

(1987) 10 P&H CK 0059
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 5552 of 1987

Ravinder Manku

APPELLANT

Vs

The Punjab University, Chandigarh and Others

RESPONDENT

Date of Decision : 08-10-1987

Acts Referred:

Citation : AIR 1988 P&H 196

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

Bench : Single Bench

Judgement

1. Miss. Ravinder Manku petitioner has approached this Court for the issuance of a writ of mandamus directing the Punjab University, Chandigarh, Chairman of its Department of Anthropology, and the Dean of University Instruction, to grant admission to her in the M.Sc. Course of the Anthropology Department, on the basis of her merit in the sports, against the seat reserved for the outstanding sports persons.

2. The petitioner has graduated in Science from the Punjab University in May, 1987, securing about 64 per cent marks. She applied for admission in the M.Sc. two years" course in the Anthropology Department of the Punjab University, Chandigarh, against 5 per cent quota reserved for the outstanding sports persons. Since the total number of seats in M.Sc. Anthropology Department is twenty, only one seat falls in the 5 per cent quota reserved for the outstanding sports persons. The petitioner having participated in the Haryana State Women Hockey Championship held at Hissar, representing Motilal Nehru School of Sports, Rai. claimed the solitary seat reserved for sports persons, on the basis of her outstanding performance in the field of sports. This claim of the petitioner is fully supported by the certificates obtained from the Haryana State Women Hockey Association, Principal & Director, Motilal Nehru School of Sports, Rai and Director, Sports Department, Haryana. In the Handbook of Information published by the Dean of University Instruction, for the year 1987, under the heading "Teaching Departments. Other Institutions and Chairs". M.Sc. in

Anthropology is included as one of the subjects. Under the heading "Admissions", it has been provided that in making admission, all University Teaching Departments will reserve seats in each classes under :--

".. .. (e) 5 per cent for outstanding students on the basis of sports and other co-curricular distinctions."

3. On 8th August, 1987, the petitioner received a communication from the Punjab University asking her to appear on the sports grounds of the University on 17th Aug. 1987, at 8 a.m. for actual trial and interview, in proper kit with original certificates in sports. Accordingly, the petitioner appeared along with a number of other candidates and was found the only eligible candidate who had applied for admission to the M.Sc. Anthropology, as other participants in the trials were candidates for other teaching departments of the University. According to the petitioner, since no actual trials and interviews were held and the petitioner being the only candidate for, admission to the M.Sc. Anthropology, she approached the Department to deposit her fees. admission dues, etc. But on 22nd Aug. 1987, the petitioner was told that the only seat reserved for the sports persons had been diverted to the general side on the ground that no suitable sports candidate was available.

4. Aggrieved by this action of the Punjab University, the petitioner has invoked the writ jurisdiction of this Court for setting aside the action of the University by which the solitary seat reserved for the outstanding sports Persons was diverted to the general side, even though the petitioner was fully eligible, suitable and answered the description of the outstanding sports student, on the basis of which she was entitled for admission to the M.Sc. Anthropology.

5. In the written statement to the writ petition filed by the Registrar of the Punjab University as well as in the supplementary affidavit filed by way of rejoinder to the reapplication, it has been admitted by the University that the petitioner was the only candidate who had applied for admission to the M.Sc. Anthropology against the seat reserved for the outstanding sports persons. However, the impugned action has been justified on the ground that by holding the trials it transpired that none of the candidates, including the petitioner, was found suitable. Therefore, the solitary seat reserved for the sports category was permitted to be diverted to the general category by the Dean of the University Instruction. No provision of the University Calendar or of the Prospectus etc. has been referred to or relied upon by the Registrar of the University in either of the two affidavits filed by him, nor has any such provision been referred to by the learned counsel for the University during the course of arguments.

6. In order to reassure myself with regard to the manner in which the trials were held and the decision arrived at by the University. authorities regarding diversion of the solitary seat reserved for the outstanding sports persons to the general side, I sent for the records; but the learned counsel for the University expressed his inability in producing the records relating to the trials held by the University

on the basis of which it was concluded by the authorities that none of the candidates was suitable enough to be considered as an outstanding sports person. The records relating to the diversion of the solitary seat from sports to the-general category have been seen which consist of only one single letter written by the Chairman of Studies of Anthropology Department, to the Dean of University Instruction, and it is on that original letter itself, that the Dean has permitted the Chairman, Anthropology Department, to fill the seat out of the waiting list on the general side. That is all, so far as the maintenance and availability of records with regard to trials and diversion of the solitary seat from the sports category to the general category is concerned.

7. After examining the pleadings of the parties and considering the materials available on the record and having heard the learned counsel for the parties, I am satisfied that the impugned action of the University in denying admission to the petitioner in M.Sc. Anthropology against the solitary seat for outstanding sports persons was wholly unjustified and without jurisdiction. In the absence of any provision in the University Calendar or the Prospectus, it was not open to the University authorities to divert the seat from one category to other.

8. Consequently, the writ petition is allowed and the respondent University authorities are directed to admit the petitioner to the M.Sc. Course in the Anthropology Department in the current session, against the seat reserved for the outstanding sports persons, forthwith. If in the meantime, the authorities have already filled the seat by admitting a candidate from the general side, the University may permit that student to continue the studies by making adjustment either against some other seat or by adding or creating another seat in order to accommodate that student. The petitioner shall also be entitled to the costs of this petition which are quantified at Rs. 590/- .

9. Petition allowed.