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house tax imposed thereby prospective inasmuch as, the tax was leviable only from July 1, 1965. The preparation and settlement of the assessment lists has nowhere been laid down as a precondition for fixing the date for the imposition of such tax. The house tax imposed cannot, therefore be, held to be invalid on this ground.

The challenge to the vires of section 62-A of the Act cannot thus be sustained and this writ petition is accordingly hereby dismissed. There will, however, be no order as to costs.

H. S. B.

Before D. S. Tewatia & G. C. Mital, JJ.

RAVDEEP KAUR,—Petitioner.

versus

THE STATE OF PUNJAB AND OTHERS,—Respondents.

Civil Writ Petition No. 3128 of 1981.

July 28, 1981.

Evidence Act (I of 1872)—Section 115—Admission to Medical Colleges from quota reserved for sportsmen and sportswomen—Candidate qualifying entrance test and applying for admission on criteria published in the prospectus—Criteria changed after passing of qualifying test making such candidate ineligible for admission—Government—Whether competent to change criteria for admission at such stage—Rules for admission published in the prospectus—Whether have the force of law.

Held, that the eligibility for admission 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 the instructions given in the prospectus as the instructions issued have the force of law.

(Para 5).

Petition under Article 226 of the Constitution of India praying that:—

- (a) *A writ of mandamus may be issued thereby directing the respondents Nos. 1 and 2 to determine the grade of the petitioner in Archery/Handball and further direction be*

issued to consider the case of the petitioner for admission to Medical College against the seats reserved for sports-women.

- (b) *The instructions issued by the Punjab Government in so far as they are discriminatory for the sportswomen in Archery and handball should be declared null and void and unconstitutional and respondents be directed not to enforce these instructions against the petitioner.*
- (c) *complete record of the case may be summoned from the respondents.*
- (d) *ad-interim orders may be issued allowing provisional admission to the petitioner in the College pending the final disposal of the writ petition or such other interim relief as may be deemed fit under the circumstances of the case may be granted in favour of the petitioner and against the respondents.*
- (e) *costs of the petition be allowed against the respondents.*
- (f) *And such other order or direction be issued to the respondents to immediately consider the case of the petitioner for admission to the Medical Engineering College.*

K. P. Bhandari, with S. P. Jain, Advocates and Ravi Kapoor, Advocate for the petitioner.

S. K. Sayal, A.A.G. Punjab, for the State.

JUDGMENT

Gokal Chand Mital, J.

(1) Guru Nanak Dev University, Amritsar, issued a prospectus for the competitive entrance examination for admission to M.B.B.S. and B.D.S. Courses in the State Medical/Dental Colleges in Punjab for 1981. Miss Ravdeep Kaur petitioner submitted her application in accordance with the prospectus for appearing in the competitive entrance examination within time, as the last date was 8th June, 1981. In the application she claimed her eligibility for admission against seats reserved for sportsmen/women. The entrance examination was held on 28th June, 1981, and the result was declared on 7th July, 1981 and since the petitioner was successful in the same, she submitted her application for admission on 10th July, 1981, last date being 13th July, 1981. Soon thereafter, she came to know that

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she was not being considered against the reserved quota of Sportsmen/women in view of the new instructions dated 3rd July, 1981 (Annexure P. 4) issued by the State Government and therefore, present petition was filed on 14th July, 1981. The interview for the reserved categories of sports candidate was fixed for 18th July, 1981. The Writ Petition came up for preliminary hearing on 15th July, 1981 and notice of motion was issued for 17th July, 1981. On 17th July, 1981 the case was adjourned to 21st July, 1981 and in the meantime the official-respondents were directed to reserve one seat provisionally and the petitioner was directed to be provisionally interviewed. Finally, the Writ Petition was heard on 28th July, 1981 when we found that she deserved to be allowed and in view of the urgency of the matter, the following order was passed on that date :—

“The petition is allowed with the direction that eligibility for admission on the strength of reserve quota for sportsmen and sportswomen shall be governed by the existing instructions of 1977 (Annexure P. 3) and not by the instructions issued on 3rd July, 1981 (Annexure P.4). The respondents shall consider the eligibility of the petitioner and others like her on the basis above spelt out. The Director of Sports is directed to process the application for granting of the certificate on the basis of 1977 instructions most expeditiously.

(2) The reasoned judgment to follow.”

In view of the afore-said order the detailed reasons are being recorded.

(3) It was urged on behalf of the petitioner that on the last date of submission of application for the entrance examination, as also on the date of entrance examination was held, the petitioner was labouring under the impression that under the existing syllabus she was entitled to be treated in the reserved category of ‘sports candidates’ and on that account did not seek admission elsewhere and if she is now to be deprived of consideration of her name in the reserved category of sports because of new instructions dated 3rd July, 1981 (Annexure P. 4), it would cause irreparable loss to her thereby causing great injustice inasmuch as she would lose one important year of her career. Under the circumstances, it was

urged that since the petitioner acted on the representation given out by the State and the Medical Colleges in the prospectus on the basis of which she could be considered for the reserved category of 'sports candidates' the respondents are estopped under the rule of promissory estoppel and the petitioner's case has to be considered on the basis of instructions which prevailed before 3rd July, 1981. The petitioner has attached instructions of 1977 as Annexure P. 3 to the Writ Petition which goes to show that the Archery and Hand Ball would also come within the purview. In 1977 the category of sports was not specified and all sports were included except indoor games like Chess etc., involving no physical exertion. It is not disputed before us that Archery and Hand Ball would be covered under the 1977 instructions. The instructions Annexure P. 4 issued on 3rd July, 1981 have specified the games which alone can now be considered for purposes of sports reserved quota. Archery has been completely left out and as regards Hand Ball, Hand Ball for men has been retained but Hand Ball for women has been left out. In support of the argument, reliance is placed on a Single Bench decision of this Court in *Miss. Saroj Bala v. Sant Darbara Singh and Ors.* (1) and a Division Bench judgment of Himachal Pradesh High Court in *Anil Nag v. State of Himachal Pradesh and Ors.* (2).

(4) After hearing the counsel for the parties on the aforesaid point, we find merit in the contention raised by the counsel for the petitioner. Both the decisions cited before us fully support his contention. In *Miss. Saroj Bala's case* (supra) the facts were that two educational institutions issued an advertisement calling for applications for admission to B.Ed. Course. The prospectus of these institutions stated that admission would be open to a person who had graduated from Panjab University or from any other recognized University obtaining in either case not less than 45 per cent marks in aggregate of the Degree examination. Subsequently, the Punjab Government issued instructions whereby the admissions to the said institutions were to be open only to a *bona fide* resident of the Punjab or the son of or daughter of an employee or retired employee of the Punjab Government or U.P. Administration, Chandigarh. In view of the new instructions, the petitioner was informed that as she was not domiciled in the Punjab, she was not entitled to apply. The Writ was allowed with the following observations :—

(1) 1981 Labour and Industrial cases, 758.

(2) 1981 S.L.R. 689.

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“It is evident from the above allegations that the petitioner applied for admission to respondents Nos. 1 and 2 on the representations given by them that students from Universities outside the Punjab were being admitted in the Colleges. She, in view of the said representations, did not apply elsewhere. The alleged instructions were issued by the State of Punjab subsequently. If the petitioner was given assurances by the respondents that she would not be denied admission on the ground of domicile she was entitled to be considered for admission. Respondents Nos. 1 and 2 cannot be allowed to turn round and say that they would not admit her as some instructions had been issued regarding domicile by the State subsequently”.

In support of the above conclusion, two Division Bench Judgments in *Kumari Akhtar v. Admission Committee, represented by the Ismania Medical College, Hyderabad*, (3) and *Abodha Kumaar v. State of Orissa*, (4) were followed. The aforesaid decisions clearly support the petitioner's contention.

(5) Similarly, *Anil Nag's case* (supra) also helps the petitioner. The facts in that case were that after passing Pre-Medical examination the petitioner appeared in the competitive entrance examination for admission to Himachal Pradesh Medical College, Simla. According to merits, he could not get admission in the general category of seats and thereafter challenged certain reservations of seats made by the Government by filing Writ Petition in the High Court. It was contended by him that when the prospectus was issued there were only three categories of reservations, namely Scheduled Castes, Scheduled Tribes, and nominees of the Central Government, but later on out of the five additional seats created, three were reserved for Political Sufferers, which reservation was challenged being illegal. The Division Bench held as follows :—

“Apart from what is stated above it is found that the prospectus which was issued for the academic year 1978-79 embodied rules for admission to the Medical College, Simla, and as such the rules stated therein amounted to

(3) A.I.R. 1959 A.P. 483.

(4) AIR 1969 Orissa 80.

a promise held out by the Government to the general public that admissions to the Medical College, Simla would be regulated by these rules only. Of course these rules are not issued under any statutory provisions of law, and, therefore, these rules found in the prospectus would not be possessing any status of a statutory law. Nonetheless, they do possess the force of law having a binding effect on the Government or other competent authorities for the purpose of giving admission to the College. In this connection we may profitably refer to the decision given by a Division Bench of this Court in *Manju v. State*, (5) wherein it is observed that rules made by such a College, or on its behalf by the State Government, and published in form of a prospectus were the representation to the public or to the individual seeking admission and, therefore, it would not be open to those who make such representations, even as a result of executive order, to apply some other rules or criteria not contained in the published rules."

Accordingly, we hold that the eligibility for admission has to be seen according to the prospectus issued before the Entrance Examination and while doing so we are constrained to hold that admission to the reserve quota of sports-candidates shall be governed by the instructions prevailing before July 3, 1981 (Annexure P. 4), that is, on the basis of instructions of 1977 (Annexure P. 3).

(6) It was also urged on behalf of the petitioner that the Government had no power to issue fresh instructions like Annexure P. 4 with retrospective effect and that the categories of sports detailed in instructions Annexure P. 4 were violative of Article 14 of the Constitution of India being arbitrary unreasonable and discriminatory. Since we are inclined to allow this Writ Petition on the first point, no useful purpose would be served in dilating the other two points raised by the learned counsel.

(7) For the reasons recorded above, this Writ Petition stands allowed as already indicated in the short order.

D. S. Tewatia, J—I agree.

H. S. B.

(5) A.I.R. 1972 H.P. 37.