

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.19259 of 2017.

Date of Decision: August 29, 2017

Armaan

.....Petitioner

versus

Baba Farid University of Health Sciences, Faridkot & others....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SUDHIR MITTAL.

Present: Mr.Yogesh Putney, Advocate, for the petitioner.
Mr.K.S.Dadwal, Advocate, for respondent No.1.
Mr.B.B.S.Sobti, Advocate, for respondent Nos.2 & 3.
Mr.Malkeet Singh, Advocate, for respondent No.4.

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Surya Kant, J. (Oral)

The petitioner, who belongs to reserved category of Scheduled Caste, is aspirant for admission to MBBS Course in the State of Punjab. On the basis of his merit position in National Eligibility-cum-Entrance Test-2017 (for short 'NEET') (he got 393 marks), the petitioner was offered a seat in Christian Medical College, Ludhiana in the first counselling against Management quota.

It is an admitted fact that at the time of second counselling when turn of the petitioner came, no seat in 'Government quota', reserved for Scheduled Caste Category, was available. At the time of second counselling, the petitioner's name was at Sr.No.138. When turn of a candidate at Sr.No.144 (Sunny Kumar) came, who also belongs to reserved category of Scheduled Caste, he opted to Guru Gobind Singh Medical College at Faridkot and resultantly, vacated the 'Government quota' seat in Dayanand Medical College at Ludhiana. Instead of offering that resultant vacant seat to the petitioner, the same has been offered to respondent No.4 who was at Sr.No.149 and is admittedly lower in merit than the petitioner in

NEET.

The aggrieved petitioner has approached this Court.

The question which falls for consideration is whether the Government quota seat which has fallen vacant in Dayanand Medical College, Ludhiana ought to have been firstly offered to the petitioner or to the next candidate in descending order to respondent No.4? The University has offered the seat to respondent No.4, who is at Sr.No.149 amongst the Scheduled Caste category candidates, and is lower in merit than the petitioner. Such action of the University, in our considered view, is illegal and does not satisfy the test of Article 14 of the Constitution. During the course of counselling whenever a seat becomes available, it is imperative for the University to throw it upon for the candidates in order of merit. It is only if a candidate higher in merit does not opt for such seat that it can be offered to the next candidate in order of merit. Consequently, the writ petition is allowed; the 'Government quota' seat which became available in Dayanand Medical College, Ludhiana, is directed to be offered to the petitioner. Respondent No.4 may be considered for adjustment against any other vacant seat including at Guru Gobind Singh Medical College at Faridkot as per her merit, especially if a candidate lower in merit than her has been granted admission. If no such seat is available, in that case, respondent No.4 shall be allowed to continue in Christian Medical College at Ludhiana.

Dasti.

[SURYA KANT]
JUDGE

August 29, 2017
mohinder

[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned
Whether Reportable

: Yes/No
: Yes/No