
(1990) 01 P&H CK 0014

In the Punjab And Haryana At Chandigarh

Case No : Civil Writ Petition No. 12460 of 1989

Harinderpal Singh and Another

APPELLANT

Vs

Punjab Agricultural University and Others

RESPONDENT

Date of Decision : 09-01-1990

Acts Referred:

Constitution of India, 1950 — Article 226, 227

Citation : (1990) 97 PLR 309

Hon'ble Judges : M.R. Agnihotri, J

Bench : Single Bench

Advocate : Vinod Sharma and K.S. Dadwal, for the Appellant; J.S. Khehar, Harmesh Singh Gill and Paul S. Saini, for the Respondent

Final Decision : Dismissed

Judgement

M.R. Agnihotri, J.—In this petition filed under Articles 226 and 227 of the Constitution, petitioners Harinderpal Singh and Sahib Singh have approached this Court for the quashing of admission notice dated 31st August, 1989 (Annexure P-4), issued by the Punjab Agricultural University, Ludhiana. in which the petitioners have been refused admission to the B. V. Sc. & A H. Course. The petitioners qualified the 10+2 Examination from the Central Board of Secondary Education They participated in the sports and attained distinctions in the North Zone Sainik Schools Athletics Meet held at Sainik School, Nagrota (Jammu and Kashmir), on 8th and 9th October, 1988, According to the admission rules of Punjab Agricultural University, Ludhiana, 5 per cent of the seats are reserved for "out standing sportsmen" that is, persons who have participated at the international, national or State level within two years before admission. The relevant provision, as contained, in the Prospectus issued for admission to B. V. Sc. & A. H - 5 Years Programme, is reproduced as under:-

"10. B. V. Sc. & A. C.-5. Year Programme :

(1) The minimum requirement for admission shall be :

F. Sc. (Medical), Pre-Medical, Pre-Veterinary, 10+2 (Medical) or equivalent examination with at least 50 percent marks, excluding the marks obtained in the optional subjects.

(2) There shall be an entrance examination. Candidates who obtain the prescribed percentage of marks in the written examination as under will be called for interview on merit:-

(i) Double the number of seats in open quota who get not less than 40 per cent marks in the written examination.

(ii) Equal to three times of number of seats in reserved quota who get not less than 35 per cent marks in written examination.

Provided that all candidates under the category of outstanding sportsmen/women who get not less than 35 per cent marks will be called for interview and their admission made on the basis of criteria laid down by the University.

(3) The relative merit of the candidates shall be determined on the basis of cumulative marks obtained in the written examination and interview out of 100 marks distributed as under :-

(a) Written Examination 85 marks (b) Residence/Property in rural area. 3 marks (c) Middle Examination passed in rural area. 4 marks (d) Matriculation/Hr. Sec. passed from rural area. 3 marks (e) Personality and distinction in 5 marks sports/NCC/NSO/Girl, Guide/ Scouting, etc. Total: 100 marks

2. Both the petitioners competed for selection held for the purpose of admission to the Degree Course but failed to make the grade according to the criteria fixed by the University. Aggrieved of that, they have challenged the selection itself on the ground that the petitioners have been wrongly ignored because they have passed out from Sainik Schools and not from Kendriya Vidyalaya and that their grading in the field of sports has not been properly made.

3. On the other hand, the stand taken by the respondent University in their written statement is that the selection for the purposes of admission, especially from amongst "outstanding sportsmen" has been made meticulously in accordance with the rules of the University and the criteria for selection of "outstanding sportsmen" is wholly in accordance with law and has also been upheld by this Court. It has further been contended that the allegation that the petitioners were ignored for the purposes of admission on the ground that they happened to pass out from the Sainik Schools and not from Kendriya Vidyalaya is wrong

4. After hearing the learned counsel for the parties and having gone through their pleadings and the material available on the record, I am of the considered view that the grievance of the petitioners is wholly misconceived. They have not been able to bring out any legal infirmity either in the criteria laid down for admission or in the manner and method of selection itself. In fact, the petitioners

could not make the grade as their cases did not fall in the category of "outstanding sportsmen". Since the names of the petitioners did not figure within the number of seats available, so they could not be allowed admission. It is stated by the Registrar, Punjab Agricultural University, in the affidavit that only 88 candidates, and not 142 as alleged in the petition, were called for interview and selection was made out of them. The stand of the University is not without any basis as the level of competition in Sainik School is cut at the national level because they do not compete with students of other States and there are only handful of Sainik Schools in the whole of the country, whereas the Central Board institutions, even at the regional level, would be thousands in number. Therefore, even though the petitioners could not be considered from the category of "outstanding sportsmen", they were still awarded 3.5 and 2.5 marks, respectively, for their sports activity while considering their claims in the general category. According to the supplementary affidavit of the University, even this grading allowed to the petitioners was, in fact, on the higher side of the grading awarded to the candidates competing in the academic course.

5. Consequently, I do not find any merit in the writ petition which is dismissed with no order as to costs.