

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

1.

CWP No.7940 of 2015
Date of Decision:30.04.2015

Ajay Gupta

. . . .Petitioner

Versus

State of Haryana and others

. . . . Respondents

2.

CWP No.7972 of 2015

Vijay Dabas and others

. . . .Petitioners

Versus

State of Haryana and another

. . . . Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

In CWP No.7940 of 2015

Present: Mr.Ashok Bhardwaj, Advocate,
for the petitioner.

Mr.D.K. Mittal, DAG, Haryana,
for respondents No.1 & 3.

Mr.Ramesh Hooda, Advocate,
for respondent No.2.

In CWP No.7972 of 2015

Present: Mr.Baldev Singh, Advocate,
for the petitioners.

Mr.D.K. Mittal, DAG, Haryana,
for respondent No.1.

Mr.Ramesh Hooda, Advocate,
for respondent No.2.

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RAKESH KUMAR JAIN, J. (ORAL)

This order shall dispose of two petitions bearing **CWP No.7940 of 2015** titled as **“Ajay Gupta Vs. State of Haryana and others”** [for short ‘the 1st petition’] and **CWP No.7972 of 2015** titled as **“Vijay Dabas and others Vs. State of Haryana and another”** [for short ‘the 2nd petition’] as both the petitions are interconnected, however, the facts are being extracted from the 1st petition.

The case set up by the petitioner is that he applied for admission to the postgraduate MDS course for the academic session 2015 as an in-service candidate against HCDS reserved seats in PGIDS, Rohtak. The entrance test for the admission in postgraduate MDS-2015 was conducted by All India Institute of Medical Sciences, New Delhi. The petitioner obtained all India rank of 1243 by securing 48.75 marks i.e. 390/800. Thereafter, the Director General Health Service, Haryana issued a ‘no objection certificate’ to the petitioner, who stands at Sr.No.4 in the list prepared by the Government of Haryana. A revised/modified merit list of the candidates was prepared before the first counselling in which the name of the petitioner was at Sr. No.3 but in the list of candidates who were declared unqualified. The petitioner alleged to have enquired about it and was told that his total percentage is 48.75% and the candidates below 50% were not qualified. The petitioner submitted his objection to the Registrar of the University. It is submitted that the petitioner was eligible for admission and has been illegally put in the list of unqualified candidates in violation of the prospectus. Since, the counselling was fixed for 1.5.2015, therefore, when the petition was listed for preliminary hearing on

27.4.2015, notice was issued to the respondent for 29.4.2015 only. On 29.4.2015, the respondents put in appearance and asked for an opportunity to complete their instructions for the purpose of arguments, therefore, the case was adjourned to 30.4.2015 and was ordered to be shown in urgent list.

Learned counsel for the petitioner has submitted that the respondents have erred in fixing 50% as cut off for the purpose of qualification as an eligibility criteria because as per the AIIMS, the minimum cut off marks are *“as per the decision of the Academic Committee in its meeting held on 14th September 2013, the minimum cut off shall be 50th percentile.”*

On the other hand, counsel appearing on behalf of respondent No.2 has submitted that there are 24 seats in the University out of which 12 seats are to be filled at All India Level and remaining 12 on the basis of State quota. The admission to all the 24 seats along with seats of other institutes/universities, whosoever opted for this, is filled up by entrance test conducted by All India Institute of Medical Sciences, New Delhi for which the prospectus was issued by them in which it was made clear that minimum 50% marks in All India Post Graduate Dental Entrance Exam for Postgraduate Courses [AIPGDDE] is necessary to be obtained by the candidates seeking admission to the MDS-2015 course. The relevant portion of the prospectus issued by All India Institute of Medical Sciences, New Delhi for the AIPDGEE-2015 is as under: -

“In order to be eligible for admission to any postgraduate course in a particular academic year, it shall be necessary for a candidate to obtain minimum of 50% marks in “All India Post Graduate

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Dental Entrance Exam for Postgraduate Courses” held for the said academic year. However, in respect of candidates belonging to Scheduled Castes, Scheduled Tribes, Other Backward Classes, the minimum marks shall be at 40%. In respect of candidates as provided in clause (5) below with locomotory disability of lower limbs, the minimum marks shall be at 45%.”

Since, the petitioner has admittedly not secured 50% marks, therefore, he has been put in the list of unqualified candidates.

After hearing learned counsel for the parties and examining the record, I am of the considered opinion that there is no merit in the argument raised by learned counsel for the petitioner in view of the eligibility criteria laid in the AIPGDEE-2015 prospectus which requires 50% minimum marks for the purpose of qualification and since the petitioners in both the cases have less than 50% marks, therefore, they have rightly been put in the list of unqualified candidates.

Thus, I do not find any merit in both writ petitions and hence, the same are hereby dismissed.

30.04.2015

Vivek

(RAKESH KUMAR JAIN)
JUDGE