

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

CWP No. 18727 of 2016
Date of decision: 29.09.2016

Jasmanjot Kaur

....Petitioner(s)

Versus

Baba Farid University of Health Sciences, Faridkot

...Respondent(s)

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

Present: Mr. R.C. Sharma, Advocate,
for the petitioner.

Mr. Gautam Pathania, Advocate,
for the respondent-university.

G.S.SANDHAWALIA, J. (Oral)

The petitioner applied as a general category candidate for admission in the MBBS course and secured 85.7652222 marks (Annexure P-7). Before sitting in the examination, she never filed any application for correction to be considered as a sports category candidate. As per the prospectus, there was a provision that the candidate could make any change in the online registration form by filing separate application with the university before 13.06.2016, which was the cut off date as the PMET-2016 was initially slated for 15.05.2016. It is not disputed that the exam was thereafter postponed to 11.06.2016. The provision providing for correction read as under:-

“REQUEST FOR CORRECTIONS(S) IN ONLINE REGISTRATION DATA.

In case candidate want to make any change in his/her online registration form after locking, he/she has to write separate application to

*university wherein he/she will clearly describe as to what information he/she wants to rectify alongwith documentary proof. He will also attach printout of his/her online application form and submit his/her request personally in the University before **13-05-2016 (i.e. two days prior to conduct of PMET-2016)** with correction fee of Rs.500/- in the shape of bank demand draft drawn in favour of Registrar, Baba Farid University of Health Science, Faridkot. **After last date of submission of online registration from, no request will be entertained for any change therein.***

Note: After locking of form for submitting preferences/choices, no request for change or rectification in preferences/choices will be accepted, even if candidate has made a mistake.”

The petitioner never even thereafter applied for correction as per the terms of the prospectus. Thereafter, vide notice dated 30.05.2016, the cut of date was provided as 06.06.2016, which was also not availed by the petitioner. She thereafter filed a representation on 31.08.2016 (Annexure P-8) for change of category seeking consideration on the sports category on account of being a holder of 'B' grade certificate having participated in the National School Games (Annexure P-2) after the declaration of the result. It is settled principle that the petitioner is bound by the terms of the prospectus and, therefore, now cannot be considered in the sports category.

The stand of the respondents is that out of the total seats available, 1% seats which are reserved for the Sports category candidates in Government Medical/Dental Colleges, there are 4 seats in the various Government colleges. Total number of eligible candidates are 18 who were to be considered in the said category on the basis of merit prepared by the

Sports Department. 52 candidates had qualified in the said category out of the 195, who had applied and 30 candidates had gradation certificates issued by the Director. Thus, if the petitioner is to be considered against the 4 seats, she would necessarily displace another person and somebody else would be adversely affected. The petitioner, thus, having faulted as such cannot be granted the benefit of her own mistake at the cost of someone else even if she is higher in merit.

Accordingly, this Court is of the opinion that jurisdiction under Article 226 of the Constitution of India cannot be exercised in favour of the petitioner and there being no merit in the present writ petition, the same is dismissed.

29.09.2016
shivani

(G.S. SANDHAWALIA)
JUDGE