

(2013) 10 P&H CK 0349

High Court Of Punjab And Haryana At Chandigarh

Case No: CWP. No. 17233 of 2013 (O and M)

Supriya Sihag

APPELLANT

Vs

National Institute of Technology
Kurukshetra and Others

RESPONDENT

Date of Decision: Oct. 8, 2013

Hon'ble Judges: Rakesh Kumar Jain, J

Bench: Single Bench

Advocate: Aman Pal, for the Appellant; A.S. Virk, Advocate for Respondent No. 1, Mr. Rajiv Parsad, DAG, Haryana and Mr. Sandeep Jain, Advocate for Respondent Nos. 4 and 5, for the Respondent

Final Decision: Dismissed

Judgement

Rakesh Kumar Jain, J.

The petitioner is a Bachelor of Technology (Electronics and Communication Engineering) and has also passed Graduate Aptitude Test in Engineering (GATE) by securing 321 marks. He applied for admission in M. Tech. through spot counselling, which was to be held on 30/31.07.2013 for the academic year 2013-14, and filled up forms of the courses available, namely, Very Large Scale Integrated Design, Embedded System Design, Control System Engineering and Biomedical Engineering. As per the schedule of counselling, the candidates, reporting for counselling on 30/31.07.2013, were to submit filled-in application forms along with all supporting documents and to report and mark their attendance between 9.00 AM to 11.00 AM on the day of counselling. The petitioner participated in the spot counselling on 30.07.2013, which started at 7.30 PM and concluded at 5.00 AM on the next day. At about 4.00 AM, the petitioner got a seat in Biomedical Engineering which was her last preference. On 31.07.2013, the petitioner again appeared in the counselling between the prescribed time of 9.00 AM to 11.00 AM but she did not get her desired seat in the Very Large Scale Integrated Design discipline though two seats fell vacant in the evening were offered to the two non-GATE candidates. According to the prospectus, seats were to be first allotted to GATE qualified candidates and if it

remained unfilled, the non-GATE candidates were to be considered. Thus, the petitioner has filed the present writ petition seeking a direction to the respondents to allot her a seat in the Very Large Scale Integrated Design discipline being a GATE qualified candidate.

In reply filed on behalf of the University, it is alleged that the petitioner did not appear for counselling on 31.07.2013 between 9.00 AM to 11.00 AM though it was clearly mentioned in the prospectus that the candidates reporting for counselling on July 22nd, 30th and 31st have to submit filled in application form along with all supporting documents, report and mark their attendance between 9.00 AM to 11.00 AM on the day of counselling and no application form will be accepted after 11.00 AM and only those candidates who would report before 11.00 AM would be considered for counselling. It is further submitted that as per the counselling schedule, counselling of GATE qualified eligible candidates with valid GATE score for Type-A, C seats was fixed for 30.07.2013 and the counselling of GATE qualified (with valid GATE score) & non-GATE eligible candidates for Type-A, C seats was fixed for 31.07.2013. The relevant notes in this regard are reproduced as under:-

* Seats will be first allotted to GATE qualified candidates and if seats remain unfilled, non-GATE candidates will be considered for admission.

* Seats will be allotted on the basis of choice preference filled and GATE score obtained by the candidate. The GATE score should be more than GATE cut off.

"(i) The candidates reporting for counseling on July 22nd, 30th and 31st have to submit filled in application form along with all supporting documents, report and mark attendance between 9 AM to 11 AM on the day of counseling. No application form will be accepted after 11 AM. Only those candidates who have reported before 11.00 A.M. will be considered for counselling.

Applications submitted on any day of counseling as in Table 8(b) will also be considered for subsequent days of counseling provided the candidate is eligible on the day concerned for the Type of seat for which counseling is going to be held on subsequent day and the candidate marks attendance on subsequent day and is physically present during the allotment of seat on that subsequent day.

2. Counsel for the petitioner has vehemently argued that since the petitioner was present in the counselling on 30.07.2013 which started at 7.30 PM and continued in the wee hours on 31.07.2013, the petitioner was very much present in the counselling center and marked her presence because the form filled up for all the courses on 30.07.2013 was sufficient for the counselling fixed for 31.07.2013 as well.

3. On the other hand, counsel for the respondents have submitted that since it was made clear in the prospectus that the application submitted on any day of counselling as provided in Table 8(b) would also be considered for subsequent days of counseling provided the candidate is eligible on the day concerned for the Type of

seat for which counselling is going to be held on subsequent day, therefore, the application submitted by the petitioner on 30.07.2013 was entertained even for the counselling on 31.07.2013, but it was also specifically mentioned in the prospectus that the candidate has to mark attendance on subsequent day and has to be physically present during the allotment of seat, meaning thereby if the candidate did not report and mark attendance between the prescribed period on the day of counselling, he/she would not be considered in any circumstance.

4. After hearing learned counsel for the parties and perusing the record, I am of the considered opinion that the petitioner has not challenged the aforesaid relevant Clauses of the prospectus on the ground of its unreasonableness, rather the whole case of the petitioner is that she was present at the time of counselling on 31.07.2013 which has been strongly denied by the counsel for the respondents because her attendance has not been marked between 9.00 A.M. to 11.00 A.M. and since it was specifically mentioned in the note, referred to above, that the candidates reporting for counselling on July 22nd, 30th and 31st have to submit filled in application form along with all supporting documents and have to report and mark their attendance between 9.00 AM to 11.00 AM on the day of counseling and only those candidates who would report before 11.00 A.M. would be considered for counselling, in the absence of the attendance of the petitioner between 9.00 AM to 11.00 AM on 31.7.2013, she could not have been considered for allotment of seat in the discipline of Very Large Scale Integrated Design even if she was a GATE qualified candidate and in her absence, due to non-availability of other GATE qualified candidates for the said discipline, the seats have rightly been allotted to the non-GATE candidates. In view of the aforesaid discussion, I do not find any merit in the present writ petition and hence, the same is hereby dismissed.