

(10) Manifestly, the controversy, which had arisen in both the above noted cases is entirely different than in the present case. In the present case admission of the petitioner has been cancelled at the initial stage. If the impugned order is quashed as prayed by the petitioner it would tantamount to directing the official respondents to permit ineligible students to continue with the course which would be perpetuating an illegal admission and the University by its negligence, acquiescence or for any other reason cannot be allowed to bye-pass the provisions of the prospectus and to grant admission to the course to the students who do not fulfil the eligibility criteria.

(11) Adverting to the other submissions made, it was pointed out by the learned counsel for the petitioner that because of lack of care in properly scrutinising the admission form and the documents annexed thereto, the petitioner has been left in lurch because she cannot seek admission at this stage to any other course and for that reason the Court should come to her rescue. This plea is based more on compassion which has no support of the law. The petitioner has been placed in a situation of her own doings. The petitioner was duty bound to carefully examine the provisions of the prospectus before claiming admission under the reserve category. The petitioner cannot shift the blame to the respondents in this regard merely because the respondents have ignored the requirement of the prospectus to the detriment of eligible candidates. If this contention is allowed to prevail, then the eligible candidates would be denied admission on the basis of the wrong action of the University in granting admission to ineligible candidates. Therefore, there is no force in the stand taken from the side of the petitioner.

From the aforesaid, we find no merit in the writ petition and dismiss the same.

S.C.K.

Before N.K. Sodhi & R.C. Kathuria, JJ

MANDEEP SINGH,—*Petitioner*

versus

STATE OF PUNJAB & OTHERS,—*Respondents*

C.W.P. No. 10710 of 2000

23rd November, 2000

Constitution of India, 1950—Art. 226—Prospectus for admission to Punjab Medical Entrance Test, 2000—Admission to M.B.B.S.

Course—Petitioner applying for admission under the reserve category—Neither respondent No. 5 indicated her claim under reserve category in the admission form nor she submitted reserve category certificate with the form—She putting her claim under the reserve category only after the declaration of result of the entrance test—Non-compliance of the provision of the prospectus—Admission granted to respondent No. 5 quashed being in violation of the provisions of the prospectus—Admission granted to the petitioner under the reserve category.

Held, that the provisions of the prospectus leave no manner of doubt that two stages for submitting the application forms by the candidates have been prescribed. At the first stage, the candidates are required to send the application forms for appearing in PMET, 2000 alongwith testimonials and requisite fee. Where the admission is sought under reserved category, then, in addition, the candidate is required to attach a valid certificate issued by the competent authority alongwith the application form. Respondent No. 5 had not submitted any reserved category certificate along with the application form when she applied for PMET-2000. She had also not indicated in the admission form at that stage that she was seeking admission under reserved category. For the first time, she had put up her claim under the reserved category at the time she had submitted the application to respondent No. 2 after the declaration of the result.

(Paras 9 & 10)

Further held, that from the provisions of the Prospectus the only conclusion that can be drawn is that eligibility of the candidate is to be judged with reference to the date by which the application for admission is to be filed because that is the basis on which not only the candidate is to take PMET-2000 but on the basis of merit achieved by him in the examination the process of formulation of the admission is to be finalised by Baba Farid University of Health Sciences, Faridkot. Therefore, both the stages of submitting of application forms with the required documents to the respective Universities are mandatory, the reason being the prospectus issued by the University has the force of law and cannot be modified.

(Para 13)

Alka Chatrath, Advocate, *for the Petitioner*

Lakhinder Bir Singh, Additional Advocate General, Punjab *for respondent No.1*

P.S. Patwalia, Advocate *for respondent Nos. 2 and 3.*

Rajiv Atma Ram, Advocate, *for respondent No. 4*

I.D. Singla, Advocate *for respondent No. 5.*

JUDGMENT

R.C. Kathuria, J.

(1) In this petition, Mandeep Singh petitioner has prayed for writ in the nature of certiorari for quashing the action of respondent Nos. 1 to 3 in granting admissions to Gurtej Singh Malhi (respondent No. 4) and Sudeep Kaur (respondent No. 5) in M.B.B.S. Course for session 2000 under Freedom Fighters 'Category' (hereinafter referred to as F.F. Category). At the same time, he has sought direction against above-stated respondents to grant admission to him in the said course under F.F. Category.

(2) For admissions to M.B.B.S/B.D.S/B.A.M.S (Ayurvedacharya) Courses for the session 2000 in the three State Medical Colleges, two State Dental Colleges and Government Ayurvedic College, Patiala, the Governor of Punjab directed Baba Farid University of Health Sciences, Faridkot (respondent No. 2) to conduct Punjab Medical Entrance Test (hereinafter referred to as PMET-2000). Thereafter, the Vice Chancellor of respondent No. 2 authorised Guru Nanak Dev University, Amritsar, respondent No. 3 (hereinafter referred to as 'the University') to conduct PMET-2000 on its behalf.

(3) The petitioner had passed 10+1 and 10 + 2 examinations from Guru Nanak Public School, Sarabha Nagar, Ludhiana. His grandfather Mr. Kashmir Singh, being a freedom-fighter, had been granted pension by the Punjab Government,—*vide* order No. 10 (42) 3P-96/714 dated 16th January, 1997. Being the ward of a freedom-fighter, he applied for admission to M.B.B.S. Course by submitting his application for appearing in the PMET-2000 under the F.F. Category before the last date i.e. 18th May, 2000. He appeared in the said examination held on 18th June, 2000 and secured 467 marks in the result declared on 25th June, 2000. His rank was 7th in the F.F. Category. Interviews for admission to M.B.B.S. Course under the general category were to be held on 21st July, 2000 and for reserved categories on 22nd July, 2000. The schedule of the interviews was changed and fresh dates for the same were informed by respondent No. 2 by issuing a public notice in the press. The petitioner appeared for counselling held on 31st July, 2000 under general category, but could not get admission as the candidate who had secured 228th position in the merit was admitted to the said Course under the general category. He appeared again for interview on 1st August, 2000, on which date the interviews for admission under the reserved categories including the F.F. Category were held. In all, there were three seats under the F.F. Category, out of which two were in Government Medical College, Patiala and one in Government Medical College, Amritsar.

The candidates who had secured first three positions under the F.F. Category did not appear for interview as they had got admissions in the said Course under the general category. Gurtej Singh Malhi (respondent No. 4), Sudeep Kaur (respondent No. 5 and one Divya Khosla were granted admissions in the said Course under the F.F. Category. The candidature of Amandeep Kaur, who had secured more marks than the petitioner, was rejected on the ground that she had failed to attach requisite certificate under this category. The petitioner was denied admission by respondent No. 2 on the plea that seats under the F.F. Category were already filled when he had appeared for interview. Challenge to the admissions granted to respondent Nos. 4 and 5 has been made by the petitioner on the averments that as Gurtej Singh Malhi (respondent No. 4) had not appeared for counselling under the F.F. Category on 1st August, 2000 and had not shown the certificate/testimonials relating to his eligibility, identity and willingness to join the said Course, his name could not be included in the merit list for admission to the said Course under the F.F. Category. Sudeep Kaur (respondent No. 5) had initially applied to the University under Border Area/Backward Area category and her rank being 68 she could not get admission under that category. She was wrongly given admission under the F.F. Category as she had not appended the copy of the category certificate on or before 18th May, 2000 i.e. the last date of submission of the applications for PMET-2000 as laid down in the Prospectus and the certificate dated 15th July, 2000 submitted by respondent No. 5 could not be made the basis of granting admission to her, though such a certificate was again required to be submitted after the declaration of the PMET-2000 result in terms of the Prospectus. On these premises, the petitioner has invoked the extraordinary jurisdiction of this Court under Article 226 of the Constitution.

(4) The petition has been contested by the respondents. Dr. T.L. Parmar, Chairman, Selection Committee and Principal, Guru Gobind Singh Medical College, Faridkot, has filed written statement on behalf of respondent No. 1. It has been pleaded by him that Gurtej Singh Malhi (respondent No. 4) had appeared for interview on 1st August, 2000 at his turn. His certificates were checked and thereafter he had submitted his option of station before the members of the Selection Committee. He was then selected for the said Course provisionally and joined at Government Medical College, Amritsar. For the three seats reserved under the F.F. Category, Gurtej Singh Malhi (respondent No. 4) was admitted in Government Medical College, Amritsar and the other two candidates, namely, Sudeep Kaur (respondent No. 5) and Divya Khosla were granted admissions in Government Medical College, Patiala. The candidature of Amandeep

Kaur Dhatt was rejected under the F.F. Category as she had not attached the required certificate. When petitioner appeared for interview, all the three seats under the F.F. Category were filled up by the candidates higher in merit than the petitioner. Regarding Sudeep Kaur (respondent No. 5), it was stated by him that she had applied to respondent No. 2 under two categories, namely, Border Area and F.F. Category. She had secured 472 marks in PMET-2000. She could not get admission under Border Area category as the candidates having marks upto 507 were called for interview. Under the F.F. Category, her name was at serial No. 4 and was, accordingly, granted admission in the said Course.

(5) Sudeep Kaur (respondent No. 5), in her written statement, while controverting the stand of the petitioner, stated that Deputy Commissioner, Gurdaspur, had refused to give certificate to her as the ward of dependent of political sufferer, which forced her to file a writ petition in this Court. The same was accepted vide order dated 3rd July, 2000 (copy Annexure R/5/1) and a direction was given to Deputy Commissioner, Gurdaspur, to decide the application moved by her in accordance with law. Deputy Commissioner, Gurdaspur, then issued a certificate dated 15th July, 2000 (Annexure R/5/2) showing her as a ward of political sufferer. She had submitted the said certificate along with applicaiton for admission to said Course to respondent No. 2. She, thus, claimed that she had rightly applied under the reserved F.F. Category and granted admission by respondent No. 2.

(6) We have heard Ms. Alka Chatrath, learned counsel for the petitioner, Mr. Lakhinder Bir Singh, learned Additional Advocate General, Punjab, for respondent No. 1, Mr. P.S. Patwalia, learned counsel for respondent Nos. 2 and 3, Mr. Rajive Atma Ram, learned counsel for respondent No. 4 and Mr. I.D. Singla, learned counsel for respondent No. 5 and have gone through the records of the writ petition.

(7) The primary grievance of the learned counsel for the petitioner is that admission granted to Gurtej Singh Malhi (respondent No. 4) was in violation of the provisions of the Prospectus because he had never appeared for counselling on 1st August, 2000 under the reserved F.F. Category. It is manifest from Para 6 of the Prospectus, PMET-2000 that at the time of interview, the candidate is required to produce testimonials and other required documents mentioned therein so as to determine his/her eligibility for the admission. It has also been laid down in Para 6 (b) of the Prospectus that the candidate who fails to appear in person on the notified date, shall forfeit the claim for the seat. Dr. T.L. Parmar, in his written statement filed on behalf of

6. The claim for SC/ST and other reserved categories is to be given in Application Form to be sent to the Co-ordinator PMET-2000, GNDU, Amritsar along with valid certificate. Similarly, for claim of such a reserved category, specific mention may also be given in the Interview-cum-Admission Form to be submitted to BFUHS, Faridkot after the declaration of PMET-2000 result along with their attested copies.

7. xx xx xx

2. ELIGIBILITY FOR TEST/ADMISSION

(i) xx xx xx

(ii) xx xx xx

(iii) The Candidates belonging to any of the category mentioned above should also fulfil the following conditions :—

(a) The Candidate must have completed age of 17 years at the time of admission or will complete the age on or before 31st December, 2000.

(b) All the candidates who have secured at least 50% (45% in case of candidates belonging to the SC/ST) of aggregate marks in four compulsory subjects i.e. Chemistry, Physics, Biology and English taken together of 10+2 pattern or equivalent examination shall be eligible to sit for the P.M.E.T.

(c) A candidate who has appeared for qualifying examination but whose result has not been declared may be provisionally permitted to sit in the P.M.E.T., but his/her result will be declared, only after he/she has produced the evidence of having satisfied the above eligibility condition in para (b) above.

(d) xx xx xx.

3. HOW TO APPLY

Last date for submission of applications complete in all respects is 18th May, 2000

3.1 Candidate seeking admission to the Punjab Medical Entrance Test (PMET-2000) shall be required to send his/her application on the prescribed 'Application Form' given at the end of the Prospectus.

3.2 (i) The Candidate shall fill in the Application Form in his/her own hand and send it along with a fee of Rs. 600 (Rupees six hundred only) and Rs. 300 (Rupees three hundred only) for SC/ST candidates by a crossed Demand Draft payable at Amritsar drawn in favour of the Registrar, Guru Nanak Dev University, Amritsar by Registered A.D. to the Co-ordinator, PMET-2000, Guru Nanak Dev University, Amritsar or in cash at the cash Counter of Guru Nanak Dev University, Amritsar by 18th May, 2000 by 5 P.M.

(ii) Applications received after the due date and time due to any reason including postal delay, shall be rejected. Applications can also be submitted directly at the counter of Entrance Test Cell (PMET) of the G.N.D. University by due date and time to avoid delay.

Note 1. Candidate must give his/her complete name and address on the reverse side of Bank Demand Draft.

2. (a) The University does not take any responsibility for delay in the receipt or loss of application in transit.

(b) All particulars in the application form must be written clearly and legibly.

(c) Applications, which are incomplete in any respect shall be rejected.

3.3 The application form duly filled in should be accompanied by the following documents :

a. Six recent passport-size photographs (from the same negative) of the candidate duly signed by the candidate at the front top side of photograph and attested by the Principal of a recognised College/School presently attending or last attended, one copy each be pasted with gum in the space provided in the Application Form, the Admit Card, the Attendance-cum-Identification Form, Interview Form and two to be enclosed with the Application Form. The photographs of the candidate must be attested by the same person attesting the application form.

b. An attested copy of the Matriculation/Higher Secondary Certificate issued by the University/Board showing the date of birth of the candidate (No other evidence of the candidate's date of birth shall be accepted.) If such a certificate has not been received from the University/Board, a certificate from the Principal/Head of the College/School last attended shall

be submitted and the candidate shall have to furnish a true copy of the Matriculation/Higher Secondary Certificate issued by the University/Board showing the date of birth at the time of interview for admission to the course.

- c. An attested copy of the certificate from the concerned University/Board or the Principal/Head of the College/Institution to the effect that the candidate has passed 10+2 or an equivalent examination should be submitted. In case of candidates who have appeared in 10+2 or equivalent examination in 2000 must submit a certificate to that effect from the Principal/Head of the Institution last attended on a prescribed form.
- d. An attested certified true copy of the certificate in respect of good conduct from the Principal/Head of the College/Institution last attended.
- e. Candidates applying under SC/ST or other reserve category must submit an attested copy of the category certificate issued by the competent authority as defined in Section 7 of this prospectus.
- f. An attested copy of Punjab Resident Status Certificate as per Punjab Government Instructions contained in letter No. 1/3/95-3PP-II/9619, dated 6th June, 1996 (Annexure).

The claim of candidates whose SC/ST or other reserved category certificate is found to be incomplete or that has not been issued by the competent authority as per form of certificate appended with the application form, claim will not be entertained. Therefore, candidates are advised to attach or submit proper certificate/s in their own interest.

Note : Photostat copies of the certificates/documents should be attested by the competent authority.

- 3.4a. Candidates should not submit original certificates unless specifically asked for by the University.
- b. In case any candidate is found to have furnished false information or certificate etc. or is found to have withheld or concealed information in his/her application for or is guilty of misconduct he/she shall be debarred from admission to the course.
- c. Incomplete applications and those received after the prescribed dates shall not be entertained and will be rejected without any intimation to the candidates.

d.	xx	xx	xx
e.	xx	xx	xx
f.	xx	xx	xx
g.	xx	xx	xx

5. ELIGIBILITY FOR P.M.E.T. AND ADMISSION TO M.B.B.S./B.D.S./B.A.M.S. (AYURVEDACHARYA) COURSES,

(i) The candidate will have to apply separately for appearing in the P.M.E.T. to the Guru Nanak Dev University, Amritsar and also after declaration of P.M.E.T. result to Baba Farid University of Health Sciences, Faridkot for admission to M.B.B.S./B.D.S./B.A.M.S. courses on separate application forms prescribed by the same as per prescribed norms and conditions of the University.

(ii) Admission shall be made strictly on the basis of relative merit of candidates determined according to the marks secured in Punjab Medical Entrance Test (P.M.E.T). In the case of reserved seats, relative merit of the candidates shall be determined within each category of reservation.

In the case of category of sports, relative merit of the candidate shall be determined on the basis of sports performance during 10+2 academic course and candidates should have obtained at least 35% marks in P.M.E.T.

All certificates on the basis of which reservation is being sought will have to be appended with the application forms for admission to M.B.B.S./B.D.S./B.A.M.S courses. No claim made at a later stage shall be entertained.

(iii) The candidates applying for the reserve category (ies) should carefully indicate his/her claim or the reserve category (ies) in the Admission Form to be submitted to the Baba Farid University of Health Sciences, Faridkot at the time of submission of application forms after the declaration of P.M.T. result for the admission to Medical/Dental/Ayurvedic College separately on the prescribed form. However the candidates seeking admission against reserve seat will indicate their claim of reservation in the application for P.M.E.T. also.

(iv) No change of category (ies) will be entertained/permitted at the later stage. Admission against reserve category shall be made strictly in accordance with the order of Hon'ble Punjab

& Haryana High Court in C.W.P. No. 10053 of 1994. Accordingly, candidates in Reserved Category (ies) are to be considered first in general category along with general category candidates depending upon their merit and then the seats in reserved category (ies) shall be filled from amongst the candidates in those categories according to their merit. This will also apply for admission form waiting list. However, the candidate once admitted against the Reserved Category Seat shall not be shifted to General Category at later stage.

(9) The detailed examination of the above-quoted provisions of the Prospectus leaves no manner of doubt that two stages for submitting the application forms by the candidates have been prescribed. At the first stage, the candidates are required to send the application forms for appearing in PMET-2000 along with testimonials and requisite fee by 5 p.m. on 18th May, 2000. Where the admission is sought under reserved category, then, in addition, the candidate is required to attach a valid certificate issued by the competent authority along with the application form. He is further required to indicate in the application form itself the claim for such reserved category. At the same time, for the benefit of the candidates, if the proof of having passed the qualifying Examination cannot be sent along with the application form, Result-cum-Detailed Marks Card has been permitted to be sent to the Co-ordinator by 25th May, 2000. The second stage, which is the post declaration result stage of PMET-2000, does again require the candidates to submit to Baba Farid University of Health Science, Faridkot, Interview-cum-Admission Form by 15th July, 2000. Further, in case of a candidate basing his claim under reserved category, he has to comply with two more requirements, namely, to mention about the reserved category in the Interview-cum-Admission Form and to attach copies of the documents in support thereof.

(10) In this case, admittedly, respondent No. 5 had not submitted any reserved category certificate along with the application form when she applied for PMET-2000 to Guru Nanak Dev University, Amritsar. She had also not indicated in the Admission Form at that stage that she was seeking admission under reserved category. She is fully aware of the above requirement of the Prospectus and for this reason she has rendered an explanation in the written statement in this regard. According to her, though she was inclined to apply, in the first instance, to PMET-2000, but could not annex certificate of ward of dependent of political sufferer as the same was not issued by the Deputy Commissioner, Gurdaspur. It was only when she obtained the said certificate with the intervention of this court,—*vide* order dated 3rd July, 2000 (copy Annexure R/5/1) that she had submitted her

application-cum-interview form for admission to respondent No. 2 along with certificate of ward of dependent of political sufferer dated 15th July, 2000 (copy Annexure R/5/2). In the written statement filed by Dr. T.L. Parmar, Chairman of the Selection Committee, he has also clarified the position because it has been stated by him that in the application submitted by Sudeep Kaur (respondent No. 5) she had claimed her candidature under Border Area and Freedom Fighters' Categories. As she was at serial No. 4 in the list of candidates seeking admissions under F.F. Category, she was granted admission. This also shows that, for the first time, respondent No. 5 had put up her claim under the reserved category at the time she had submitted the application to respondent No. 2 after the declaration of the result.

(11) In view of these circumstances, the learned counsel representing respondent No. 5 spared no efforts to persuade us to consider the provisions of the Prospectus covering the first stage of submitting the application-forms for appearing in PMET-2000 upto 18th May, 2000 as directory because, according to him, no useful purpose would be served by submitting the reserved category certificate at that stage when after the declaration of result the candidate was again required to indicate the reserved category in the Interview-cum-Admission Form and also to attach copies of the supporting documents to respondent No. 2. According to him, it is the second stage which will help the University to finalise the result and for that reason requirement laid-down in the Prospectus in this regard should be considered as mandatory. Opposing the submission made, it has been vehemently urged by the learned counsel representing the petitioner that respondent No. 5 cannot be allowed to by-pass the requirement of the Prospectus and such a construction would render compliance of the provisions of the Prospectus not only optional but at the whims of the candidates. Further, according to him, the acceptance of the stand of respondent No. 5 would tantamount to modifying the provisions of the Prospectus.

(12) After giving our anxious, thoughtful and earnest consideration to the submissions made by both the parties before us, we find it difficult to accept the construction put to the provisions of the Prospectus from the side of respondent No. 5. The relevant provisions of the Prospectus have been noticed in detail above, but in order to deal with the contentions raised, they have to be referred to even at the risk of repetition. It has been stated in Para 3 of the Prospectus that the last date for submission of applications complete in all respects was 18th May, 2000. The candidates who were claiming admissions under reserved categories were duly cautioned as it has been stated therein that the claim of candidates whose SC/ST or other

reserved category certificate was found to be incomplete or that had not been issued by the competent authority as per form of certificate appended with the application form, would not be entertained. It is for that reason the candidates were advised to attach or submit proper certificates in their own interest. It has also been stated in Para 5 of the Prospectus that the candidates applying for the reserved category (ies) should carefully indicate his/her claim for the reserved category (ies) in the Admission Form to be submitted to respondent No. 2 at the time of submission of applications forms after the declaration of P.M.E.T. result for admissions to the Course separately on the prescribed form. It has further been provided that the candidates seeking admissions against reserved seats will indicate their claim of reservation in the application form for PMET as well. The provisions of the Prospectus further envisage that no change of category (ies) will be entertained/permitted at the later stage. What is the consequence of non-compliance of these requirements has been stated in Para 3 of the Prospectus because it has been clearly mentioned that the applications, which are incomplete in any respect, shall be rejected.

(13) From the above provisions of the Prospectus, the only conclusion that can be drawn is that eligibility of the candidate is to be judged with reference to the date by which the application for admission is to be filed because that is the basis on which not only the candidate is to take PMET-2000, but on the basis of merit achieved by him in the examination the process of formulation of the admission is to be finalised by Baba Farid University of Health Science, Faridkot. Therefore, both the stages of submitting of application-forms with the required documents to the respective Universities are mandatory, the reason being the Prospectus issued by the University has the force of law and cannot be modified.

(14) This view of ours is supported by judicial pronouncements as well. In *Rahul Prabhakar v. Punjab Technical University, Jalandhar and others*, (1) It was observed in para 8 of the judgment as under :—

“8. A Full Bench of this Court in *Amandeep Singh Sahota v. State of Punjab and others*, 1993 (4), S.L.R. 673 had to consider the scope and binding force of the provisions contained in the Prospectus. The Bench took the view that the prospectus issued for admission to a course, has the force of law and it was not open to alteration. In *Raj Singh v. Maharishi Dayanand University and others*, 1994 (2) S.L.R. 581 (Pb. & Hry) another Full Bench of this Court took the view that a candidate will have to be taken to be by the information

(1) 1997(5) S.L.R. 163 (F.B.)

supplied in the admission form and cannot be allowed to take a stand that suits him at a given time. The Full Bench approved the view expressed in earlier Full Bench that eligibility for admission to a Course has to be seen according to the Prospectus issued before the Entrance Examination and that the admission has to be made on the basis of instructions given in the prospectus, having the force of law. Again Full Bench of this Court in *Sachin Gaur v. Punjabi University, Patiala 1995 (5) S.L.R. 803 (Pb. & Hry.)* took the view that there has to be a cut off date provided for admission and the same cannot be changed afterwards. These views expressed by earlier Full Benches have been followed in CWP No. 6756 of 1996 by the three of us constituting another Full Bench. Thus, it is settled law that the provisions contained in the information brochure for the Common Entrance Test 1997 have the force of law and have to be strictly complied with. No modification can be made by the Court in exercise of powers under Article 226 of the Constitution of India. Whenever a notification calling for applications, fixed date and time within which applications are to be received whether sent through post or by any other mode that time schedule has to be complied with in letter and spirit. If the application has not reached the Co-ordinator or the competent authority as the case may be the same cannot be considered as having been filed in terms of the provisions contained in the prospectus or Information Brochure. Applications filed in violation of the terms of the brochure have only to be rejected.

(15) In was further observed in para 18 of the judgment as follows:—

“18. Validity or otherwise of the Information Brochure and its binding nature has to be examined by the generality of cases it covers and not by the inconvenience or resultant prejudice that may be caused to persons who could not strictly adhere to its terms. In this connection, we consider it appropriate to recall the observations made by Krishna Iyer, J, in *R. S. Joshi vs. Ajit Mills, A.I.R. 1977 Supreme Court 2279*. “A law has to be adjudged for its constitutionality by the generality of cases it covers, not by the freaks and exceptions it martyrs.” If the argument advanced by the learned counsel is accepted, or if the principles stated by the Division Bench in *Saurabh Aggarwal v. Kurukshetra University, 1995 (1) S.L.R. 80* are followed then consequence will be to amend the provision

contained in the Information Brochure. If the provision contained in the Information Brochure is found to be unsustainable, the same can be struck down by this Court in exercise of the powers under Article 226 of the Constitution of India. By striking down the provision in the Brochure, the petitioner will not be getting any benefit. So this Court will have to amend the provision contained in the Brochure or in other words re-write the same. This Court is not to venture such a course of action. High Court cannot assume the role of rule making authority and re-write the rule nor can this Court in exercise of the powers under Article 226 of the Constitution substitute its views to that of the competent authority which framed the Brochure.”

(16) The observations made in the above-mentioned case have been further followed in the case of *Indu Gupta v. Director of Sports, Punjab etc.* (2).

(17) For the aforesaid reasons, we uphold the action of respondent No. 2 in granting admission to respondent No. 4. As respondent No. 2 had granted admission to respondent No. 5 in violation of the provisions contained in the Prospectus, her admission is quashed. Respondent No. 2 is directed to grant admission to the petitioner in M.B.B.S. course for the Session 2000 under the reserved Category as per his claim. This petition stands disposed of accordingly. Under the circumstances, there shall be no order as to costs.

R.N.R.

Before N.K. Sodhi and R.C. Kathuria, JJ.

MANJUSHA,—*Petitioner*

versus

M.D. UNIVERSITY AND ANOTHER,—*Respondents*

C.W.P. No. 14632 of 2000,

6th December, 2000

Constitution of India, 1950—Art. 226—Admission to B.Ed (D.E.) course on the basis of Entrance test—Rejection of application of petitioner—Petitioner eligible in terms of eligibility conditions—University contesting claim—Ground that entrance test already held—University directed to hold a test for the petitioner.