

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

Date of Decision : 03.07.2017

1. CWP No.9913 of 2017 (O&M)

Jasdeep Kaur Virk and others

..... Petitioners

Versus

State of Punjab and others

..... Respondents

2. CWP No.7647 of 2017 (O&M)

Raghav Mittal and others

..... Petitioners

Versus

State of Punjab and others

..... Respondents

3. CWP No.7686 of 2017 (O&M)

Rajas Rawal and others

..... Petitioners

Versus

State of Punjab and others

..... Respondents

4. CWP No.7823 of 2017 (O&M)

Shamita Bhagat and another

..... Petitioners

Versus

State of Punjab and others

..... Respondents

5.

CWP No.7824 of 2017 (O&M)

Aurelia Goyal

..... Petitioner

Versus

State of Punjab and others

..... Respondents

6.

CWP No.10533 of 2017 (O&M)

Guneet Kaur and others

..... Petitioners

Versus

State of Punjab and others

..... Respondents

7.

CWP No.10579 of 2017 (O&M)

Prabhjyot Kaur Lidhar and others

..... Petitioners

Versus

State of Punjab and others

..... Respondents

8.

CWP No.10706 of 2017 (O&M)

Amandeep Kaur and others

..... Petitioners

Versus

State of Punjab and others

..... Respondents

9.

CWP No.10856 of 2017 (O&M)

Khushboo Pahuja and others

..... Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Puneet Gupta, Advocate
Mr. Anil Rana, Advocate
Mr. Gurminder Singh, Senior Advocate with
Mr. J.S.Gill and Mr.R.P.S. Bara, Advocates
Mr. Deepak Agnihotri, Advocate
for the petitioner (s).

Mr. H.S.Sitta, Asstt. A.G., Punjab.

Mr. K.S.Sandhu, Advocate
for respondent No.3-Baba Farid University of Health Sciences.

Mr. M.S.Longia, Advocate for the MCI/DCI.

Mr. Aditya Singh, Advocate and
Mr. P.D.Tiwari, Advocate
for respondents No.5 and 6 (CWP No.7647 of 2017).

Mr. Satish Singla, Advocate for UOI.

Mr. Munish Jolly, Advocate
for respondent-Indian Nursing Council.

AJAY TEWARI, J. (Oral)

This order shall dispose of above mentioned nine writ petitions.

On 02.06.2017 the following order was passed in CWP
No.7647 of 2017 :-

“Learned counsel appearing on behalf of Union of India has produced two orders dated 2.6.2017 passed by the Ministry of Health and Family Welfare, Government of India, one pertaining to the approval of recommendations made by the MCI for shifting the students from Gian Sagar Medical College to other medical colleges of the State of Punjab as approved by the State Government in their letter dated 19.5.2017 as one time measure and the other order pertaining to acceptance of the recommendation of the Dental Council of India for closing down the Gian Sagar Dental College, withdrawing its

recognition under Section 16A of the Dentist Act, 1948 and granting approval to the Government of Punjab to shift students across all batches studying in the said college as per the guidelines prescribed by the Government of Punjab in its letter dated 19.5.2017. The order of the DCI dated 29.5.2017 is also produced. Both the orders of Union of India dated 2.6.2017 and DCI dated 29.5.2017 are taken on record.

Learned counsel appearing on behalf of Indian Nursing Council has also produced an order of Indian Nursing Council issued by its Secretary that though in the writ petitions neither any relief has been sought from the INC nor any specific prayer has been made regarding it but keeping in view the future prospects of the students as they ought not to suffer due to negligence on the part of the institution, INC has no objection if the students are shifted to a recognized nursing institution. The said order is also taken on record.

The Court is also apprised by counsel appearing on behalf of Gian Sagar Colleges that the discipline of Physiotherapy comes directly under the State Government as such it would take its decision for the purpose of shifting the students of Physiotherapy accordingly.

Since the requisite approvals have been received, therefore, the next step is the modalities to be adopted for the purpose of shifting of students of all the batches of MBBS/MD, BDS/MDS, Nursing and Physiotherapy to other colleges in the State of Punjab.

Learned counsel for the petitioners has submitted that the first step which is to be taken by the State is to fix a date for the counselling of the students of all the batches on the basis of merit-cum-preference keeping in view their rank which they have secured in the Combined Entrance Test. It is further submitted that after the counselling, the said students have to be allocated the colleges as per the merit and plan approved by the Government of India. It is also prayed that the students may

not be shifted to another University, namely, Adesh University to which Adesh Colleges are affiliated as the petitioners have been studying in Gian Sagar Colleges, which are affiliated to Baba Farid University of Health Sciences, which is altogether different from Adesh University. He has also submitted that as per the formula adopted by the respondents the shifting has been kept below 10% keeping in view the teacher-student ratio and according to him the percentage is between 8-9%. He has suggested that by increasing even 1/2%, while keeping in view it below 10%, all the students would be adjusted in other colleges other than Adesh Colleges. He also made a request for a direction to the Gian Sagar Colleges to return the original testimonials of the students.

Learned Advocate General, Punjab has submitted, after receiving instructions from the Secretary of the Department, who is present in Court, that the Government would require 2 days for the purpose of uploading the date of counselling and 3 weeks to complete the entire process. He has, however, submitted that the admission/allocation would be in terms of the plan approved by the Government of India.

After hearing learned counsel for the parties, the following directions are hereby issued: -

- 1. The State of Punjab shall upload the date of counselling uptill 5.6.2017 and complete the entire process of counselling, allocation and admission of the students of all the batches of MBBS/MD, BDS/MDS, Nursing and Physiotherapy within a period of 3 weeks thereafter.*
- 2. The entire process shall be carried out by the respondent/State in terms of the plan submitted and approved by the Government of India.*
- 3. Gian Sagar Colleges shall return the original certificates and attendance record of the students, who are to be shifted, on their making appropriate application. The documents etc. shall be returned without any pre-conditions.*

Adjourned to 3.7.2017 for further hearing.

A copy of this order be given to counsel for the parties under the signature of Special Secretary of this Court for compliance.

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

Counsel have apprised the Court that pursuant to the last order admissions of all the students (across the board) have been made in various institutions and to that extent the basic grievance of the petitioners has been redressed. Two minor issues are still alive. The first is that the original certificates and the attendance record of the students has not yet been given by the respondents No.5 and 6. Mr. Aditya Singh, Advocate appearing for the respondents No.5 and 6 has taken instructions from Dr. Nitender Singh, who is the new Chairman of the respondents No.5 and 6 and states that because the new management has just now taken over they have still not been able to lay their hands on these documents. On principle they have no objection to return the original certificates of all the students as well as certifying the attendance record of all the students and seeks some time to do the needful.

The next issue which has arisen is that the students are all now reeling under shortage of lectures due to no fault of theirs. On the asking of the Court Shri Karan Singh Sandhu, Advocate, Baba Farid University of Health Sciences- respondent No.3 has stated that the University on principle would not be averse to make arrangements for conducting extra classes of these students so that they are able to make up the deficiency in lectures (if practicable).

It has been brought to the notice of the Court that this tangled web was sorted out by great efforts particularly of the Secretary, Department of Medical Education and Research, Punjab, Mr. Vikas Pratap, IAS and Vice Chancellor of Baba Farid University, Dr. Raj Bahadur and their team of officers. The Court place on record its appreciation for the persons who have worked so hard to ensure that the students are not put to un-necessary prejudice.

In the circumstances, these petitions are disposed of with a direction to respondents No.5 and 6 to return the original certificates and attendance records of all the students as has been undertaken by it by the Chairman. The respondent No.3 is also directed to consider and work out a plan for holding extra classes so that the students can make up the deficiency of lectures if the same is practical. Both these exercises be effectuated within a period of two months from the date of receipt of this order.

Since the main cases have been decided, the pending Civil Misc. Applications, if any, also stand disposed of.

(**AJAY TEWARI**)
JUDGE

03.07.2017

pooja sharma-I

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No