

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

128

CWP No.10903 of 2015

Date of Decision:27.05.2015

Sanjana Goyal and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.

**Present:** Mr.Akshay Bhan, Senior Advocate,  
with Ms.Supriya Garg and  
Mr.Gurinder S.Sandhu, Advocates,  
for the petitioner.

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1. Whether reporters of local papers may be allowed to see the judgment ?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

AMIT RAWAL, J.(oral)

Mr.Akshay Bhan, Senior Counsel assisted by Ms.Supriya Garg, Advocate, submits that respondent Nos.1 and 2 are not adhering to the language of the impugned Notification dated 30.03.2015(Annexure P-1) and the Prospectus dated 07.04.2015(Annexure P-3) issued by respondent No.2- Baba Farid University of Health Sciences, Faridkot, relating to admission in MBBS/BDS courses in Medical and Dental Institutes in the State of Punjab including Medical and Dental Institutes affiliated to Private Universities, by permitting the students against the vacant seats, rather are misinterpreting Clause 4 of the Notification(Annexure P-1), which reads thus:-

*“The admission to the MBBS/BDS courses in all the categories will be based on marks obtained in PMET-2015. However, if the seats are still vacant then admissions will be done on the basis of marks*

*obtained in 10+2(qualifying exam). ”*

2. In support of the aforesaid averments, referred to pleadings culled out in paragraph 9 of the writ petition, he submits that against the general category, out of the total seats, 291 seats and other quotas including SC/ST. Against these categories, more candidates have qualified than the seats available and there is no vacant seat available in these categories. There are 74 seats in NRI category and only 17 have qualified. The eligibility for passing the PMET, as per Clause 23(vi) of the Prospectus, reads thus:-

**23 Non-Resident Indian(NRI) Seats**

XX

XX

XX

*“(vi) The centralized counseling of NRI quota seats will be held before the counseling for other categories. In case of any seat remaining vacant under NRI quota, during/after 2<sup>nd</sup> centralized counselling of NRI quota in state colleges, shall go to General category and in the unaided-private colleges/minority colleges shall go to General Category of the management/minority quota. The NRI left over seats converted into Government quota/Management/Minority quota will be filled by the Counselling Committee from amongst the eligible candidates.”*

3. The apprehension of the petitioners is that the left over/vacant seats of NRI quota are being filled-up by taking into consideration the marks obtained in 10+2 examination and not in PMET test. Though, the aforementioned contention, at this stage, does not appear to be attractive and appealing, to set the things at right, I, therefore, deem it appropriate to observe that the respondents shall strictly adhere to the conditions of the Prospectus and Notification etc.

4. On going through the language of both the provisions, it is clear that the left over/vacant seats shall be given to the candidates, who had

secured marks in PMET-2015 Examination. It envisages the situation where all the seats are filled-up and the authorities will resort to fill-up the posts by adhering to 10+2 qualifying Examination when the quota of PMET-2015 is exhausted.

5. The writ petition is disposed of accordingly.

May 27, 2015  
seema

(AMIT RAWAL)  
JUDGE