

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

[1] Letters Patent Appeal No.698 of 2015 (O&M)
Date of Decision: December 04, 2017

State of Punjab and anotherAppellants

versus

Dr.Gagandeep Shergill and othersRespondents

[2] Letters Patent Appeal No.1150 of 2015 (O&M)
Date of Decision: December 04, 2017

Dr.Navneet Kaur and othersAppellants

versus

State of Punjab and othersRespondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SUDHIR MITTAL.

Present: Ms.Anu Pal, Assistant Advocate General, Punjab.
for the appellants in LPA No.698 of 2015.
Mr.Sandeep Bansal, Advocate,
for the appellants in LPA No.1150 of 2015
Mr.Manpreet Singh Longia, Advocate,
for Medical Council of India.

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Surya Kant, J. (Oral)

This order shall dispose of LPA Nos.698 and 1150 of 2015 as common questions of law and facts are involved in these cases.

For brevity, the facts are being taken from LPA No.698 of 2015.

This letters patent appeal has been preferred by the State of Punjab against the judgment dated 13.04.2015 passed by the learned Single judge whereby a bunch of writ petitions was decided with varied findings including in respect of Clause 29 of the Government Notification which was a part of the Prospectus published by the University for allocation of

All India 60%/40% quota (unfilled seats). Learned Single Judge while

interfering with the said Clause, has held as follows:-

“... This provision is apparently unreasonable and arbitrary because of the fact that 60% in-service quota is a source of admission and not reservation, therefore, relying upon the judgments of the Supreme Court in **K.Duraisamy's case (supra)**, **State of M.P.s case (supra)** and the judgment of this Court in **Baba Farid University of Health Sciences' case (supra)**, the clause 29 of the prospectus is hereby struck down as illegal and it is held that after exhausting eligible reserve category candidates in 60% in-service quota, any vacant seat in the reserve category would be transferred to general category of 60% in-service quota and if it is not consumed even in the general category of 60% in-service quota, then it would go to the reserve category of 40% non-service quota and if it is not consumed there also, then it would go to the general category of 40% non-service quota.

Thus, the 5th petition is hereby allowed accordingly.....”

The controversy decided by the learned Single Judge pertained to admission to Post Graduate Medical Courses for the year 2015.

During the course of hearing, it is pointed-out by learned State counsel that vide notification dated 29.03.2017, State of Punjab has done away with the 60% in-service quota and as such the very issue raised in this appeal is rendered academic.

Needless to say that the admissions to Post Graduate Medical Courses are made in terms of the criteria as may be notified by the State Government from time to time and the criteria which was prescribed for the admissions in the year 2015 has lost its relevance for the purpose of admissions made in the year 2017 or to be made in future. We are thus of the view that the instant appeal has become infructuous and is disposed of accordingly though the question of law raised on behalf of the appellants is kept open.

Ordered accordingly.

[SURYA KANT]
JUDGE

December 04, 2017
mohinder

[SUDHIR MITTAL]
JUDGE

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