

CWP-25764-2016

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

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CWP-25764-2016.

Decided on: February 3, 2017.

Dr.Nidhi Rao

.. Petitioner(s)

VERSUS

Union of India and another

.. Respondent(s)

*** * ***

CORAM: HON'BLE MR.JUSTICE M.M.S.BEDI

*** * ***

**PRESENT Mr.Manjeet Singh, Advocate,
for the petitioner.**

**Mr.Vikrant Pamboo, Advocate,
for respondent no.1.**

**Mr.Sumeet Goel, Advocate,
Mr.Sangram Singh, Advocate,
for respondent no.2.**

M.M.S. BEDI, J. (ORAL)

The petitioner has filed the present writ petition under Articles 226 and 227 of the Constitution of India, for issuance of a direction to the respondent to permit her to appear in the National Eligibility-cum-Entrance Test (Post Graduate) i.e. NEET-PG 2017.

It is claimed by the petitioner that she has been denied her right to appear in the above said examination on the pretext that she was

not holding original identity proof. The petitioner had produced a scanned copy of the Aadhar Card but she was not permitted to enter the Test Centre.

Vide interim order dated 12.12.2016, she was permitted to appear in the examination on 13.12.2016 which was taking place in the forenoon and afternoon sessions.

Petitioner has already appeared in the test. Vide order dated 31.1.2017, counsel for the respondents were directed to produce the result of the examination in a sealed cover. The result of the petitioner is ready, in the sealed cover, with the counsel for respondent no.2.

Counsel for the petitioner has made a prayer that on the basis of the result which has been produced in the Court in the sealed cover, petitioner may be permitted to appear for counselling for admission in the Post Graduate Course.

The prayer made by the petitioner appears to be beyond the scope of this writ petition, as such, no such direction can be issued. However, taking into consideration the facts and circumstances of the case, the petition can be finally disposed of.

The sole question which is required to be determined in the present case is whether denial of an opportunity to the petitioner to enter the test centre on the basis of having not been able to produce original Aadhar card, is a reasonable restriction to avail the opportunity to appear in the above said test.

In this context, the Information Bulletin for National Eligibility-cum-Entrance Test (Post Graduate), for admission to

MD/MS/Post Graduate Diploma Courses, 2017, has been perused. *Para 8.6 reads as follows: -*

“8.6 Candidates MUST bring to the test centre the following documents” -

(Unfair means case shall be registered against the candidates submitting false/forged documents)

- Printed copy of the Admit Card with Photo of the candidates pasted on it;*
- Photocopy of Permanent and Provisional SMC/MCI registration to be retained by the test centre; AND*
- Any one of the authorized photo Ids (must be original, valid and non-expired)*
- i. PAN card*
- ii Aadhar Card (with photograph)*
- iii Driving License*
- iv Voter ID*
- v Passport*

**Candidates who have obtained their Primary medical Qualification outside India and do not have SMC/MCI registration should bring their original screening test pass certificate issued on NBE letterhead.*

***The name of the photo identification must match with the name as shown on the Admit card. If the name has been changed due to events such as marriage; candidate must show the relevant document at the time of exam”.*

A perusal of the above said condition indicates that a candidate is required to bring any of the above said documents in order to establish his/her identity to enter the test centre. The objective of the above

said condition is to maintain the discipline and to avoid unfair means so that impersonation may be avoided. It is not a requisite condition that unless and until any of the above said documents are produced, a candidate will be debarred to enter the test centre. It is always the subjective satisfaction of the centre incharge to ensure that no impersonator is permitted to enter the test centre. In the present case, the petitioner had produced scanned copy of the Aadhar Card. The identity of the petitioner does not appear to be doubtful. It is observed that identity of the petitioner could have been verified from other sources also. It is held that denial of entry to the test centre is violative of Article 14 of the Constitution of India. Since the petitioner has already appeared in the examination and her result has been prepared, the petition is allowed. It is ordered that result of the petitioner would be declared in accordance with the procedure in order to enable her to take advantage of the documents for counselling or other purposes.

(M.M.S. BEDI)
JUDGE

February 3, 2017.

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Whether speaking / reasoned

Yes / No

Whether reportable:

Yes / No