

*IN THE HIGH COURT FOR THE STATES OF PUNJAB
AND HARYANA AT CHANDIGARH.*

LPA No. 703 of 2014 [O&M] &
Cross-Objections No.1-LPA of 2014.
Date of Decision:07th April, 2015.

Dr. Kamalpreet Singh

Appellant through
Mr. R.K.Malik, Sr. Advocate with
Mr. Ramandeep Singh, Advocate.

Versus

State of Punjab & Ors.

Respondents through
Mr. Aman Bahri, Additional AG, Punjab.
Mr. Manish Dadwal, Advocate, for
respondents No. 2 and 3.
Mr. Ajay Pal Singh, Advocate, for
respondents No. 4 to 6.

**CORAM:HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE P.B.BAJANTHRI**

- 1. Whether Reporters of local papers may be allowed to see the judgment?**
- 2. To be referred to the Reporters or not?**
- 3. Whether the judgment should be reported in the Digest?**

SURYA KANT, J. [ORAL]

This order shall dispose of LPA Nos. 703 and 1081 of 2014 as well as cross-objections filed therein, as both the appeals are directed against the order dated 28.04.2014 passed by learned Single Judge whereby the writ petition filed of the appellant [in LPA No. 703 of 2014] was allowed in part to the extent that even after was declaring him eligible to secure No Objection Certificate for admission to the Post Graduate Course in Medical Sciences against in-service quota prescribed for PCMS Doctors, the claim for admission was directed to be considered against the vacant seats only, instead of *inter-se* merit or option exercised by the candidate. The other appeal has been filed by the State of Punjab.

[2]

Learned counsel for the parties are *ad-idem* that pursuant

to the interim orders passed by the Division Bench in this appeal, the appellant has got admission in M.D.[Medicines] as per his merit in the test and on the premise that he is eligible against the seat of in-service quota for which directions have already been issued in his favour by the learned Single Judge. The appellant was admitted in the P.G. Course in April, 2014 and by now has already completed one year of the Course.

[3]. Since the appellant has been declared eligible by the learned Single Judge vide the order under appeal and the remaining grievance that he be granted admission strictly as per merit, has been effectively redressed by the Division Bench through interim orders. In this way, the instant appeal has become infructuous. Ordered accordingly.

[4]. However, learned counsel for the private respondent No. 4, i.e., the candidate who could not get admission in any of the Post Graduate Course and has filed the Cross-Objections as well as learned State Counsel representing the appellant in the connected appeal, are aggrieved by the order of the learned Single Judge, as according to them, some of the observations made therein amount to alteration of the Government Policy dated 18.04.2013 which lays down the criteria and eligibility for in-service Doctors based upon the rural service rendered in the areas categorized as 'A', 'B', 'C' and 'D'.

[5]. We have heard learned counsel for the parties in support of the above mentioned appeals and cross-objections. We find from the order dated 28.04.2014 of the learned Single Judge that the appellant's claim was accepted solely on the basis of an earlier

Division Bench judgment of this Court in **Dr. Jasbir Kaur Vs. State of Punjab & Ors., LPA No. 2084 of 2013** decided on 22.01.2014.

We are informed that the decision in **Dr. Jasbir Kaur's case** has attained finality.

[6]. That being so and with a view to remove any sort of doubts, we dispose of the State's appeal as well as cross-objections filed by the private respondent[s] with a clarificatory direction that the State Government/University shall be at liberty to grant admission to the members of PCMS against in-service quota seats in accordance with their policy dated 18.04.2013, provided that the above said policy is consistent and in conformity with the Division Bench judgment in **Dr. Jasbir Kaur's case**, which has attained finality.

[7]. Any observation made by the learned Single Judge in the order which the State of Punjab or private respondents have understood as a deviation from the principles laid down in **Dr. Jasbir Kaur's case**, shall be taken to have been modified.

[8]. Disposed of. Dasti.

(**SURYA KANT**)
JUDGE

April 07, 2015.
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(**P.B.BAJANTHRI**)
JUDGE