

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.22585 of 2017.

Date of Decision: October 04, 2017

Shallu

.....Petitioner

versus

Pandit B.D.Sharma University of Health Sciences and others ...Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SUDHIR MITTAL.

Present: Mr.Vikram Singh, Advocate, for the petitioner.

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Surya Kant, J. (Oral)

The petitioner was a candidate for admission to M.B.B.S. Course. While she could not get any seat in first and second counseling being lower in merit, she took a chance in third counseling which was held on 30.08.2017. On that day, unfilled seats of various reserved categories were diverted to be filled up from open category. There was one unfilled seat in Central Pool/Government of India Nominee quota. The petitioner's case is that due to non-availability of any candidate of the said reserved category, the seat was diverted into open category and allotted to her. She signed the admission form and when she was going home, she got a phone call from the authorities of respondent Nos.1 & 2; she came back and thereafter she was told that some mistake had occurred while granting her admission. The mistake was rectified and her admission has been cancelled.

The petitioner's case is that the above-mentioned seat under Central Pool/Government of India Nominee quota was later on filled up by granting

admission to respondent No.3 who belongs to the said category.

The precise case of the petitioner thus is that she was present during the third counseling and once there was no candidate of Centre Pool/Government of India Nominee, the seat was rightly diverted to open category and allotted to her. Petitioner also relies upon some audio recording and news clips to allege that respondent No.3 did not reach on time on the day of third counseling.

The petitioner has been later on adjusted against a vacant seat in Kalpana Chawla Government Medical College, Karnal.

We have heard learned counsel for the petitioner at a considerable length but are not inclined to interfere in the matter. We say so for the reason that firstly the petitioner has chosen to approach the Court after a period of one month when the last date for admission is already over. At this stage, no reshuffling of seats from one Medical College to another ought to be permitted. Secondly, the question whether respondent No.3 reached on time for third counseling or she got late is a disputed question of fact and cannot be determined in these proceedings. Assuming that respondent No.3 reached late on 30.08.2017 for counseling due to some unforeseen circumstance, it appears to us that she could not have been denied admission on a hypo-technical ground if a seat was available in the category to which she belongs. Still further, the petitioner could get admission against a seat meant for Central Pool/Government of India Nominee quota only in default, save where no candidate of that category was available. Once respondent No.3 who belongs to that category, came forward, the petitioner was left with no indefeasible right to claim admission against that seat.

For the reasons afore-stated, we decline to interfere in the matter.

Dismissed.

[SURYA KANT]
JUDGE

October 04, 2017
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[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No