

(131) CWP No.9993 of 2016

Arunesh Gupta Vs. State of Punjab and others

Present: Mr. Sanjeev Sharma, Advocate for the petitioner.

Notice of motion.

On the asking of the Court, Shri Suresh Singla, learned Additional Advocate General, Punjab has accepted notice on behalf of respondents No.1 and 2.

It is submitted by counsel for the petitioner that the petitioner is similarly situated with the petitioner who had filed CWP No.8125 of 2016 which was disposed of by this Court on 16.5.2016 by passing the following order:-

“This petition is filed for seeking madamus directing respondents to fill up seats for Post Graduate Degree Courses in the Medical Colleges in the State of Punjab in terms of the directions issued by this Court in the order dated 7.4.2016 passed in LPA No.595 of 2015 and two other cases whereby reservation in the medical colleges affiliated with respondent No.3 on the basis of residence to the extent of 20% other than institutional preference quota out of 40% open category from 50% State quota seats were enhance 20% institutional preference quota and it was left open to the State to devise means to fill in the seats from amongst eligible candidates.

After notice, the respondents have put in their appearance.

During the course of hearing, it is agreed by the parties that the petitioner may be allowed to appear provisionally to

attend the counselling but his result may be kept in a sealed cover and no seat be reserved and the petitioner may be allowed to file an application in LPA No.595 of 2015, if so, advised, for the purpose of seeking clarification in this regard.

In view of the aforesaid facts and circumstances, the present petition is hereby disposed of with a direction to the respondent- University to allow the petitioner to attend counselling on 18.5.2016 but with a rider that his result shall be kept in a sealed cover. The petitioner may, if so advised, shall file an application in LPA No.595 of 2015 for seeking clarification. It is made clear that no seat shall be reserved for the petitioner.

It is needless to mention that this order is totally provisional and would not either confer any right upon the petitioner nor the petitioner would claim any equity lateron.

Copy of this order be given to learned counsel for the parties under the signatures of the Bench Secretary.”

However, the petitioner in that case filed CM No.6007 of 2016 for modification of the order which was disposed of 17.5.2016 in the following manner:-

“This application is filed seeking modification of the order dated 16.5.2016 passed by this Court.

During the course of hearing Mr. Gurminder Singh, learned senior counsel for respondents No.4 to 7 has raised objection that petitioner is a resident of Chandigarh, who has passed the MBBS from Haryana and, therefore, claiming the

eligibility on the basis of Punjab residence status, which has already been quashed by the Single Bench as well as the Division Bench of this Court, therefore, he is not eligible.

To counter the objection raised by the respondents, it is stated by Mr. Khunger, learned counsel for the applicant-petitioner that the petitioner is not claiming eligibility on the basis of his Punjab residence status.

It is also alleged by learned senior counsel for the respondents that if the petitioner, in any case, claims eligibility, other than the Punjab residence status then he would be considered for counselling otherwise his claim shall be rejected.

This suggestion is accepted by the learned counsel for the petitioner. However, the observations made in the order under modification whereby it was ordered that “no seat be reserved for the petitioner”, the said observation is hereby deleted.

In view of the observations made above, this application is disposed of.

Copy of this order be given to learned counsel for the applicant- petitioner under the signatures of the Bench Secretary.”

It is submitted by counsel for the petitioner that he has to appear in the counselling on 19.5.2016 otherwise rest of the order is same.

After hearing counsel for the petitioner and keeping in view the facts and circumstances of the case narrated above, the present petition is

also disposed of in terms of the order passed on 16.5.2016 in CWP No.8125 of 2016 which was further modified on 17.5.2016 in CM No.6007 of 2016.

Copy of this order be given to learned counsel for the parties under the signatures of the Bench Secretary.

(RAKESH KUMAR JAIN)
JUDGE

18.05.2016
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