
(2019) 09 P&H CK 0175

In the Punjab And Haryana At Chandigarh

Case No : Civil Writ Petition No. 26583 Of 2019

Tara Chand

APPELLANT

Vs

Central Seat Allocation Board And Another

RESPONDENT

Date of Decision : 19-09-2019

Acts Referred:

Citation : (2019) 09 P&H CK 0175

Hon'ble Judges : Daya Chaudhary, J;Sudhir Mittal, J

Bench : Single Bench

Advocate : Gaurav Mohunta

Final Decision : Dismissed

Judgement

Daya Chaudhary, J

As per case of the petitioner, Tara Chand, he, after clearing the Senior Secondary Examination on 28.05.2017, 'Registered/Locked choices for Seat Allotment' and paid participation fees. He was provisionally allotted seat in respondent No.2-Institute. He also paid the seat acceptance fees besides being opting for 'Floating option'. However, his name was not displayed in the second round of counselling held on 01.08.2019. He received an e-mail dated 04.08.2019 stating that his seat had been cancelled as he did not furnish his latest OBC Certificate. Accordingly, he was not allotted seat in the last counselling. As per his case, he followed up the matter with respondent authorities through e-mail and thereafter, served a legal notice requesting to justify the reason for cancellation of his allotted seat and admission. He also filed a Civil Writ Petition No.14395 of 2019 before the Rajasthan High Court, which was dismissed as withdrawn vide order dated 03.09.2019 with liberty to file fresh one within appropriate jurisdiction. Thereafter, the present petition was filed.

Learned counsel for the petitioner submits that the claim of the petitioner has wrongly been rejected, whereas, he has already deposited the requisite fees i.e the participation fees and seat acceptance fees. The petitioner also opted for the

"Floating Seat" option. Learned counsel also submits that in view of provisions for allotment of "Floating Seat", it is the right of consideration given to the candidates if a higher preference in the given choices in any institute is available. In case, a higher choice is not available/allotted in the next round, he/she will have to continue with the currently accepted academic program. Learned counsel also submits that the name of the petitioner was not called, whereas, as per rank, he was eligible for stream of "Electrical Engineering" in the second counselling. Learned counsel further submits that the rank of the petitioner under the Open category was 82550 for the course opted by him at Sr. No.326, which was within the limit. He should have been called for the second counselling but still was not called. Learned counsel also submits that neither any reason was given nor his representation was responded. Only, through e-mail, he was informed that his seat was cancelled as he did not furnish his latest OBC certificate. At the end, learned counsel submits that the delay has occurred because the petitioner approached the Rajasthan High Court but liberty was given to him to approach the appropriate place of jurisdiction, where respondent No.2-Institute is situated.

We have heard the arguments of learned counsel for the petitioner and have also perused the documents available on the file. The facts of the case are not disputed.

Admittedly, the claim of the petitioner has been rejected on the ground that he did not submit his latest OBC Certificate. Petitioner was allotted seat in respondent Institute under the Open Category. Thereafter, he was asked to submit his latest OBC Certificate, which was not submitted and in absence thereof, his allotted seat was cancelled. On intimation sent through Gmail, the petitioner was informed that latest OBC Certificate was not sent. On not clearing the discrepancy by the petitioner and as per business rules, his seat was cancelled and was not allotted seat in Special Round 2. No doubt, the petitioner was allotted seat in Open Category but subsequently, he claimed a seat in OBC Category and was asked to submit his latest OBC Certificate, which was never submitted by him. In addition to that, the last date of admission is over and all process has been completed. The claim of the petitioner was rejected vide Gmail communication dated 04.08.2019. The Information Brochure and Admission Notice have the force of law and have to be strictly complied with and no modification can be made by any authority including the competent authority according to its whims, choice and fancies.

It has been held in various judgments of Hon'ble the Apex Court as well as of this Court that in case, any variation is made contrary to the admission notice, it will lead to injustice, arbitrariness and unfair results. The respondent authority has no power to violate the conditions of Brochure and to prescribe its own date for submission of the certificate after the last date. In spite of sending communication, the latest OBC Certificate was not submitted by the petitioner.

Similar issue was there before the Division Bench of this Court in case Ankita

Sharma vs The Chairman, Joint Admission Committee, Chandigarh decided on 12.07.2019. In said case, the Sports Gradation Certificate was submitted after the last date of filling up the form and her claim was rejected on the ground that the Sports Certificate was not submitted with the application form. Finding no illegality or irregularity in the impugned communication while rejecting the claim of the petitioner in that case in sports category, the writ petition filed by her was dismissed.

Same view was held in CWP No.20319 of 2019 titled as Ishita Singhal vs Union Territory, Chandigarh and another decided on 25.07.2019.

The view taken in the present case is supported by judgment of Full Bench of this Court in case Indu Gupta vs Director of Sports, Punjab 1999(4) S.C.T. 113.

Same view was taken by Bombay High Court in case Pranjali Bhalchandra Shirsatvs State of Maharashtra and others 2017(1) ALL MR 308 as well as by Delhi High Court in case Akanksha Dokaniavs Netaji Subhas Institute of Technology 2010(11) S.C.T. 161.

Keeping in view the facts as well as legal position as discussed above, we find no merit in the contentions raised by learned counsel for the petitioner and the present petition, being devoid of any merit, is hereby dismissed.