

CWP Nos.7664, 7666 & 8348 of 2017

[1]

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

- (1) **CWP No.7664 of 2017**
Date of decision:26.04.2017
Abhinav Nayyar ...Petitioner
Versus
State of Haryana and others ...Respondents
- (2) **CWP No.7666 of 2017**
Date of decision:26.04.2017
Surabhi and others ...Petitioners
Versus
State of Haryana and others ...Respondents
- (3) **CWP No.8348 of 2017**
Date of decision:26.04.2017
Jaya and anotherPetitioners
Versus
State of Haryana and others ...Respondents

Coram: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Salil Sagar, Senior Advocate, with
Mr. Samarth Sagar & Mr. Sankalp Sagar, Advocates,
for the petitioner(s) in CWP No.7666 of 2017.

Mr. Mukul Goyal, Advocate,
for the petitioner(s) in CWP Nos.7664 and 8348 of 2017.

Mr. B.R.Mahajan, Advocate General, Haryana, with
Mr. Lokesh Sinhal, Addl. A.G., Haryana.

Mr. Surender Kumar Sharma, Advocate,
for respondent-University.

Rakesh Kumar Jain, J. (Oral)

This order shall dispose of three petitions bearing CWP Nos.7664, 7666 and 8348 of 2017 as the issue involved in all these cases is the same. However, for the sake of convenience, the facts are being extracted from CWP No.7666 of 2017.

Shorn of unnecessary details, the issue raised in this case is as to

whether the eligibility condition laid in Clause 1(ii), Chapter IV of the prospectus is illegal?

In order to appreciate the respective arguments, it would be relevant to refer to the relevant eligibility condition, which reads as follows:-

“1. A candidate for admission to MD/MS/PG Diploma, MDS courses in Govt./Govt. Aided Medical & Dental Institutions will be eligible if he/she:

- i) is a citizen of India.
- ii) has passed MBBS/BDS examination from recognized University/Institution situated in Haryana as a bonafide resident of Haryana or has passed MBBS/BDS examination from any other Medical/Dental College/Institution recognized by the Medical/Dental Council of India and who/whose parents produce(s) a Haryana Resident Certificate as per Govt. instructions given in Annexure A & B.

xxx xxx xxx xxx”

Counsel for the petitioners have relied upon a decision of this Court in the case of **Dr. Mitthat and others vs. State of Punjab and others**, CWP No.4324 of 2015, decided on 13.04.2015, in which this Court has held that the reservation on the basis of residence in the Postgraduate Medical/ Dental Courses is illegal.

Though the reply has been filed by the respondents but the learned Advocate General, Haryana has submitted that insofar as the reservation on the basis of residence is concerned, it has been done away with, therefore, the grievance raised by the petitioner(s) in these petitions has been redressed.

Consequently, all the three petitions are hereby disposed of accordingly.

A photocopy of this order be placed on the files of other connected cases.

April 26, 2017
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(Rakesh Kumar Jain)
Judge

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