

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

**CWP No.24802 of 2016 (O&M)
Date of Decision: 15.03.2017**

Dr. Srishti Mahajan
vs.

.....Petitioner

Guru Ravidas Ayurved University and othersRespondents

CORAM: HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

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

Mr. T.S. Chauhan, Advocate and Mr. Satnam Chauhan,
Advocate for respondent No.1.

Mr. Suresh Singla, Addl. AG, Punjab.

Ms. Navneet Kaur Sran, Advocate for Mr. D.S. Sandhu,
Advocate for respondent No.3.

Rakesh Kumar Jain (Oral)

This petition is filed for issuance of a writ in the nature of certiorari for quashing intimation (Annexure P-12), put up on the website by respondent No.1 regarding non allocation of the seat to the petitioner in MD (Homeopathy) in Materia Medica despite the fact that the petitioner had secured 4th Rank in the Post Graduate Ayurved Entrance Test (for short, 'PGAET') 2016.

In short, the petitioner passed her Bachelor of Homeopathic Medicine and Surgery (for short, 'B.H.M.S') from University of Delhi in the year 2014 by securing 994 marks out of 1600. She completed her Mandatory One Year Internship from Nehru Homeopathic Medical College & Hospital, Defence Colony, New Delhi from 12.4.2014 to 11.4.2015.

Thereafter, she got herself registered with the Board of Homeopathic System of Medicine, Delhi on 28.5.2015. Her registration is valid upto 27.5.2020. It is alleged that Guru Ravidas Ayurved University, Punjab was created under the Guru Ravidas Ayurved University Punjab Act, 2009, which conducts both undergraduate and Post Graduate Ayurvedic and Homeopathic teaching in 16 affiliated colleges in the State of Punjab. The admissions to various undergraduate and post graduate courses in the affiliated institutions of this University are made on merit prepared on the basis of the entrance exam. The MD (Homeopathy) courses are conducted in Sri Guru Nanak Dev Homeopathic Medical College, Ludhiana which currently offers MD in three specialities i.e. MD in Organon & Homeopathic Philosophy, MD in Materia Medica and MD in Repertory. In the year 2016, the University issued prospectus for admission to MD (Homeopathy) courses through entrance test known as PGEAT (Homeopathy) 2016. The last date for submission of online admission application form was 30.7.2016. The petitioner appeared in the Entrance Test and secured 4th Rank in General Category. However, she has not been offered the seat and intimated by way of document Annexure P.12, which is under challenge in this petition, on the ground that as per the prospectus, there were six seats each in three specialities of MD (Homeopathy) i.e. MD in Organon & Homeopathic Philosophy, MD in Materia Medica and MD in Repertory. The seats were also reserved i.e. 25% for SC/ST and 5% for Backward Class/Other Backward Class and 3% for Physically Handicapped meaning thereby 2 seats were reserved and 4 seats were meant for General Category. Since no reason was given to the petitioner except that the seat has not been allocated, therefore, the law was set in to motion and the

respondents were called upon to file their response. The respondents have accordingly filed their reply in which the University has taken a stand that in view of Clause 1.4 of General Instructions, the petitioner could have been allotted a seat, had the seat been available after being consumed by the candidates from the Punjab State. It is submitted that since the petitioner hails from Delhi, did her graduation from Delhi, therefore, she was neither resident of Punjab nor an alumni from any of the Institute affiliated to the University. The petitioner filed reply to the written statement filed by the University and the University has filed a rejoinder today in Court in which it is averred that since eligible students from State of Punjab were available, therefore, petitioner could not be considered and it is further submitted that students from other States who were higher in merit to the petitioner were available and if the petitioner is to be considered over and above the claim of the students hailing from Punjab State then the students from the other States shall also be considered and in that matter, the petitioner would not be in a position to secure the seat. The merit list of the candidates who have qualified the examination belonging to the States other than the State of Punjab is also attached as Annexure R1/3 with rejoinder in which the petitioner is at No.5 whereas the total seats are six. In that eventuality, the petitioner would not be entitled to secure the seat. The issue involved in this case is as to whether the respondent- University is justified in denying the petitioner's admission on the basis of Clause No.1.4 of the General Conditions. There is no dispute that the General Conditions were within the knowledge of the petitioner who did not challenge the same either before the examination or even in this petition and the said conditions specifically provide that if the candidates from the State of Punjab are not available then

the seats would be offered. This condition in itself is sufficient to knock the bottom of the case of the petitioner and as such, there is hardly any merit in the case of the petitioner. Consequently, I do not find any reason to interfere in this case.

Dismissed.

March 15, 2017

(Rakesh Kumar Jain)

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Judge

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No