

Dr. Dheeraj Singla vs. Dr. Mitthat and others

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

LPA No. 699 of 2015 (O&M)

Date of decision: 16.11.2015.

Dr. Dheeraj Singla

.....Appellant.

Versus

Dr. Mitthat and others

.....Respondents.

**CORAM: HON'BLE MR. JUSTICE S.S. SARON
HON'BLE MR. JUSTICE AMOL RATTAN SINGH**

Present: Mr. Rajiv Atma Ram, Senior Advocate, with
Mr. Arjun Partap Atma Ram, Advocate, for the appellant.

Mr. Gurminder Singh, Senior Advocate, with
Ms. Yagyadeep, Advocate, for respondents No. 1 to 12.

Mr. Kamal Sehgal, Addl. A.G., Punjab,
for respondents No. 13 and 14.

Mr. Gautam Pathania, Advocate, for respondent No. 15.

None for respondents No. 16 and 17.

S.S. SARON, J.

This appeal has been filed by Dr. Dheeraj Singla against the judgment and order dated 13.04.2015 passed by the learned Single Judge in CWP No. 4324 of 2015.

The challenge by the petitioners in CWP No. 4324 of 2015 (now private respondents) was to the notification dated 25.02.2015 (Annexure P-1) issued by the State of Punjab-respondent No. 13. The petitioners (now private respondents) had, *inter alia*, assailed the said notification whereby 60% reservation had been provided for

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in-service/PCMS doctors, who were employed with the State Government.

It may be noticed that 50% seats are earmarked for All India quota for admission to Post Graduate Medical Degree Courses and 50% seats are earmarked for Punjab State Government. Out of 50% State Government quota, 60% seats are reserved for in-service/PCMS doctors. The learned Single Judge allowed the writ petition and directed the State Government to immediately constitute a highly qualified Committee to determine the percentage of reservation required for in-service/PCMS doctors keeping in view the prevailing situation based on the available data. The appellant aggrieved against the said order, as already noticed, has filed the present appeal.

During the pendency of the appeal this Court vide order dated 14.05.2015 directed the State of Punjab and Baba Farid University of Health Sciences, Faridkot to make admissions against the 60% in-service/PCMS doctors out of 50% State quota as per the prospectus and without waiting for the report of the Committee, which had been constituted on the basis of impugned judgment of the learned Single Judge. However, it was left open for the PCMS doctors or their association to represent their case before the said Committee. The Committee has since submitted its report and has already recommended for continuation of 60% reservation for in-service/PCMS doctors out of the 50% State quota.

Learned senior counsel for the appellant submits that in the circumstances nothing survives in the present appeal as his grievance has been redressed.

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Learned counsel for the State also submits that nothing survives in the present appeal in view of the report of the highly qualified Committee.

Mr. Gurminder Singh, learned senior counsel for the private respondents, submits that since admissions are complete, the matter is now no longer in issue. However, it be left open to the affected parties to assail the report of the highly qualified Committee in case the need so arises.

In the circumstances, the present appeal has been rendered infructuous and is accordingly disposed of as such. The admissions that have been made against the 60% quota for in-service/PCMS doctors out of 50% State quota shall remain intact and unaffected. It shall, however, be open to the affected candidates to assail the report of the highly qualified Committee in case need so arises.

(S.S. SARON)
JUDGE

(AMOL RATTAN SINGH)
JUDGE

16.11.2015
Ramesh