

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

CWP No.19339 of 2016 (O&M)

Date of decision : 21.09.2016

Khushdeep Kaur

....Petitioner

Vs.

State of Punjab and others

....Respondents

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: Mr. P.S. Dhaliwal, Advocate for the petitioner.

...

TEJINDER SINGH DHINDSA, J.

Pleadings on record would indicate that the petitioner herein is an applicant for admission to the MBBS Course (Session 2016-17) and had applied against the seats reserved for Sikh Minority Quota.

Prayer in the instant petition is for issuance of a writ of mandamus for directing the respondents to allow her to appear in the second counseling for admission in the said course and which is slated to be fixed for today itself i.e. 21.09.2016.

Even though, the relevant prospectus should have been placed on record but the same has not been done. The prospectus for admission to MBBS/BDS Courses (Session 2016-17) issued by the Association of Unaided Sikh Minority Medical and Dental Institutions (Punjab State) at Sri Guru Ram Das Institute of Medical Sciences and Research and Sri Guru Ram Das Institute of Dental Sciences and Research has been made available for perusal of this Court during the course of hearing. Part 'B' of the prospectus would be relevant as it regulates the scheme of examination, syllabus for Sikh History and Religion Test, issuance of admit card, declaration of result, method of selection, mode of admission and

determination of merit as also counseling apart from other relevant aspects.

Part 'B' would indicate that Sri Guru Ram Das Institute of Medical Sciences and Research, Sri Amritsar and Sri Guru Ram Das Institute of Dental Sciences and Research, Sri Amritsar have a total annual intake of 150 and 60 seats, respectively, and 50% seats are reserved for the candidates belonging to Sikh Minority Community on all India Basis. It is specifically stipulated that admission to MBBS/BDS Courses shall be open to Sikh Candidates who have qualified the AIPMT-2016 to be conducted by the Central Board of Secondary Examination. Only AIPMT-2016 qualified Sikh Candidates are to be selected under the Sikh Minority Quota as per their merit. Apart from appearing in the AIPMT-2016, the candidates who have applied under the Sikh Minority Quota are also required to appear in the Sikh History and Religion Test. Under clause 9 of part 'B' of the prospectus, it is stated to the following effect:

“Admission to seats under the Sikh Minority Quota will be made on the basis of merit of qualified Sikh Candidates of AIPMT-2016 to be conducted by CBSE and Sikh History and Religion Test to be conducted by SGRDIMSAR, Vallah, Sri Amritsar on all India Basis, although the result of Sikh History and Religion Test will only be qualifying in nature.”

Counsel appearing for the petitioner would submit that the petitioner had appeared in the AIPMT-2016 and had secured 277 marks. It is also his contention that the petitioner had also appeared in the Sikh History and Religion Test conducted on 20.05.2016 and has qualified the same. Grievance raised is that in the first session of counseling conducted for MBBS/BDS Courses (Sikh Minority Quota Seats), petitioner was not permitted to participate and now the second counseling is slated for 21.09.2016 and for which directions are sought for the petitioner to be

permitted to appear.

On a specific query having been raised as regards any notice having been issued for the second counseling to be held on 21.09.2016, the relevant document again has been passed across by the counsel at the time of hearing. Such document is taken on record as Mark 'A'.

Perusal of document at Mark 'A' would reveal that the second counseling for MBBS/BDS Courses (Sikh Minority Quota seats) is to be held on 21.09.2016 from 11 a.m. onwards and the candidates from rank 1 to 250 are eligible to participate in such second counseling.

Clearly, the rank being referred to in the document at Mark 'A' is the ranking that a candidate has secured in the AIMPT-2016.

In spite of repeatedly being called upon to furnish information as regards the rank secured by the petitioner in AIMPT-2016 and as to whether the petitioner falls in the first 250 rankings, counsel would submit that he has no instructions in the matter. Even the pleadings on record are totally silent on such aspect.

The prayer made in the instant petition for the petitioner to be permitted to participate in the second counseling without revealing the ranking secured by her in AIMPT-2016 cannot be entertained.

Petition is dismissed.

21.09.2016

shubham

**(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether speaking/reasoned? | Yes |
| ii) | Whether reportable? | No |