

HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-13693-2017

Date of Decision: November 21, 2017

Amanmeet Singh Sekhon

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR. JUSTICE SUDHIR MITTAL

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| 1. | To be referred to the Reporters or not? | Yes/No |
| 2. | Whether the judgment should be reported in the Digest? | Yes/No. |
| 3. | Whether Reporters of local papers may be allowed to see the judgment? | Yes/No |

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Present: Mr.Anand Chhibbar,Sr.Advocate with
Mr.Vaibhav Sahni, Advocate
for the petitioner.

Ms.Anu Pal, AAG, Punjab.
Mr.M.S.Longia, Advocate for respondent No.2.
Mr.RPS Ahluwalia, Advocate for
Mr.Surinder Gandhi, Advocate
for respondent No.3.

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SURYA KANT, J.

The prayer of the petitioner in the instant case is to set aside the letter dated 26.05.2017 issued by Medical Council of India approving the proposal submitted by State of Punjab for shifting the students studying in Gian Sagar Medical College/Institute, Village Ram Nagar, Banur, District Patiala, to various other Government/Private Medical/Dental Colleges in the State of Punjab.

[2] The petitioner was a M.B.B.S. student studying in Gian Sagar

Medical College where he got admission in the year 2013 on the basis of his

rank in 'NEET 2013'. The Management of the Gian Sagar Medical College failed to run the College for various reasons which need not be discussed at this stage, for meanwhile all the students studying in Gian Sagar Medical College have been transferred to different Government/private Medical Colleges in the State of Punjab keeping in view the principle of merit-cum-preference. The exercise of transferring and adjusting the students in different Medical Colleges has been undertaken by Baba Farid University of Health Sciences, Faridkot in consultation and under supervision of the State Government. As a result of that exercise, the petitioner has been shifted to a private Medical College known as Adesh Institute of Medical Sciences and Research, Bathinda, where he is studying in the final year.

[3] The grievance of the petitioner in the instant writ petition is that he was admitted in Gian Sagar Medical College against a 'Government Quota Seat' but he has been transferred to a private Medical College where there is no 'Government Quota Seat'. The University has well explained in its reply-affidavit that the petitioner has been adjusted in the above-mentioned private Medical College strictly as per his merit and preference. No candidate lower in merit than the petitioner in NEET-2013 has been adjusted under 'Government Quota Seat'.

[4] Keeping all these facts in view but at the same time to explore the possibility of adjusting the petitioner to some other medical College, respondent No.3 was directed on October 11, 2017 to find out whether any seat in 5th Year of the MBBS Course is lying unfilled in Government or Private Medical College, preferably affiliated with Baba Farid University of

no such seat is available. We, thus, gave an opportunity to the petitioner himself, vide our order dated October 26, 2017, to find out the availability of any seat against which he could be adjusted/transferred.

[5] Learned counsel for the petitioner states that as per his information there is a seat available in Punjab Institute of Medical Sciences at Jalandhar and that Institute is also affiliated with Baba Farid University of Health Sciences, Faridkot. The petitioner, however, does not have any document or proof in support of his above-stated submission.

[6] In the light of the facts available on record, it is not necessary to keep this case pending and suffice it would be to dispose of the writ petition with a direction to Baba Farid University of Health Sciences to ascertain whether or not any seat in the 5th year of MBBS Course is available in Punjab Institute of Medical Sciences at Jalandhar, and if so, whether the petitioner can be adjusted against such seat.

[7] Let such an exercise be completed within four weeks. The outcome of the exercise be communicated to the petitioner.

**(SURYA KANT)
JUDGE**

November 21, 2017
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**(SUDHIR MITTAL)
JUDGE**

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| 1. Whether speaking/reasoned ? | Yes/No |
| 2. Whether reportable ? | Yes/No |