
(2003) 03 P&H CK 0094

In the Punjab And Haryana At Chandigarh

Case No : Civil Writ Petition No. 11638 of 2002

Ms. Monika Mehrania

APPELLANT

Vs

State of Punjab

RESPONDENT

Date of Decision : 10-03-2003

Acts Referred:

Citation : (2003) 134 PLR 219

Hon'ble Judges : S.S. Grewal, J;G.S. Singhvi, J

Bench : Division Bench

Advocate : Vinod Gupta, for the Appellant; D.V. Sharma, Addl. A.G. for Respondent No. 1 and Vikas Chatrath, for the Respondent

Judgement

G.S. Singhvi, J.—1.In this petition, the petitioner has prayed for issuance of a mandamus directing the respondents to admit her in Fashion Design Course (for short, the Course).

2. The petitioner is a member of Scheduled Caste. She appeared in the entrance test held by respondent No. 2 on 6th and 7th June, 2002 for selection of the candidates for admission to the Course. On qualifying the written test, she was called for interview. She has averred that the letter of interview Annexure P.6 sent by Director, Northern Indian Institute of Fashion Technology (respondent No. 2) was not received by her and, therefore, she could not appear in the interview. She has blamed the authorities of the Northern Indian Institute of Fashion Technology for this goof up and pleaded that respondent No. 2 should be directed to admit her against the reserved seat earmarked for Scheduled Caste.

3. In his written statement, respondent No. 2 has raised an objection to the maintainability of the writ petition by asserting that the petitioner has not impleaded the selected students as party respondents. On merits, respondent No. 2 has averred that the letter of interview was sent to the petitioner through courier agency and the same was received by her on 8.7.2002.

4. The petitioner has filed replication to controvert the assertion contained in the

written statement about the delivery of the letter of interview.

5. Thereafter, in pursuance of the direction given by the Court on 17.1.2003, respondent No. 2 filed affidavit dated 8.1.2003. Paragraphs 2 to 4 of that affidavit read as under:

"2. That it is submitted that the petitioner had applied for admission in the course of Fashion Design in NIIFT against 35 seats in the said course. All the 35 seats have been filled and there is no vacant seat available at present.

3. That as has already been submitted in the written statement that as per the prospectus, the Entrance Test was conducted for Fashion Designing on 6.6.2002 and the candidates on the basis of performance of the written test were required to appear for the situation test, group discussion and interview. The weightage of the test in the final merit list was as under:

Fashion Design

Test

Weightage

General Ability Test

30%

Creative ability Test

30%

Situation Test

20%

Interview

20%

The petitioner has not appeared for the situation test and the interview which constitutes 40% of the total weightage in the examination and for the final selection to the course of Fashion Design. The members of the selection committee, who had conducted interviews, were experts and had been called from out stations.

4. That the classes for the first semester for the said course are over and the examinations commenced from 2nd week of December, 2002 and the examinations are over. In fact, the second Semester Classes have started as such the admission at the belated stage would create academic difficulties."

6. We have heard learned counsel for the parties and perused the record. In our opinion, the writ petition is liable to be dismissed because-

(i) the petitioner has not impleaded one of the selected candidates as party

respondent who may be adversely affected in the event of acceptance of her plea for admission and without hearing such candidate, the Court cannot pass an order nullifying his/her admission.

(ii) as per additional affidavit of respondent No. 2, a substantial part of the first year of the course has been completed and the students have taken the examination. Therefore, at this belated stage, it will not be possible for the petitioner to complete the course.

Sd/- S.S. Grewal, J.