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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

LPA No.129 of 2015 (O&M)

Date of decision: 24.8.2015

Secretary, Department of Medical Education
and Research, Chandigarh Administration & Ors.

... Appellants

Versus

Ms. Akanksha Mehra

.... Respondent

CORAM: HON'BLE MR. JUSTICE S.S. SARON.
HON'BLE MRS. JUSTICE REKHA MITTAL.

Present: Mr. Parminder Singh Kanwar, Advocate for the
appellants.

Mr. Rajiv Kataria, Advocate for the respondent.

S.S. Saron, J.

This appeal has been filed by the Secretary, Department of Medical Education and Research, UT, Chandigarh Administration and others against the order dated 16.9.2014 passed by the learned Single Judge in CWP No.12155 of 2014.

The respondent Ms. Akanksha Mehra applied for admission in MBBS course after qualifying the All India Pre-Medical Entrance Test 2014. One of the conditions for admission as per the criteria was that the candidates seeking admission to the MBBS course should have passed 12th standard examination (qualifying examination) from schools/colleges recognized by the Chandigarh Administration and situated in the Union Territory of Chandigarh as a regular student of the said school/college. An important note was appended in this regard, which was to the effect that this condition

is waived off in respect of wards of serving defence personnel/Ex-servicemen vide letter dated 14.9.2007.

The claim of the respondent was that she had studied upto 10th class in Chandigarh and took her 12th class from a school at Mohali in the State of Punjab. She had given her preference for admission in respect of residence and qualification, as Punjab and Chandigarh in that order. In the results, which was declared on 18.6.2014, she was declared ineligible for admission.

The learned Single Judge by the impugned judgment allowed the writ petition of the respondent Ms. Akanksha Mehra by holding that in this case there was no requirement of residence within the UT Chandigarh. It is the 12th class pass from Chandigarh that was relevant. This was held to be wholly arbitrary and could not be upheld.

The UT Administration has assailed the said findings on the ground that the passing of 12th standard examination i.e. the qualifying examination from schools/colleges recognized by Chandigarh Administration and situated in Territory of Chandigarh as a regular student of the said schools/colleges is one of the essential conditions for the candidates seeking admission in the MBBS course within the area of Chandigarh Administration.

According to learned counsel appearing for the respondent Ms. Akanksha Mehra, the letter patents appeal has in fact become infructuous as the respondent is not now seeking admission in the Medical College in Chandigarh or taking any benefit on the basis of the impugned judgment dated 16.9.2014 passed by the learned Single Judge of this Court.

However, according to the learned counsel for the appellants, the same is inconsequential as the order that has been passed would affect the admission that has been made in the subsequent/current year for the session 2015-16.

During the course of hearing, it has been pointed that a Division Bench of this Court in Abheyjit Singh and another v. Chandigarh Administration, Chandigarh and others CWP No.20636 of 2013 decided on 18.9.2013, the condition of the Chandigarh Administration mandating the passing +2 examination from schools/colleges recognized by the Chandigarh Administration and situated in the Union Territory of Chandigarh as regular students of the said school/college has been upheld.

We are informed that the admissions for the current session i.e. 2015-2016 in respect of the same controversy regarding passing 10+2 or its equivalent from a school/college recognized by the Chandigarh Administration and situated in Union Territory, Chandigarh as a regular student are under consideration before a learned Single Judge of this Court. Therefore, as the present letter patents appeal has become infructuous, we feel that it would be improper for us to go into the validity of the same as the controversy inter-parties in the present appeal no longer subsists. The question whether the ratio of the judgment in Abheyjit Singh's case (supra) as contended by the learned counsel appearing for the appellants covers the case of the appellants in their favour also need not be gone into. We feel this aspect would more appropriately be considered and gone into by the learned Single Judge of this Court without being influenced by the fact that

the present appeal is being disposed of as having been rendered infructuous.

In the circumstances, the appeal is disposed of as having become infructuous leaving it open for the parties before the learned Single Judge to contest the condition relating to the passing of 12th standard examination i.e. qualifying examination from schools/colleges recognized by the Chandigarh Administration for its decision in accordance with law.

(S.S. Saron)
Judge

(Rekha Mittal)
Judge

24.8.2015
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