
(2013) 07 P&H CK 0215

In the Punjab And Haryana At Chandigarh

Case No : Civil Writ Petition No. 14760 of 2013

Riteash Bindal

APPELLANT

Vs

Panjab University

RESPONDENT

Date of Decision : 23-07-2013

Acts Referred:

Citation : (2013) 172 PLR 122 : (2014) 1 SCT 773

Hon'ble Judges : Rakesh Kumar Jain, J

Bench : Single Bench

Advocate : Vinod S. Bhardwaj, for the Appellant;

Judgement

Rakesh Kumar Jain, J.—The petitioner has challenged the corrigendum dated 08.07.2013 issued by the respondent rendering the petitioner ineligible for admission to B.E. Course. The case set up by the petitioner is that he has passed Matriculation and 10+2 examinations from the Central Board of Secondary Education (CBSE) with 82% and 68.2% marks respectively. He has participated in Junior National Ball Badminton and won 2nd position in the National Tournament organized by the State Amateur Ball Badminton Association of Punjab. The petitioner, having aspiration of becoming an Engineer, appeared in JEE Joint Entrance Examination (Mains) 2013 conducted by the JEE Apex Board, CBSE, under Roll No. 82902524. The result of the said examination was declared on 07.05.2013 in which the petitioner secured 57 out of 360 marks, i.e. equal to 16%. Respondent issued the prospectus for admission in B.E. Courses 2013 for its affiliated colleges in the month of June 2013 incorporating the following eligibility condition in Chapter 2:-

CHAPTER - 2

Eligibility Conditions

2.1 Academic

(a) For B.E. Courses

The admission to the First Semester B.E. Courses will be open to a candidate, who

i. has qualified in the JEE (Main)-2013 conducted by the CBSE for admission to these Courses. (See note I below)

ii. has passed 10+2 or its examination with at least 60% marks in aggregate (55% marks in case of SC/ST/Physically handicapped), conducted by a recognized board/University/Council in March/April 2013 and not earlier than March/April 2011.

(See note 2 and 3 below)

(b) For B. Arch. Course

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Note:

1. A candidate must secure a minimum of 55% marks in the Joint Entrance Examination JEE (Main)-2013 with Architecture Aptitude Test (For B-Arch only) to qualify for admission. However, candidates belonging to Scheduled Castes/ Scheduled Tribes and Physically handicapped categories shall be eligible if they secure a minimum of 10 percent of the maximum marks in JEE (Main)-2013 with Architecture Aptitude Test (For B. Arch Only).

2. According to the petitioner, he had secured 68.2 marks in 10+2 and 16% marks in JEE (Main)-2013 and was fully eligible for seeking admission in B.E. Course, but by virtue of corrigendum dated 08.07.2013, 3 days before the last date for depositing the counseling fee, a change has been brought in the qualification of JEE (Main)-2013. The corrigendum dated 08.07.2013 is also reproduced as under:-

Corrigendum

JOINT ADMISSION COMMITTEE-2013

UNIVERSITY INSTITUTE OF ENGINEERING & TECHNOLOGY

PANJAB UNIVERSITY, SECTOR 25, CHANDIGARH

For information of all candidates participating for admission to the institutes under JAC-2013 i.e. UIET, Dr. S.S.B. UICET, PEC, CCET, UIET Hoshiarpur, CCA

Refer Eligibility Conditions (Chapter 2, Page 4) of Information Brochure, Note 1:

The Condition of Securing minimum 15% marks (10% for SC/ST/PH) in JEE (Main)-2013 has been WITHDRAWN.

The Note 1 now should be read as follows:-

All candidates declared eligible by CBSE for BE/B. Arch counselling are eligible for registration to B.E. & B. Arch. Courses for the session 2013-14 on JAC website

3. Counsel for the petitioner has submitted that the respondent has now changed the criteria of the marks of the JEE on the basis of normalization formula and accordingly the percentile of the petitioner was reduced to 52.76% and the CBSE has also determined the cut off for the Common Merit List in General Category to be 62 marks. It is submitted by him that the conditions incorporated in the prospectus cannot be changed and would not affect the rights of the students, which has already accrued, in their favour.

4. In this regard, he has relied upon judgment of the Supreme Court in the case of Parmender Kumar and Others Vs. State of Haryana and Others, and a Division Bench Judgment of this Court in the case of Sri Guru Ram Das Charitable Hospital Trust and Others Vs. State of Punjab and Another,

5. The stand taken by the respondent is that the inter-se merit of the candidates for admission was to be determined as per Clause 2.4 of Chapter 2 of the Information Brochure, published by the Joint Admission Committee 2013, on the basis of All India rank obtained in JEE (Main)- 2013. Clause 2.4 is reproduced here-as-under:-

2.4 Inter-se merit for admission

The inter-se merit of the candidates for admission will be determined on the basis of All India Rank obtained in JEE (Main)-2013 only, except in the Sports Category (14) and the Defence categories of codes (15 to 35) given in Annexure 1 (page 61).

6. It is submitted that the JEE rank is determined on the basis of two components; (i) score of the candidate in JEE (Main)-2013; and (ii) score of the candidate in 10+2 examination. It is alleged that the normalization formula, so formulated by the Ministry of Human Resources and Development, determines the JEE rank broadly by giving 40% weightage for performance in Class 12th board and 60% weightage is given for performance in the JEE main examination. It is further averred that the petitioner has secured 57 out of 360 marks in the JEE (Main)-2013 and after the normalization formula, his total marks comes to 52.76 and All India Rank and Category Rank obtained by the petitioner is 469871 and 284689 respectively. The result was declared on 02.07.2013 and it came to light that since final admissions were to be made as per JEE rank, i.e. after considering the normalized score, the eligibility should also be fixed on the basis of the normalized score. The CBSE has considered it appropriate to fix the cut off marks at 62 after the normalized score. It is alleged that the seats available for admission in the general category, so far as the University is concerned, are 997, whereas the total number of applications received of the candidates having score of 64 marks and above in the general category is 5862.

7. Counsel for the respondent has submitted that the petitioner is not eligible for admission and has relied upon a decision of this Court in the case of Amandeep

Singh v. Guru Angad Dev Veterinary and Animal Sciences University, Ludhiana and others, 2010(2) R.S.J. 478.

8. I have heard learned counsel for the parties and perused the record.

9. The facts are not much in dispute that the petitioner has secured 68.2 marks in 12th class and 16% marks in the JEE (Main)-2013. It is also apparent from the eligibility condition mentioned in the prospectus that the petitioner is required to have at least 60% marks in aggregate in 12th class and minimum 15% marks in the JEE (Main)-2013. Thus, according to the prospectus, the petitioner is fulfilling both the eligibility conditions. The dispute arose when the respondent published a corrigendum in the newspaper on 08.07.2013 saying that "All the candidates declared eligible by CBSE for B.E/B. Arch counselling are eligible for registration to B.E. & B. Arch. Courses for the session 2013-14". The CBSE has given a normalization formula of taking into account 40% marks of the 12th class and 60% marks of the JEE (Main)-2013 for determining the rank, according to which the petitioner has secured 52.76 and the cut off for the Common Merit List of General Category has been shown as 62 marks and the petitioner's score is 52.76%. The issue involved in this case is that "whether the respondent could have changed the criteria for admission when the process for admission has already commenced based upon the prospectus because as per the counseling schedule, the registration started w.e.f. 01.07.2013 and the corrigendum has been published on 08.07.2013".

10. In *Parmender Kumar and others*" case (supra), it has been held by the Supreme Court that once the process for selection of candidates for admission to the Postgraduate and Diploma Courses had been commenced on the basis of the prospectus, no change could, thereafter, be affected by Government Orders to alter the provisions contained in the prospectus.

11. Similarly, in *Sri Guru Ram Das Charitable Hospital Trust, Amritsar and others*" case (supra), as per the prospectus, there was reservation for NRI quota for MBBS/BDS Courses by virtue of notification dated 14.05.2003 of the Punjab Government, which was part of prospectus providing for reservation for NRI candidates for the academic year 2003-2004. After all the formalities were completed for seeking admission, NRI quota was abolished vide notification dated 25.07.2003. It was held by this Court that the respondent would be estopped from denying the admission to the candidates against NRI quota on the basis of the notification dated 25.07.2003 and their claim for admission would be governed by notification dated 14.05.2003 as incorporated in the prospectus.

12. However, the judgment relied upon by counsel for the respondent in *Amandeep Singh*'s case (supra) is not applicable to the facts and circumstances of the present case.

13. Thus, in view of the aforesaid discussion, I am of the considered opinion that the rule of the game cannot be changed midway after the results are declared and admission process has started. The respondent is obliged to follow the

conditions which are part of the prospectus for the academic session 2013-14 and if any change is to be made, it has to be a part of the prospectus before commencement of the next academic session. Hence, the present writ petition is found to be meritorious, the same is allowed and the corrigendum dated 08.07.2013 is hereby quashed.