

(2000) 07 P&H CK 0026

High Court Of Punjab And Haryana At Chandigarh**Case No:** Civil Writ Petition No. 5025 of 1999

Sarbnidhan Singh

APPELLANT

Vs

State of Punjab

RESPONDENT

Date of Decision: July 4, 2000**Acts Referred:**

- Constitution of India, 1950 - Article 226

Hon'ble Judges: R.L. Anand, J**Bench:** Single Bench**Advocate:** Dr. M.L. Sachdeva, for the Appellant; Ms. Gurveen H. Singh, AAG, for the Respondent

Judgement

R.L. Anand, J.

Petitioner has filed the present petition seeking direction of this Court against respondent No. 3 i.e. Principal, District Institute of Education and Training (DIET), Rampur Lilian, District Jalandhar to allow the petitioner to attend the classes who has sought admission in the Elementary Teachers Training Course under the category of freedom fighter.

2. The case set up by the petitioner is that he passed the matriculation examination in the 1st Division. He passed 10+2 in the year 1998 securing 263 marks out of 450 marks. He is a permanent resident of the State of Punjab and resides in Tarsika, Tehsil Baba Bakala, District Arnrtsar. The petitioner further alleged that he is a grand son (Dohta) of late Sh. Gurbax Singh son of Shri Bhagwan Singh, who was a freedom fighter. The Convenor, Elementary Teachers Training Entrance Test-cum-DPI (Primary), Punjab issued advertisement regarding holding of Entrance Test for the Session 1998-2000. The petitioner applied in response to that advertisement. The result was published and petitioner was shown at merit No. 51. The petitioner alleges that he deposited the requisite fees and other dues and he started attending the classes with effect from 11.3.1999 but on 9.4.1999 his admission to the said course was cancelled on the ground that Yaspal and Balbir

Singh had the higher merit than that of the petitioner. According to the petitioner, there are still vacant seats in the general category against which the petitioner can be accommodated, therefore, he is seeking the above directions against respondent No. 3.

3. The claim of the petitioner has been contested by the respondents. During the course of submissions, it has been established that there was only one seat reserved for the ward of freedom fighter. Balbir Singh is also a ward of the freedom fighter and he had a higher merit than that of the petitioner. In these circumstances, the petitioner has no preferential claim than that of Shri Balbir Singh. Similarly, Shri Yash Pal had the higher merit than that of the petitioner.

4. In this view of the matter, when the petitioner has no higher merit than that of Shri Balbir Singh, therefore, he could not claim his right for the seat and as such the action on the part of the respondent authorities cannot be held to be illegal.

5. Faced with this difficulty, the teamed counsel for the petitioner submitted that in LPA No. 87 of 1999 the respondent authority created 332 seats for various District Institutes of Education and Training (DIET) and in these circumstances, the petitioner can be accommodated against one of those seats or atleast the petitioner should be accommodated against the general category seat when there is no fault on the part of the petitioner, who, at one point of time, was allowed to get the admission. The submission of the learned counsel for the petitioner cannot be accepted. We are concerned with a particular course. In that course there was only one seat for the ward of freedom fighter and admittedly, Shri Balbir Singh had better merit than that of the petitioner. In these circumstances, I do not see any merit in this petition which is hereby dismissed with no order as to costs.

6. Petition dismissed.