

CWP No. 23352 of 2014
Date of decision: 15.05.2015

Nancy Arya

.....Petitioner

versus

The State of Punjab and others

.....Respondents

Coram: Hon'ble Mr. Justice Rakesh Kumar Jain**Present:** Mr. J.S.Bagga, Advocate
for the petitioner.

Mr. Amit Chaudhary, Addl.AG, Punjab.

Mr. Ashish Rawal, Advocate
for respondent No. 3.**Rakesh Kumar Jain, J.(Oral)**

The petitioner is a resident of Mohali. She passed her matriculation examination from Lawrence Public School, Sector 51, SAS Nagar, Mohali in the year 2012 and her 10+1 class from Govt. Girls Senior Secondary School, Sector 20-B, Chandigarh. She passed her 10+2 examination from Shashtri Model School, Phase-1, Mohali in the year 2014. Thereafter, she appeared in the Punjab Ayurvedic Entrance Test (PAET) 2014 conducted by respondent No. 2 and she scored 207 marks and was placed at general rank No. 1206. Otherwise, after revision, her rank was at 582 out of the total 1064 selected candidates.

The petitioner attended counseling in the office of respondent No. 2 on 15.10.2014 but she was not called till 5.00 pm although candidates lower in marks were called and given admission. She has quoted example of the candidate, having scored only 188 marks in PAET, placed at general rank 1266 and candidate who had scored 203 marks and ranked at

1230, who were given admission in the course of Bachelor of Ayurvedic Medicines and Surgery (BAMS) in the college of respondent No. 4. The petitioner came to know that she was not called for counseling only on the ground that she had passed her one class i.e. 10+1 from Chandigarh and not from the State of Punjab. The relevant criteria for the purpose of admission is as under:-

“should have passed his/her 10+2 examination or other qualifying examination in place of 10+2, as listed in 4(A) (i)(a) to (f) above, from a recognized institution situated in the state of Punjab only except for the exemptions wherever applicable. The Candidate would be required to submit a certificate to this effect from the principal/head of the institution last attended in the prescribed pro forma.”

Since the petitioner has passed 10+1 from Chandigarh and 10+2 from Mohali, filed the present petition, seeking a writ to quash the decision of the respondents, treating the petitioner to be candidate of other State, on the ground that she had passed 10+1 from Chandigarh, as illegal.

After notice, reply has been filed on behalf of respondent Nos. 1 and 2 in which the same ground has been taken. Since the petitioner has passed 10+1 from Chandigarh, therefore, she was not eligible and has not been called for counseling as the eligibility criteria referred to above provides that the petitioner should have passed 10+1 examination from the school situated in the State of Punjab.

Counsel for the petitioner has relied upon a Division Bench

judgment of this Court in the case of ***Harleen Cheema vs. State of Punjab and others 2014(4) SLR 244*** in which reliance has been placed on the judgment of the Hon'ble Supreme Court in the case of ***Raminder Singh Nagra vs. Jagjit Singh Puri and others 2010(2) S.C.T. 554*** in which it has been held that student passing 10+2 from the school of Chandigarh would be considered to have passed it from the State of Punjab.

Even otherwise, in all fairness, learned counsel for the respondent has produced a corrigendum dated 22.04.2015, in regard to the admission to BAMS/BHMS courses in Ayurvedic and Homoeopathic Institutes situated in the State of Punjab-2011 onwards providing that:-

“In partial modification in Notification No. 5/3/2011-3HB-III/3315 dated 12.05.2011 for admission to BAMS/BHMS courses, the following sub-para-(1) is hereby added in para-10:-

“10(1) The candidates passing 10+1 and 10+2 from the recognized schools situated in Chandigarh (UT) will be considered in the Punjab State quota provided they fulfill all other eligibility criteria.””

Since there is no issue that the student having passed his/her 10+1/10+2 from Chandigarh would not be considered to be a student of Punjab, the respondents could not have denied counseling to the petitioner as has been done in the present case to her detriment as she could not get admission at that time when the students lower in marks than her were given admission only because of the decision that they have passed both

10+1 and 10+2 from the school situated in the State of Punjab.

Faced with these circumstances, learned counsel for the respondents has suggested that the petitioner may be given admission in respondent No. 4 college in the next session because the earlier session is going to be over in the month of June as the exams are going to be held from 25.06.2015 to 20.07.2015. Counsel for the petitioner has also not showed his averseness to the suggestion made by counsel for the respondents. In view thereof, this petition is disposed of with a direction to the respondents to admit the petitioner in next session 2015-2016 and for that purpose one seat be kept reserved in the respondent No. 4 college.

15th May, 2015
Shivani Kaushik

[Rakesh Kumar Jain]
Judge