

**CM-14342-2017 in/and
CWP-17957-2017 (O&M)**

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

**CM-14342-2017 in/and
CWP-17957-2017 (O&M)
Date of Decision: October 04, 2017**

Dr.Navnoor Singh

.....Petitioner

Versus

State of Punjab and others

.....Respondents

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

- | | | |
|----|---|---------|
| 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.V.K.Shukla, Advocate
for the petitioner.

Mr.Rajesh Bhardwaj, Sr.DAG, Punjab.
Mr.Manish Dadwal, Advocate for the University.
Mr.Harish Goyal, Advocate for respondent No.5.

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SURYA KANT, J.

CM-14342-2017

Application is allowed subject to all just exceptions and additional affidavit of Dr.Raj Bahadur, Vice Chancellor, Baba Farid University of Health Sciences, Faridkot, as well as photocopies of Annexures R-3/1 to R-3/4 (Colly) are taken on record.

CM stands disposed of.

CWP-17957-2017

The petitioner seeks quashing of admission granted to

respondent No.5 in MS (Ophthalmology) against 'General Category' seat in Guru Gobind Singh Medical College, Faridkot, on the ground that respondent No.5 is lower in merit than the petitioner in 'NEET PG 2017'.

[2] The petitioner and respondent No.5 both appeared in NEET 2017 held for admissions to Post Graduation Courses of MD/MS/DIP in different disciplines. The petitioner scored 953.866 marks as against 951.9907 marks obtained by respondent No.5. The petitioner was, thus, higher in merit.

[3] It is a matter of record that the Hon'ble Supreme Court vide its judgment dated May 25, 2017 rendered in C.A.Nos.8171-8173 of 2017(**State of Punjab and another vs Rajesh Kumar and others**) directed the State of Punjab and its authorities “to proceed with the counselling on the basis of the notification dated 29.03.2017 and finalise the process of admission before 31.05.2017”.

[4] Baba Farid University of Health Sciences, Faridkot, thus, fixed the counselling for admission to MD/MS/DIT courses on 30.05.2017 and 31.05.2017. The counselling was held in the air-conditioned auditorium of GGS Medical College, Faridkot. Four rounds of counselling were held on 30.05.2017. The petitioner remained at the venue of the counselling till the second round was over and thereafter he left the venue after opting for admission in Post Graduate Diploma in Ophthalmic Medical and Surgery(DOMS) in Christian Medical College, Ludhiana. He also made a remark in the application form that he wanted “No change”. What it appears is that after the 2nd round, and during the 4th and final round of open merit

counselling, two candidates opted to shift their seats from MS Ophthalmology at GGS Medical College, Faridkot to other specialities and both the resultant seats were then offered to Dr.Rajwinder Kaur at Sr.No.482 and respondent No.5-Sumit Goyal who was at Sr.No.540, who were physically present at the venue. Since the petitioner had left the venue after the second round, he could not exercise the option for vacant seats of MS (Ophthalmology).

[5] The justification of the admission granted to respondent No.5 or the petitioner's failure to avail the opportunity has been well explained by the Vice-Chancellor of the respondent-University in his affidavit dated 29.09.2017 in paras 13 and 14 which read as follows:-

“13. That the deponent submits that the petitioner, appeared in 2nd round of 2nd counselling and have marked in the Option Form as No change and signed it. Thereafter, as he admitted, he left the counselling venue and did not wait till the end of counselling. During the 2nd round of 2nd counselling, three seats were displayed in MS (Ophthalmology) at GGS, Medical College, Faridkot under General Category. However, two seats were vacated by Dr.Sourabh Garg at Sr.No.255 and Dr.Leena Chopra at Sr.No.261 at their merit positions in the running process in the counselling. These seats were opted by Sr.No.367, Gaganpreet Kaur Gill and 393, Dr.Anureet Gill in the 2nd round of 2nd counselling. So during the 2nd round of 2nd counselling, all the MS Ophthalmology seats were filled before his turn in merit. Copies of the Option Form of the petitioner is attached herewith as Annexure R-3/4(Colly).

14. That during the 4th and final round of open merit counselling, two candidates opted to shift their seats from MS Ophthalmology at GGS Medical College, Faridkot to other

specialities as under:-

Merit No.	Name	Shifted from		Shifted to	
		Speciality	College	Speciality	College
367	Gaganpreet Kaur Gill	MS Ophthalmology	GGS Faridkot MC	MD Gynae	GMC Patiala
393	Anureet Gill	MS Ophthalmology	GGS Faridkot MC	MS Ophthalmology	SGRD Amritsar

Both the above vacated seats of MS Ophthalmology were opted by Dr.Rajwinder Kaur at Sr.No.482 and Dr.Sumit Goyal at Sr.No.540. Since, the petitioner left the venue before the counselling was concluded, so he could not get a seat and falsely claiming that he was not allotted a seat which was given to a candidate lower in merit who was present throughout the counselling. Thus, the respondent No.5 was rightly selected by the Selection Committee.”

[6] Having heard learned counsel for the parties we are satisfied that in the given circumstances, admission granted to respondent No.5 though he is lower in merit than the petitioner, cannot be faulted. No case to interfere with the admission granted to respondent No.5 is made out.

[7] Dismissed.

(SURYA KANT)
JUDGE

October 04, 2017
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(SUDHIR MITTAL)
JUDGE

1. Whether speaking/reasoned ?

2. Whether reportable ?
- Yes/No

Yes/No