

Court No. - 7

Case :- WRIT - C No. - 9112 of 2023

Petitioner :- Dr. Rahmatullah

Respondent :- State Of U.P. Thru. Addl. Chief Secy., Medical Education, Lucknow And 2 Others

Counsel for Petitioner :- Sarvesh Tripathi, Vijay Pathak

Counsel for Respondent :- C.S.C., Abhinav Trivedi

Hon'ble Abdul Moin, J.

1. Heard learned counsel for petitioner, learned Standing counsel for respondent no.1 as well as Shri Parmial Bhatt, Advocate holding brief of Shri Abhinav Trivedi, learned counsel appearing for respondent no.2.

2. The instant writ petition has been filed praying for a writ of mandamus commanding the respondent no.2 i.e. Director, Medical Education U.P. to issue appropriate directions to the principal of Lala Lajpat Rai Memorial Medical College, Meerut i.e. respondent no.3 to give admission to the petitioner in PG (Pediatrics) Course in pursuance of the allotment letter dated 07.10.2023, a copy of which is annexure 1 to the petition.

3. The contention of learned counsel for the petitioner is that the petitioner had appeared in the UP NEET PG. His State Rank was 2918 and his All India Rank was 151629. The petitioner claims to have participated in the mop-up round which was announced by the respondents. The petitioner was allotted the respondent no.3 Institution and the date of admission was declared on 07.10.2023 as 09.10.2023 to 11.10.2023 i.e. the petitioner was expected to get admission between 09.10.2023 to 11.10.2023.

4. The petitioner claims to have gone to the Institution in

question but as he was not having the disability certificate and the petitioner had appeared in UP NEET PG and had secured the rank being an unreserved physically handicapped candidate which thus required the petitioner to be in possession of the physically handicapped certificate.

5. As the petitioner was not having the said certificate, he claims to have gone to Lady Hardinge Medical College, New Delhi on 11.10.2023 to get the said certificate but the said certificate could not be made available to the petitioner within the time per which he was required to get admission in the Institution in question and the said certificate has only been obtained by the petitioner on 12.10.2023, a copy of the said certificate is annexure 2 to the petition.

6. As the time period in which the petitioner was required to get admission in the respondent no.3 Institution expired, consequently he was not admitted in the respondent no.3 Institution and on account of the said act, the seat fell vacant and was thus put up in the stray vacancy round for which the result has now been declared on 17.10.2023. As per the result, the said vacancy now stands allotted to another candidate as per the statement given by Shri Parimal Bhatt, learned counsel appearing for respondent no.2.

7. The argument of learned counsel for the petitioner is that he has now been able to secure the physically handicapped certificate and is now in possession of the said certificate, consequently the seat which was allotted in the mop-up round to the petitioner i.e. the petitioner in respondent no.3 Institution, should be given to him.

8. On the other hand, Shri Bhatt, learned counsel appearing for respondent no.2 states that once there was a window open to the

petitioner to get admission in the respondent no.3 Institution i.e. from 09.10.2023 to 11.10.2023 consequently, the petitioner should have got admitted in the said institution within the aforesaid time window. It is also submitted that in case the petitioner was not having the physically handicapped certificate then he could not have been granted admission as the documents in original were required to be submitted at the time of admission, which admittedly, was not in possession of the petitioner inasmuch as the petitioner in the capacity of being an unreserved physically handicapped category was required to have been in possession of the physically handicapped certificate which was issued to him on 12.10.2023, and once the window for admission stood close on 11.10.2023 and seat stands allotted to another candidate, as such no directions may be issued in this regard.

9. Shri Bhatt has also placed reliance on the brochure issued by the Directorate of Medical Education and Training U.P., Lucknow pertaining to National Eligibility cum Entrance Test NEET PG -2023 Counseling in which Chapter VI pertains to the admission process whereby it has categorically been provided that the documents in original and one self attested photocopy has to be deposited for admission which also includes at Serial No.11, the reservation certificate including the physically handicapped certificate.

10. Placing reliance on the aforesaid guidelines as issued by the respondent no.2, the argument of Shri Bhatt is that once the petitioner admittedly was not in possession of physically handicapped certificate as on the last date prescribed for getting admission in the Institution i.e. 11.10.2023, consequently no error has been committed by the respondents in not granting the admission to the petitioner in the Institution.

11. Responding to that, learned counsel for the petitioner contends that he preferred a representation on 13.10.2023 indicating the aforesaid difficulties as has been preferred by the petitioner to the respondent no.2 and the said representation has also not been decided.

12. Having heard the learned counsel for the parties and perused the record, what emerges is that after the petitioner qualified in the UP NEET PG EXAMINATION and secured an All India Rank and State Rank, he appeared in the mop-up round of counseling for the purpose of securing admission in various medical colleges in the State of U.P. The petitioner was allocated the respondent no.3 Institution in the mop-up round. The window for securing the admission was admittedly from 09.10.2023 to 11.10.2023. As per the brochure issued by the respondent no.2 which governs the NEET PG 2023 Counseling, Chapter VI categorically provides that certain documents are to be required both in original and in one self attested photocopy at the time of admission which also include the physically handicapped certificate. Admittedly, the physically handicapped certificate of the petitioner has only been issued on 12.10.2023 for reasons as indicated in the petition. The said reasons cannot detain the Court inasmuch as once the counseling for getting admission in the medical colleges is governed by the brochure which categorically provides in Paragraph VI, a candidate to be having the documents which includes physically handicapped certificate at the time of admission and the last date of admission was 11.10.2023 and admittedly, the physically handicapped category was not in possession of the petitioner at the time the window for admission was closed and further the said seat also stands allotted to another candidate in the stray round vacancy, consequently no direction can now be issued by the writ Court for adjusting the petitioner in any of the

Institutions, even if any seat might be lying vacant more particularly when the counseling is over.

13. The mere fact that the petitioner had submitted a representation in this regard to the respondent no.2 after the closure of the window for seeking admission may not be of any help to the petitioner more particularly when as already indicated above, the admissions are governed by the guidelines issued by the respondent no.2.

14. In view of the above, the writ petition is **dismissed**.

15. This order would not preclude the petitioner in pursuing other remedies as may be available to him.

Order Date :- 18.10.2023

S. Shivhare