

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of Decision: 20.08.2015

C.W.P.No.14230 of 2015

Nikhita Bansal

...Petitioner

Versus

State of Punjab & others

...Respondents

**CORAM: HON'BLE MR. JUSTICE HEMANT GUPTA
HON'BLE MR. JUSTICE SHEKHER DHAWAN**

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?

Present: Mrs. Gurcharan Kaur Mann, Advocate, for the petitioner.

HEMANT GUPTA, J.

The petitioner has sought a writ in the nature of certiorari for quashing of notification dated 30.03.2015 (Annexure P-4), whereby only those candidates are notified to be considered for admission against 85% quota for the State of Punjab, who have passed their 10+2 examination from the State of Punjab.

The petitioner qualified 10+2 examination from a School at Bangalore. The petitioner applied for All India Pre Medical Test (AIPMT) to be conducted on 03.05.2015. On the said date, the petitioner appeared in the said Test. The petitioner has pointed out that the eligibility for 15% All India quota seats is on the basis of marks obtained in All India Pre-Medical/Pre-Dental Entrance Test. Therefore, she is eligible to be considered for admission to MBBS/BDS courses under 15% All India quota seats. However, State of Punjab issued the impugned notification dated 30.03.2015 contemplating that 15% seats shall be filled by the Government of India

through centralized counseling by Central Board of Secondary Examination on the basis of marks obtained AIPMT and that rest 85% seats will be filled by the selection committee constituted by the Government of Punjab from amongst the candidates who have qualified 10+2 examination from Punjab.

Clause 13 of the notification dated 30.03.2015 reads as under:

“Out of total seats in government institutes, 15% seats (All India Quota) in MBBS/BDS courses shall be filled by the Government of India through centralized counseling by Central Board of Secondary Examination on the basis of marks obtained in AIPMT-2015. (Rest 85% seats will be filled by the selection committee constituted by the Government of Punjab).”

The petitioner also appeared in the entrance test for PMET conducted by the State of Punjab on 17.05.2015. The claim of the petitioner is that since her father is permanent resident of State of Punjab and in service of the Punjab Government, therefore, she is entitled for consideration for admission against 85% seats, but as per Clause 16, 85% seats were available only to those candidates, who qualified their 10+2 examination or other equivalent examination from a recognized school/institution situated in the State of Punjab. The relevant clause 16 reads as under:

“A candidate should belong to Punjab and should have passed his/her 10+2 examination or other equivalent examination in place of 10+2 examination from a recognized school/institution situated in the State of Punjab except for the following exemptions wherever applicable. The candidate would be required to submit a certificate to this effect from the Principal /Head of the Institute last attended in the prescribed proforma.”

The petitioner contended that when she went to Bangalore, there was only test at the National level and there was no test at the State level.

Therefore, the petitioner qualified her examination from Bangalore. It should not make any difference, even if the petitioner studies in Punjab or outside

Punjab. With this background, the petitioner claims to be considered against 85% seats.

Having heard learned counsel for the petitioner, we do not find any merit in the present petition. In the notification (Annexure P-4), there is categorical assertion that the candidate should belong to Punjab and should have passed his/her 10+2 examination or other equivalent examination from a recognized school/institution situated in the State of Punjab. Such notification is in respect of under graduate seats for MBBS/BDS for the year 2015. Since the very basis of admission in Punjab is based upon such notification, the petitioner cannot seek admission against 85% seats meant for Punjab students, as she has not qualified 10+2 examination from Punjab.

The petitioner can seek admission against 85% quota seats only if she satisfies the conditions of admission i.e. she must have qualified 10+2 examination from a school/institution situated in Punjab. Since the basic condition is not satisfied, the petitioner cannot claim any indulgence from this Court, so as to seek admission against the said quota.

Consequently, the present writ petition is dismissed.

(HEMANT GUPTA)
JUDGE

20.08.2015
Vimal

(SHEKHER DHAWAN)
JUDGE