

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

**CWP No.21538 of 2016
Decided on : 17.11.2016**

Sukriti

... Petitioner

Versus

State of Punjab & others

... Respondents

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

Present: Mr.Jagdish Manchanda, Advocate, for the petitioner.

Ms.Lavanya Paul, AAG, Punjab, for respondents No.1 & 2.

Mr.Manish Dadwal, Advocate, for respondents No.3 & 4.

Mr.O.P.Sharda, Advocate, for respondent No.5.

G.S. Sandhawalia, J. (Oral)

Petitioner seeks quashing of the action of the respondent-University in not accepting the candidature of the petitioner for admission to the MBBS course with respondent No.5-Gian Sagar Medical College, Banur.

The pleaded case of the petitioner is that she had secured 94.432752 in NEET, 2016 and had an overall rank of 40488. Candidates from rank 40000 to 90000 were called for counselling for vacant MBBS seats, to be held on 30.09.2016. Petitioner was in the merit-list at Sr.No.685 and therefore, would have been entitled for the 9 vacant seats available with the respondent No.5-Institute and counselling was to start from 679, as per the terms of the notice. It is submitted that she was present at that point of time but was not given admission, inspite of her merit. Representations (Annexures P7 & P8) had been filed which are still pending consideration.

In the reply filed by the State, the defence taken was that the report of the University was called for. As per the report dated 03.11.2016 (Annexure R1), the petitioner did not mark her attendance at the time of counselling. Had she reported for counselling, she would have marked her attendance. Option forms were distributed to all the candidates to fill the details for admission to MBBS/BDS courses. The option form of the petitioner was not available with the University. Candidates below the petitioner marked their attendance. The complete information was displayed by the University from time to time with an audio-visual display system which had been installed and the seats allotted by the Selection Committee were announced and counselling was conducted in a smooth, fair and transparent manner.

In the reply filed by the University, similar defence was taken that the petitioner was not present at the relevant time. The candidates below her have secured admission. There were no vacant seats available with the respondent No.5-College. She had not marked her presence in the attendance sheet, which was also attached.

In the written statement filed by respondent No.5-College, the plea taken is that there were no vacant seat available for the said course and the last date for admission was 30.09.2016 and candidates cannot be admitted over and above the sanctioned strength as provided by the guidelines of the MCI.

A perusal of the attendance sheet which has been attached by the State and the University, would go on to show that the petitioner

figured at Sr.No.685 and the candidate below her, i.e., Sr.No.686 had marked his presence. There were several candidates who were absent including the petitioner. In such circumstances, it is apparent that the petitioner was not present at the time when the counselling was conducted and therefore, could not be given admission inspite of having the merit. Resultantly, the grievance of the petitioner cannot be redressed as the representations filed by her were also acted upon by getting the report from the University, which has been appended by the State.

In such circumstances, finding no merit in the present writ petition, the same is, hereby, dismissed.

NOVEMBER 17th, 2016
sailesh

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No