
(2013) 09 P&H CK 0039
In the Punjab And Haryana At Chandigarh
Case No : CWP No. 15453 of 2013

Kumari Neetu

APPELLANT

Vs

Union of India and Others

RESPONDENT

Date of Decision : 02-09-2013

Acts Referred:

Citation : (2013) 09 P&H CK 0039

Hon'ble Judges : Rakesh Kumar Jain, J

Bench : Single Bench

Advocate : Rajiv Kataria, for the Appellant; R.S. Khosla, AGC for Union of India-respondent No. 1, Mr. A.S. Virk, Advocate for Respondent Nos. 2 and 4 and Mr. Harsh Aggarwal, Advocate, for the Respondent

Final Decision : Dismissed

Judgement

Rakesh Kumar Jain, J.—The petitioner has prayed for a writ in the nature of mandamus directing respondent No. 4 to accept her admission fee and admit her to the Course of B.E./B.Tech in accordance with the State ranking No. 40 secured by her. In brief, it is submitted by the petitioner that respondent No. 2. circulated the Prospectus for admission to B.E./B.Tech in NIT. The petitioner appeared in the Session 2013 held by respondent No. 4 and obtained State Merit claiming Rank No. 40 in B.E./B.Tech in Scheduled Tribe Category. She filled up her choice for Electrical Branch. Respondent No. 2. issued provisional seat allotment letter to the petitioner on 10.7.2013 and gave her a direction to report to any Reporting Centre between 11.7.2013 to 14.7.2013. The petitioner reported respondent No. 3 on 12.7.2013 till 14.7.2013 but respondent No. 3. denied admission to her being at the rank of 40 and her admission fee was not accepted, whereas the candidate lower in merit than the petitioner has been given admission.

2. After notice, reply has been filed on behalf of respondent Nos. 2 and 4 in which it is averred that the petitioner has not approached the Court with clean hands and has concealed the material facts because she was not eligible to be

admitted in B.Tech as she was having compartment in Mathematics in 10+2 Examination. It is alleged that as per Clause 7.1. of the Information Brochure, the eligibility for B.E./B.Tech is that the candidate must have passed 12th class/ other qualifying examination with subjects in qualifying examination: Physics, Mathematics and one of the subjects from (Chemistry, Bio-Technology, Computer Science, Biology) alongwith 50% marks in total including all subjects. It is also averred that the candidates having compartments in one or two subjects and have appeared in the examination and waiting for results are eligible for provisional admission provided they have 50% marks in total including all subjects but the said students have to submit an undertaking to produce the pass certificate by 30.9.2013, failing which their admission shall be cancelled. It is further alleged that the petitioner appeared before respondent No. 4 (Reporting Centre) on 12.7.2013. However, it was found on verification of documents that she had compartment and had over all 46.6% in qualifying examination and, thus, she was not found eligible for admission and her draft of Rs. 41,000/- was returned which was duly received by the petitioner.

3. Learned counsel for the respondents has further submitted that even if the petitioner has allegedly passed the compartment examination before 30.9.2013, she could not have been considered for admission because she was required to have 50% marks in total including all the subjects. It is submitted that while calculating marks of the petitioner obtained in Mathematics in which she had failed, she had secured 46.6% marks which were less than the cut of marks of 50%. Therefore, her candidature as a "compartment examinee" could not have been considered.

4. After hearing learned counsel for the parties and perusing the record, I am of the considered opinion that in view of Clause 7.1 of the Brochure, the petitioner has rightly not been granted admission because not only that she was a compartment candidate but also while calculating all her marks, she was not having 50% cut of marks which is required in Clause 7.1. of the Brochure which is not under challenge. In view thereof, finding no error having been committed by the respondents, this writ petition is hereby dismissed.