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| Sr. No. 38 |
| Supp. List |

IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH  
AT SRINAGAR

**WP (C) no. 1939/2024**  
**CM No. 5229/2024**

**Muskaan Farooq** ...Appellant(s)/Petitioner(s)

Through: Mr. Mohammad Iqbal Dar, Advocate with  
Mr. Mohammad Yawar Hussain, Advocate

**Vs.**

**Jammu and Kashmir Board of Professional Entrance Examination (BOPEE) & Ors.** ...Respondent(s)

Through: Mr. T.M. Shamsi, DSGI with  
Ms. Rehana Qayoom, Assisting Counsel  
Mr. Mubeen Wani, Dy. AG with  
Mr. Mohammad Younis, Assisting Counsel

**CORAM:**  
**HON'BLE MR. JUSTICE ATUL SREEDHARAN, JUDGE**  
**HON'BLE MR. JUSTICE MOHAMMAD YOUSUF WANI, JUDGE**

**ORDER**  
**29.08.2024**

1. The petitioner has participated in the NEET 2024 MBBS examination and secured 629 out of 720 marks. On behalf of her, it is submitted by the learned counsel for the petitioner that she was eligible for the MBBS seat and a counseling scheme was floated by the National Medical Commission being the apex body and as per the schedule of admission, the first round of counseling for Central and State Universities was to be held from 14<sup>th</sup> to 23<sup>rd</sup> of August, 2024 and that for the UT of JK counseling was held from 21<sup>st</sup> to 29<sup>th</sup> August, 2024.
2. The petitioner is stated to have made a representation to the Jammu & Kashmir Board of Professional Entrance Examination (BOPEE), whereby she has raised certain concerns relating to the counseling process. The representation is dated 21<sup>st</sup> August, 2024. The same is stated to have been received by the BOPEE on 21<sup>st</sup> August, 2024 itself and the learned counsel for the petitioner has referred to the endorsement of the top right hand side of the Annexure, however, the same does not bare the seal of the BOPEE. Learned counsel for the respondents submits that he is unable to confirm or deny receipt of the said document.

3. It is further stated by the learned counsel for the petitioner that upon the petitioner enquiring on the 21<sup>st</sup> August, 2024, she was informed that the first round of counseling is already over.
4. Learned counsel for the respondents, on the other hand submits that the representation itself was prepared on 21<sup>st</sup> August, 2024, but the said representation does not mention that upon her enquiry on the same day she was informed that the first round of counseling has already been concluded. Learned counsel for the respondents further submits that the entire process of counseling has concluded on 29<sup>th</sup> August, 2024 as the petition has become infructuous because the final list has already prepared and that the petitioner has failed to make the candidate last on the said list as a respondent in this case as the said person would be adversely affected by any orders passed by this Court.
5. At this juncture, learned counsel for the petitioner has submitted that this case can be disposed of with a direction to the respondents to consider the representation dated 21<sup>st</sup> August, 2024 submitted by the petitioner before the BOPEE. The same is not opposed to by the learned counsel for the respondents, if such a representation has indeed been received by the BOPEE.
6. Under the circumstances, this petition is disposed of with a request to the respondents to consider one way or other the representation aforementioned filed by the petitioner within a period of 10 days from the date of this order.
7. In the event that any vacancy still exists, the candidature of the petitioner may be considered. The same may not be construed as a direction to the BOPEE to consider in her favour only even if she is ineligible.
8. Disposed of.

**(MOHAMMAD YOUSUF WANI)**  
**JUDGE**

**(ATUL SREEDHARAN)**  
**JUDGE**

**SRINAGAR**  
**29.08.2024**  
*ARIF*