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

**CWP No.5751 of 2015
Date of decision:27.03.2015**

Sanpreet Sidhu @ Sanpreet Singh Sidhu ...Petitioner

Versus

Baba Farid University of Health Sciences and another ...Respondents

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Salil Bali, Advocate,
for the petitioner.

Rakesh Kumar Jain, J.

The petitioner has obtained the Decree of Bachelor of Dental Surgery (BDS) from Agra University in the year 2010 and completed her internship in the month of March, 2011. He appeared in All India Post Graduate Dental Entrance Examination-2015 (AIPGDEE-2015) for admission to Post Graduate MDS Course-2015 conducted by the All India Institute of Medical Sciences (AIIMS), New Delhi. He secured 399 marks out of 800 i.e. 49.875%. He also took the exam of Sikh History & Religion which is mandatory for getting admission in the colleges attached to the Association of Unaided Sikh Minority Medical & Dental Institutions (Punjab) in which she secured 45 marks out of 50 i.e. 90%.

The petitioner applied for admission to Shri Guru Ram Das Institute of Medical Sciences and Research, Amritsar. The qualifying criteria was 50% marks in the AIPGDEE-2015 and 40% marks in the Sikh History & Religion. It is alleged that his claim for admission has been orally rejected by respondent no.2 on the ground that he was not having qualifying marks of 50% in the AIPGDEE-2015. The petitioner has, thus, filed the present writ petition to challenge the admission notice issued by respondent no.2 whereby fresh Post Graduate Entrance Test has been proposed to be held on 10.04.2015 for admission to MDS-Sikh Minority Quota seats for the Session 2015 and for directions to the respondents to consider the petitioner as eligible candidate having met the criteria of securing 50% marks in the AIPGDEE-2015 and permit him for the counselling session.

Counsel for the petitioner has argued that the fraction of more than .5 can be rounded-off as one and has relied upon a decision of the Supreme Court in the case of **State of Punjab & anr. v. Asha Mehta**, 1997 (11) SCC 410.

I have heard learned counsel for the petitioner and perused the record.

The facts are not disputed and insofar as the decision in the case of **State of Punjab's (supra)** is concerned, in that case, it was held that the question whether 32.5% would be rounded off to 33% is purely an arithmetical calculation, a procedure which the Public Service Commission in fairness has been adopted in all other cases, but in a later decision of the

Supreme Court in the case of **The Registrar, Rajiv Gandhi University of Health Sciences, Bangalore v. G. Hemlatha and others**, Civil Appeal No.5992 of 2012 decided on 23.08.2012, it has held that in the absence of any statute or rule permitting rounding-off of eligibility criteria prescribed for the qualifying examination for admission to the PG course, any dilution or tampering with it will work injustice to the other candidates.

In the said case, the respondent-candidate had completed her Bachelor of Science degree in Nursing with 54.71% marks from the N.T.R. University of Health Sciences in the year 1997. Thereafter, she registered herself as a Public Health Nurse and Midwife. She made a representation to the Regional Director of Medical Health Services seeking permission to pursue the PG Course in M.Sc. (Nursing). The eligibility criteria prescribed by the Indian Nursing Council for securing admission to the said PG Course was 55% aggregate marks but the respondent-candidate had secured only 54.71% aggregate marks. In the case filed by her, the learned Single Judge of the High Court, by applying the rule of rounding-off of numbers, held that 54.71% marks obtained by the respondent should be rounded-off to 55%. Thus, she became eligible by virtue of the High Court order. The Division Bench, in intra-court appeal, upheld the order of learned Single Judge. However, when the matter went up to the Supreme Court, while relying upon the decision in the case of **Orissa Public Service Commission and Another v. Rupashree Chowdhary and Another**, (2011) 8 SCC 108, the Apex Court set aside the order of the High Court and held that in the absence of any provision in any statute or rule, the criteria cannot be diluted

and the marks cannot be rounded-off.

In view of the authoritative pronouncement of the Supreme Court, I do not find any merit in the present writ petition and hence, the same is hereby dismissed.

March 27, 2015
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(Rakesh Kumar Jain)
Judge