

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

**CWP No.16163 of 2016
Decided on :06.10.2016**

Sidharath Mohindru

... Petitioner

Versus

The Director Principal, Government Medical College and Hospital,
Chandigarh

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present : Mr. Karan Vir Nanda, Advocate
for the petitioner.

Mr. Ashish Rawal, Advocate
for the respondent.

G.S. Sandhawalialia, J. (Oral)

The petitioner seeks the quashing of the reply dated 19.07.2016 (Annexure P-4), whereby his request for admission in the PG Course of the Orthopedic Department has been rejected.

It is the petitioner's own case that the petitioner was part of counselling which was conducted on 30.05.2016 and he applied in the said category as per the merit list for the said seat. Therefore, he has raised claim to the vacancy which has arisen after the last date, on the strength of his merit, on account of a candidate dropping out.

The respondent in its reply has submitted that the last date for making the admission was 31.05.2016, as per the time schedule framed by the Apex Court and similar clause was there in the prospectus that admission process shall be closed as per schedule. Reliance was placed upon the order passed by the Apex Court on 18.01.2016 (Annexure R-1) in

I.A. No.7 and 8 in Writ Petition (Civil) No.76 of 2015 titled as '***Ashish***

Ranjan and others Vs. Union of India and others'. It is, accordingly, deposed that the seat was surrendered on 15.06.2016 and the petitioner claimed admission on 01.07.2016. The candidate who had surrendered the seat had deposited penalty of Rs.5 lac as per the terms of the prospectus, on account of the leaving the seat after the last date of making admission.

Counsel for the petitioner has vehemently relied upon the orders of the Apex Court passed on 08.09.2016 in the case of '***Medical Council of India Vs. Dr. Apoorva and others'*** to submit that in similar circumstances the High Court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh had given relief beyond the cut-off-date. It is submitted that the said order was upheld as such. Therefore, the same relief can be granted to the petitioner. Reliance was also placed upon another notice dated 04.09.2016 to contend that there was special counselling being conducted to fill up the PG seats by the University of Delhi Faculty of Medical Sciences in the light of order dated 01.09.2016 passed by the Apex Court in ***Ashish Ranjan (supra) in I.A. No.20 of 2016.***

However, the argument raised as such is not liable to be accepted. It is settled that the cut-off-date has been fixed the Apex Court in the case of '***Mridul Dhar (minor) and another Vs. Union of India and others' (2005) 2 SCC 65*** for Postgraduate Courses as 31.05.2016, which is consistently being followed. Even the order relied upon the counsel for the petitioner would go on to show that as it was only in

special circumstances and keeping in view the special features of the case the order was upheld by noting that the High Court would not issue any such directions in future. In the present case as noticed above, it is not on account of the fault as such of the respondent-authorities, whereby the seat has fallen vacant or that the petitioner has been left out of consideration on account of his higher merit. It is only on account of the fact that seat had been filled up, but vacated after the cut-off-date. The said candidate who had vacated the seat had also deposited the requisite penalty amount.

In such circumstances, no writ of mandamus can be issued against the law laid down by the Apex Court. Accordingly, this Court does not feel it is a fit case for exercising its extra-ordinary jurisdiction under Article 226 of the Constitution of India. Accordingly, the present writ petition stands dismissed.

OCTOBER 06, 2016
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No