

CWP No.20716 of 2014

[1]

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CWP No.20716 of 2014
Date of decision:10.07.2015**

Kinnu

...Petitioner

Versus

State of Haryana & others

...Respondents

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Jai Bhagwan, Advocate,
for the petitioner.

Mr. RKS Brar, Addl. A.G., Haryana.

Rakesh Kumar Jain, J.

The respondent no.2 published the admission process on 09.04.2014 in Dainik Bhaskar for the basic training course of GNM and ANM/APHW(F). The petitioner applied for the said course through online registration form, in the Scheduled Caste category and also mentioned the choice of training centres in which the first preference was for the Sonapat Govt. MPHWS (Female) Training Center and General Hospital, Haryana and the second preference was for Karnal Gandhi School of Nursing, G.T. Road By-pass, Karnal. The petitioner was allotted the Sonapat Govt. MPHWS (Female) Training Center and General Hospital, Haryana, as per her first preference, but the said centre, which was inadvertently mentioned in the

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list given by respondent no.2, was not functional. Consequently, the petitioner was allotted the Karnal Gandhi School of Nursing, as per her second preference. Since the petitioner secured 79% marks and was higher in the merit list, therefore, she was admitted against the general quota seat which was lying vacant. The petitioner has now prayed for a writ in the nature of *mandamus* to give admission to her in the Scheduled Caste category.

After notice, respondents no.1 and 2 have filed their reply in which it is averred that admission to the petitioner has been given as per her second preference in terms of the instructions of the Haryana Government issued vide letter no.22/88/96-3GSIII dated 25.06.1997 in which it is provided that *“if any member/members belonging to Scheduled Castes/Backward Classes is/are selected in the open competition for direct recruitment on the basis of their own merit, they will not be counted against the quota reserved for Scheduled Castes/Backward Classes, they will be treated as open competition candidates. However, such candidate should fulfill conditions of eligibility regarding age etc. as are meant for general category candidates.”*

After hearing learned counsel for the parties and examining the record, I am of the considered opinion that the petitioner was admitted in Karnal Gandhi School of Nursing, which was her second preference out of 5 given by her as the institute of her first preference, namely, Sonapat Govt. MPHWS (Female) Training Center and General Hospital, Haryana was not functional. Moreover, the petitioner had secured 79% marks, on the basis of

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which she could have been easily admitted against the general quota seat which was lying vacant in the Karnal Gandhi School of Nursing, therefore, as per instructions dated 25.06.1997, referred to above. Therefore, there is no mistake committed by the respondents and as such, the petitioner cannot be granted any relief in this petition.

Dismissed.

July 10, 2015
vinod*

(Rakesh Kumar Jain)
Judge