

HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

1. CWP-15916-2017
Date of Decision: July 21, 2017

Baljot Kaur

.....Petitioner

Versus

State of Punjab and others

.....Respondents

and

2. CWP-15938-2017

Naaz Kukreja and others

.....Petitioners

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.Rahul Sharma, Advocate
for the petitioner in CWP-15916-2017.
Mr.Anupam Bhardwaj, Advocate
for the petitioners in CWP-15938-2017.

Mr.Rajesh Bhardwaj, Sr.DAG, Punjab
for respondent Nos.1&2.
Mr.Anupam Gupta, Sr.Advocate with
Ms.Savi, Advocate for respondent No.3.

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SURYA KANT, J.

This order shall dispose of the above captioned writ petitions as
the point in issue involved in both the cases is common in nature. The facts

[2] Notice of motion.

[3] On our asking, Mr.Rajesh Bhardwaj, Sr.DAG, Punjab and Ms.Savi, Advocate, who are present in Court, accept notice on behalf of respondent Nos.1 & 2, and 3 respectively. Let copy of the paper-book be handed over to each counsel during the course of the day.

[4] We have heard S/Shri Rahul Sharma and Anupam Bhardwaj, counsel for the petitioner(s) and Shri Anupam Gupta, Senior Advocate assisted by Ms.Savi, Advocate for the University, as well as Mr.Rajesh Bhardwaj, learned Senior DAG, Punjab.

[5] The petitioner questions the “**Important Notice**” published by respondent No.3-Baba Farid University of Health Sciences (for brevity, 'the University') which reads as follows:

“This is in reference to the queries raised by students after the BFUHS published the result of NEET 2017 for the candidates who had applied Punjab as their appearing state. Some candidates apprehend that they belong to State of Punjab but their name is not in the result published by University on its website. These Candidates had marked some other state while filling registration form of NEET. It is thus to clarify that candidates who are bona fide residents of Punjab can still apply to BFUHS through online portal in 85 percent category. By doing so they will still be maintaining their merit in 15 percent category of all India counselling.”

[6] The grievance of the petitioner is that the candidates who, while applying for NEET (2017-18), have disclosed themselves to be the bona fide

residents of States other than Punjab State, cannot be permitted to turn around and seek benefit as bona fide residents of Punjab for the purpose of admission against '85% State quota'.

[7] Having given our thoughtful consideration to various provisions of the Prospectus and the contents of the Notification dated 02.06.2017 issued by Government of Punjab, Department of Medical Education & Research, we do not find any merit in this petition.

[8] We say so for the reason that in the Information Bulletin published by Central Board of Secondary Education for NEET(2017-18) it was clearly stipulated that **“admission under State Quota Seats shall be subject to reservation policy and eligibility criteria prevailing in the State/Union Territory as notified by the respective State/Union Territory from time to time.”**

[9] It is undeniable that Punjab Government in its Notification dated 02.06.2017 published for the purpose of admission to MBBS/BDS Courses in Medical and Dental Institutes in the State of Punjab has prescribed (Clause 11) that “the candidate should be a bona fide resident of Punjab. The resident status of Punjab State shall be taken in terms of Punjab Government, Department of Personnel and Administrative reforms (PP-II Branch) letter No.1/3/95-3 PP II/9619, dated 6th June, 1996, ID No.1/2/96-3PP-2/8976, dated 7th July, 1998 and ID No.1/3/95-3PP/II/81, dated 1st January 1999 and any further instructions issued by the Department of Personnel, if any, and the same shall be adhered to. Candidate must have passed 10+1 and 10+2 examination from Punjab. Candidate who passed

recognised School/Institution situated in Chandigarh (Union Territory), who is bona fide resident of Punjab shall also be eligible.”

[10] Clause 11 of the Notification carves out certain exceptions also which are enlisted at Sr.Nos.(i) to (viii). On a further perusal of Punjab Government letter, dated 06.06.1996, referred to above, it can be seen that a candidate while applying for issuance of 'Certificate being bona fide resident of Punjab State' is required to submit an affidavit to the effect that he or his children/wards have not obtained the benefit of residence in any other State. Once the Notification dated 02.06.2017 and letter dated 06.06.1996 are read together, it emerges out that the benefit of admission against 'State Quota' is admissible only to a resident of Punjab State and such 'resident certificate' is to be issued only on furnishing affidavit to the effect that the children or wards of the applicant have not obtained the benefit of residence in any other State except in a case which falls in the exceptions (i) to (viii) contained in Clause 11 of the Government Notification dated 02.06.2017. Further, the criteria as who can be the Punjab resident is duly defined in the Government letter dated 06.06.1996 and various categories of persons mentioned therein are entitled to such certificate.

[11] A Resident Certificate has to be issued by the Competent Authority strictly in accordance with the criteria prescribed in the letter dated 06.06.1996. On the strength of such certificate, a candidate can claim himself to be a bona fide resident of Punjab State within the meaning of Clause 11 of the Notification dated 02.06.2017. Such candidate will be entitled to the benefit of State Quota seats even if at the time of appearing in

the NEET (2017-18), such candidate had given option for other State.

[12] Eligibility of a candidate for admission against State quota seats is to be determined in terms of Punjab Government Notification dated 02.06.2017. The Information Bulletin of NEET-2017 expressly authorises the State Government to prescribe its own eligibility criteria for State Quota seats. The candidates who fulfil eligibility as per Punjab Government Notification need not to look back to their applications submitted for NEET-2017.

[13] For the reasons aforesated, we do not find any ground to interfere with the impugned notice and dismiss both the petitions.

**(SURYA KANT)
JUDGE**

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

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