

Chetna Sharma (Miss) and others v. Union Territory, Chandigarh and another (M. R. Agnihotri, J.)

parties and wastage of precious time of the Court. Therefore, the complaint Annexure P. 1 and the entire proceedings resulting therefrom are quashed by accepting this petition.

P.C.G.

(FULL BENCH)

Before : M. R. Agnihotri, R. S. Mongia & B. S. Nehra, JJ.

CHETNA SHARMA (MISS) AND OTHERS,—*Petitioners.*

versus

UNION TERRITORY, CHANDIGARH AND ANOTHER,
—*Respondents.*

Civil Writ Petition No. 11995 of 1991.

5th September, 1991.

Constitution of India, 1950—Arts. 226/227—Prospectus of Punjab Engineering College, Chandigarh for Session 1991-92—Admissions and evaluation of ranking of students—Weightage to sportsmen upheld—5 per cent seats allocated in different branches for sportsmen—Vacant seats to be allotted to general category.

Held, (1) that so far as the challenge made to the criteria laid down by the respondents—Union Territory, Chandigarh Administration, and the Punjab Engineering College, Chandigarh, in their prospectus, regarding the weightage granted to the candidates applying for admission to the Bachelor of Engineering Course under the reserved category earmarked for sportsmen/sportswomen is concerned, the same is repelled and we uphold the criteria fixed by the respondents in their prospectus published by the Punjab Engineering College for the Session 1991-92; (2) so far as the grading for sportsmen/sportswomen by categorising their achievements is concerned, the respondents are directed to strictly comply with the direction already issued by this Court in the case of *Rajesh Kaushik v. Punjab Engineering College, Chandigarh and others*, C.W.P. No. 10022 of 1989, decided on 30th May, 1990 [1990 S.L.R. (5) 658], and to make admissions to the seats against the quota reserved for sportsmen/sportswomen accordingly; (3) so far as the grievance against the non-inclusion of the game/discipline of 'Shooting' for the purposes of admission against the reserved category of Sportsmen/Sportswomen is concerned, we do not consider it a matter for decision

by the Full Bench in the first instance and for that reason, direct that C.W.P. No. 10758 of 1991 (Nischal Gupta v. U.T. Chandigarh and others) be placed before the learned Single Judge for decision on September 11, 1991 high up; and (4) the allocation of seats in the Sports category in the various branches in Engineering shall be 5 per cent of the seats in each branch. The fraction of .5 or above would be rounded off. In case any of the seats in the Sports category in any of the branches remains vacant, it shall be thrown open to the candidates belonging to general category.

(Para 1)

Civil Writ Petition under Articles 226/227 of the Constitution of India praying that the complete records of the case be called for:—

- (i) *a writ in the nature of Certiorari quashing the criteria adopted by Respondent No. 2 for the purpose of making admissions and evaluation of the inter se ranking of students in the seats reserved for sportsmen/sportswomen, be issued;*
 - (ii) *a writ in the nature of mandamus directing the respondents to make admissions to the seats reserved for sportsmen/sportswomen in accordance with the criteria laid down by the Punjab Government and in compliance with the judgment of this Hon'ble Court reported as 1990(5) S.I.R. page 658, is issued;*
 - (iii) *the respondent Punjab Engineering College be directed to fill in the seats in various branches after giving 5 per cent reservation to the sportsmen in every branch and the arbitrary criteria for allocation of seats to various branches be quashed;*
 - (iv) *in the peculiar circumstances of this case this Hon'ble Court may be pleased to issue any other appropriate writ, order or directions that it deems fit;*
 - (v) *issuance of advance notices to the respondents under the High Court Rules and orders may kindly be dispensed with;*
 - (vi) *filing of certified copies of Annexures may kindly be dispensed with;*
 - (vii) *costs of the petition may kindly be awarded to the petitioners.*
- P. S. Patwalia, Advocate with Mr. G. S. Gill & H. S. Sethi, Advocates, for the Petitioner.
- Ashok Aggarwal, Senior Advocate with G. S. Sandhawalia and Mr. Manish Jain, Advocates, for the Respondents.

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JUDGMENT

M. R. Agnihotri, J.

(1) For the reasons to be recorded later, we dispose of C.W.P. Nos. 11995, 10758, 12052 and 12072 of 1991, by issuing the following directions:—

- (1) So far as the challenge made to the Criteria laid down by the respondents-Union Territory, Chandigarh Administration, and the Punjab Engineering College, Chandigarh, in their Prospectus, regarding the weightage granted to the candidates applying for admission to the Bachelor of Engineering Course under the reserved category earmarked for Sportsmen/Sportswomen, is concerned, the same is respelled and we uphold the criteria fixed by the respondents in their prospectus published by the Punjab Engineering College for the Session 1991-92;
- (2) So, far as the grading for Sportsmen/Sportswomen by categorising their achievements is concerned, the respondents are directed to strictly comply with the direction already issued by this court in the case of *Rajesh Kaushik v. Punjab Engineering College, Chandigarh, and others* (1), to make admissions to the seats against the quota reserved for Sportsmen/Sportswomen accordingly; and
- (3) So far as the grievance against the non-inclusion of the game/discipline of 'Shooting' for the purposes of admission against the reserved category of Sportsmen/Sportswomen is concerned, we do not consider it a matter for decision by the Full Bench in the First instance and for that reason, direct that C.W.P. No. 10758 of 1991 (*Nischal Gupta v. U.T. Chandigarh and others*) be placed before the learned Single Judge for decision on September 11, 1991 high up; and
- (4) The allocation of seats in the Sports category in the various branches in Engineering shall be 5 per cent of the seats

in each branch. The fraction of .5 or above would be rounded off. In case any of the seats in the Sports category in any of the branches remains vacant, it shall be thrown open to the candidates belonging to general category.

- (2) There shall be no order as to costs.
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P.C.G.