

(1996) 09 SHI CK 0009
In the High Court Of Himachal Pradesh
Case No : Civil Writ Petition No. 1423 of 1996

Ajay Sharma

APPELLANT

Vs

H.P. University

RESPONDENT

Date of Decision : 19-09-1996

Acts Referred:

Citation : (1997) 1 ShimLC 155

Hon'ble Judges : M. Srinivasan, C.J.; Kamlesh Sharma, J

Bench : Division Bench

Advocate : Rama Kant Sharma, for the Appellant; D.C. Jishtu, for the Respondent

Final Decision : Dismissed

Judgement

M. Srinivasan, C.J.—Respondents have stated that they have filed the reply and a copy thereof has been furnished to us, which is placed on record. Registry to place original reply on record.

2. Petitioner's contention is that he is a physically handicapped person and as per Paragraph 10.3 of the prospectus, 3% of the seats shall be reserved for physically handicapped candidates. It is contended by the Petitioner that this year no physically handicapped candidate has been selected and the Petitioner ought to have been selected. This contention has been met by the Respondents by pointing out in the reply that they are following 120 points reservation roster, which is clearly set out in Paragraph 11.1 of the prospectus. As per that roster, the first seat available to the physically handicapped persons is at point 34, the second at point 66 and the third at point 100. These three physically handicapped persons will be entitled to get reservation benefit only if 100 candidates are selected.

3. It is stated in the reply that the reservation roster came to an end with the academic session 1995-96 and, therefore, for the current session the Respondents had to start from point No. 1 of the roster. The number of seats

vacant in the Course was 30 and 30 person were, selected. Out of the said 30 seats, there is no reservation for physically handicapped persons. As pointed out earlier the first seat available for physically handicapped persons is at roster point 34. Hence, the Petitioner cannot get benefit of the reservation for physically handicapped persons and seek admission on that score.

4. It is clearly pointed out in the reply that the Petitioner's case was considered in the general category but he could not secure sufficient marks for the purpose of selection. The last candidate who was admitted had secured 69% marks, whereas, the Petitioner has secured only 62% marks. Thus, the Petitioner's case has to fail.

5. We place on record the statement made by the Respondents, as is also evident from the reply filed by them that 120 points reservation roster is being followed. It is very clearly admitted that the roster continues till all the points are exhausted even if the period is more than one year. It is only on that basis that they have stated that 120 points roster got exhausted with the academic session ending 1995-96 and is being taken from a point No. 1 for the current session. We are sure that the same system will be adopted by the Respondents in future also.

6. With the above observations the writ petition is dismissed.

C.M.P. No. 2915 of 1996:

In view of the dismissal of the writ petition, this application also stands dismissed.