

(2010) 08 UK CK 0154
In the Uttarakhand High Court

Pankaj Kumar

APPELLANT

Vs

Uttarakhand Technical University and Others

RESPONDENT

Date of Decision : 02-08-2010

Acts Referred:

Citation : (2010) 08 UK CK 0154

Hon'ble Judges : V.K. Bist, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

V.K. Bist, J.—Present writ petition has been filed by the petitioner for the following reliefs:

- i. Issue a writ order or direction in the nature of mandamus directing the respondents to permit the petitioner reporting in the college (Pant Nagar University) for the seat allotment to him as Computer Science/Engineering.
- ii. Issue a writ order or direction in the nature of mandamus commanding/ directing the respondents to restrain the respondents not to fill up the allotted seat of Computer Science/Engineering to any other candidate, which has already been allotted to the petitioner in 1st Round Counselling.
- iii. Issue any other or further writ, order or direction which this Hon?ble Court may deem fit and proper in the circumstances of the case.
- iv. To award the cost of the petition in favour of the petitioner.

2. Brief facts mentioned in the writ petition are that the Central Board of Secondary Education, Delhi conducted an All India Engineering/Architecture Entrance Examination, 2010 (AIEEE) for admission in various degree courses of engineering. The petitioner submitted his application and appeared in the examination. The petitioner was declared qualified for the first round of counselling for the allotment of seat. On 16.07.2010 the petitioner got himself registered for the counselling and was given score card by the respondents in

which 70 marks were given to him. Petitioner's all India ranking was shown as 159677 and State ranking was shown as 2344. Petitioner also submitted a list of institutions/colleges of his preference. On 08.07.2010 first online counselling guidelines were issued by the Uttarakhand Technical University, Dehradun in which date for first round of online counselling was shown as 08.07.2010 to 25.07.2010. On 21.07.2010 the petitioner was given provisional letter of seat allotment and petitioner was allotted College of Technology (Pantnagar University), Pantnagar under the category of Scheduled Caste. When the petitioner approached respondent No. 2 for admission, the petitioner was asked to bring caste certificate as he was given admission under the Scheduled Caste category.

3. Learned Counsel for the petitioner submitted that as per instruction (xi)(m) of the instructions issued alongwith the application form, students are treated eligible for State quota if they have passed their +2 examination from that State. Instruction (xi)(m) of the instructions is quoted below:

(m) State Code of Eligibility of the candidate:

(i) State Code of eligibility means the Code of the State from where a candidate has passed +2 examination by virtue of which he/she becomes eligible to appear in the AIEEE for admission to B.E/B.Tech and B. Arch/B. Planning Courses of the institution/Colleges of the States/UT.

4. He submitted that that petitioner has passed his Intermediate examination from J.N. Vidhyalaya, Rudrapur, District Udham Singh Nagar and in view of this fact the petitioner is entitled for the State quota. This argument of learned Counsel for the petitioner is correct and the petitioner is entitled for the State quota. Learned Counsel for the petitioner further submitted that Scheduled Caste candidates of outside State, who have passed out 10+2 examination from State of Uttarakhand, are entitled for reservation benefit. In support of his submission he referred the explanation of word Category mentioned in the "Online Counselling Guidelines for admission in B-Tech Ist Year Degree Courses in Uttarakhand 2nd Round 26th Jul to 1st Aug? 2010". Same is reproduced below:

Category- Gen/SC/ST/OBC (OBC is not there for other-state candidates).

5. He submitted that only OBC cannot be given benefit of reservation in admission but such benefit cannot be denied to the petitioner who belongs to Scheduled Caste category.

6. The argument of learned Counsel for the petitioner cannot be accepted in view of the note mentioned under the heading of Domicile of the aforesaid guidelines in which it is clearly mentioned that State quota benefit under "other-state but 10+2 passout from Uttarakhand" is only available under General Category. The same is quoted below:

Domicile- Other-State/Uttarakhand/other-state but 10+2 pass out from Uttarakhand.

Note: State quota benefit under "other-state but 10+2 passout from Uttarakhand" option is only available under General Category.

7. Thus, it is clear that the State quota benefit is available to only those who have passed their 10+2 from State of Uttarakhand but such benefit will be given to them under General Category.

8. Another submission of learned Counsel for the petitioner is that respondents issued a fresh note on 03.07.2010 in which they have stated that that State quota reservation will be given to those candidates who have passed 10+2 from Uttarakhand. In support of his argument learned Counsel for the petitioner relied on guidelines dated 3rd July, 2010 in which it is mentioned that such candidates who have appeared in the All India Engineering Entrance Examination, 2010 and who are original resident of the State of Uttarakhand or who have passed their 10+2 examination from any college/school of State of Uttarakhand, they shall be entitled for reservation under the State Government and other institutions. Admittedly, the petitioner is original resident of State of Uttar Pradesh. Caste certificate was issued to him by Tehsildar, Tehsil-Padrana, District-Kushi Nagar, State of Uttar Pradesh. It is settled law that the benefit of caste certificate cannot be given to the candidate who is not original resident of that State where benefit is being claimed. In the present case it is admitted case of petitioner that he is not original resident of State of Uttarakhand. Therefore, he cannot be given benefit of caste certificate issued by the authority of another State.

9. Learned Counsel for the petitioner then argued that the respondents cannot change the eligibility condition after completion of first round of counselling and action of the respondents in asking the petitioner to submit caste certificate after the completion of the first round of counseling is illegal. This argument of learned Counsel for the petitioner cannot be considered in view of the fact that petitioner is not original resident of State of Uttarakhand. Authorities are justified in asking caste certificate issued by the competent authority within the State. The petitioner has already been given benefit of State domicile by the respondents by considering his candidature for State quota under General Category.

10. The writ petition is dismissed in limine.

11. Interim relief application No. 6175 of 2010 and amendment application No. 6257 of 2010 stand rejected.

12. Let a certified copy of the order be given to the counsel for the parties within 48 hours on payment of usual charges.