

In the High Court of Punjab and Haryana at Chandigarh.

**CWP No. 808 of 2016
Decided on 11.4.2016**

Manjinder Kaur

--Petitioner

Vs.

State of Punjab and others

--Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: Mr. N.K.Vadehra, Advocate, for the petitioner

Mr.V.Ramswaroop, Addl.A.G.Punjab

Mr.Ashish Rawal, Advocate, for respondent No.2

Ms.Shivangi Sharma, Advocate, for respondent No.3.

Rakesh Kumar Jain,J: (Oral)

The petitioner appeared on 17.5.2015, in Punjab PMT of 2015 in general category, to the admission in MBBS/BDS Course. She passed the examination and her result was declared in May 2015. In the Ist Counseling, she got admission in the BDS. However, in the 3rd Counseling, she got admission in PIMS College, Jalandhar in MBBS on 30.9.2015. The petitioner deposited the fee, completed all other formalities at the time of her admission and has been attending classes regularly thereafter.

However, respondent No.2 issued a letter to the Principal of the College of the petitioner that she has been found ineligible for admission to MBBS Course as she did not secure 50% marks in Physics, Chemistry and Biology in 10+ 2 examination and had secured only 49.66% (149/300) and reference was made to the Punjab Govt. Notification No. 5/35/2014-5HB-III/559 dated 30.3.2015 in which it was provided that a candidate must have passed in the subject of Physics, Chemistry and Biology/ Biotechnology and English individually and must have obtained a minimum of 50% marks (45% for Person with Locomotor, Disability of Lower Limbs and 40% for SC/BC) taken together in Physics, Chemistry and Biology/Biotechnology (PCB) in 10+2 examination or other equivalent examination of 10+2.

The petitioner was subsequently informed by the College on 23.12.2015 and hence the present petition has been filed, praying for quashing the letters dated 15.12.2015 and 23.12.2015 by which her admission has been ordered to be cancelled and further that the University may be directed to round off the marks of the petitioner from 49.66% to 50%.

Learned counsel for the petitioner has relied upon a judgment of the Supreme Court in the case of **State of UP and another Vs. Pawan Kumar Tiwari and others** (2005) 2 Supreme Court Cases 10.

After notice, Ashish Rawal, Advocate has put in appearance on behalf of the University and submitted that there is no provision in the Prospectus or Calendar of the University for rounding off the marks. It is submitted that the judgment relied upon by learned counsel for the

petitioner is not applicable as it pertains to the employment, whereas in the case of admission, much less to the medical colleges, the Supreme Court has observed that there is no provision for rounding off the marks. In this regard, he has relied upon judgments of the Supreme Court in the case of **Orissa Public Service Commission and another Vs. Rupashree Chowdhary and another** (2011) 8 Supreme Court Cases 108; **Registrar, Rajiv Gandhi University of Health Sciences, Bangalore Vs. G. Hemlatha and another** (2012) 8 Supreme Court Cases 568 and **West Bengal Joint Entrance Examination Board & Ors Vs. Sarit Chakraborty & Ors** 2015 (4) RSJ 665.

After hearing learned counsel for the parties and examining the record, I am of the considered opinion that the petitioner has failed to show from any documentary evidence about the provisions contained either in the Prospectus or Calendar of the University to round off the marks. Insofar as the judgment in the case of **State of U.P (Supra)** cited by learned counsel for the petitioner is concerned, it is totally inapplicable to the facts of the case in hand, rather the judgments relied upon by learned counsel for the respondents clearly cover the issue involved in this case because it has been repeatedly held by the Supreme Court that in the case of admission, rounding off the marks cannot be ordered. Hence, there is no merit in this petition.

At this stage, learned counsel for the petitioner has submitted that the respondent-University may be directed to return the documents of the petitioner and the fee deposited by her.

Mr. Rawal has submitted that insofar as the documents are

concerned, the same have already been sent by the University to the College which may be collected by the petitioner and the fee shall be refunded as per the norms.

With these observations, this petition is disposed of.

11.4.2016
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(Rakesh Kumar Jain)
Judge