the Union Territory, Chandigarh, as a regular student of the said College/Institution. It is further subject to the condition that such students must have studied for two years at Chandigarh and have passed one lower qualifying examination from the Colleges/Institutions situated in the Union Territory Chandigarh. All other

students, who have not passed their qualifying examination from the Institutions located in Union Territory Chandigarh, fall within 40% General Pool, which is the second source of admission. The relevant conditions contained in the Prospectus, read as under:-

"1. Eligibility for Entrance Test 1.1. A. For admission to the Colleges of U.T.

(Chandigarh) condition of residence is not required.

B. U.T. Pool 60%: Out of the total sanctioned intake of the institution 60% seats will be filled up from amongst the students who passed their qualifying examination from colleges recognised by the Chandigarh Administration and situated in the Union Territory of Chandigarh as a regular student of the said College/Institution, subject to the condition that such students must have studied for two years at Chandigarh and have passed one lower qualifying examination from the colleges/institutions situated in the Union Territory of Chandigarh. These seats will be termed as 'UT Pool'. C. General Pool 40%: Out of the total sanctioned intake of the institutions 40% seats will be filled from amongst the students, who have passed their qualifying examination from the institutions, other than those located in the Union Territory of Chandigarh or otherwise. These seats will be termed as 'General Pool'.

Note: (i) Candidates who have done Postgraduation from a college/institution situated in U.T. as regular students and graduation from outside U.T., will not be considered under the U.T. Pool. (ii) Candidates who have done graduation

CWP No. 13951 of 2008 ( 3)

from the Department of Correspondence Studies, Panjab University and are residing in Chandigarh will not be considered under the U.T. Pool. These candidates will be considered under the General Pool.

	xxx	xxx	xxx
6.	General Rules		
	xxx	xxx	xxx
	Note:		
i)	xxx	xxx	xxx

ii) Candidates who wish to seek admission in the Colleges of Education situated at Chandigarh must clearly state whether they belong to U.T. Pool (the students who passed their qualifying examination from colleges recognised by the Chandigarh

Administration and situated in the Union Territory of Chandigarh as regular students of the said college subject to the condition that such students must have studied for atleast two years at Chandigarh and have passed one qualifying examination from these colleges) or General Pool (the student who have passed their qualifying examination from the institutions other than those located in the Union Territory of Chandigarh or otherwise) and any Reserved categories, must clearly state the categories code in the appropriate column in the Form."

Learned counsel for the petitioner has argued that even if the petitioner is not eligible for the admission against U.T. Pool, the respondents are bound to consider the claim of the petitioner for admission against the General Pool.

CWP No. 13951 of 2008 ( 4) It is contended that in the General Pool, a candidate, who is lower in merit has been admitted, therefore, the petitioner is entitled to be admitted in the General Pool. Learned counsel for the respondents has produced photocopy of the application form submitted by the petitioner. The petitioner has applied as a U.T. Pool candidate. She has also sought the benefit of reservation by filling in category code as 22 which is meant for a Scheduled Castes candidate.

Having heard learned counsel for the parties, we do not find any merit in the present writ petition. The admission process is divided into two vertical components; one is meant for U.T. Candidates called U.T. Pool and the other is for the General Pool. The petitioner has applied in a U.T. Pool and also claimed reservation. The petitioner could be considered against the General Category candidates falling to U.T. Pool only. For consideration as a General Pool candidate, the petitioner has to apply as a candidate of the General Pool. It was not open to the petitioner to apply for one category and to seek admission in another. There is no switching over of the Pools permissible in terms of the Rules. Still further, the candidates, who have done graduation from Department of Correspondence Studies have been specifically excluded from consideration under the U.T. Pool. The petitioner having graduated as a private candidate, does not stand in any way on better position than the candidates, who have graduated from the Department of Correspondence Studies. Therefore, the petitioner could not be treated as a U.T. Pool candidate nor in fact, any effort was made by the petitioner to assert that she was a U.T. Pool candidate.

We do not find any merit in the argument raised by the learned counsel for the petitioner that though the petitioner has applied as a U.T. Pool candidate, still she should be treated as a General Pool candidate. The principle propounded by the petitioner is applicable for reservation meant for Scheduled Castes; Scheduled Tribes and CWP No. 13951 of 2008 ( 5) Backward Classes candidates. But, the admission against General Pool is separate source for admission, where there is separate reservation for Scheduled Castes, Scheduled Tribes and Backward Classes. Therefore, the petitioner cannot be ordered to be shifted to General Pool.

In view thereof, we do not find any merit in the present writ petition. Hence, the same is dismissed.

(HEMANT GUPTA) JUDGE (KANWALJIT SINGH AHLUWALIA) JUDGE September 12, 2008 ds