

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

LPA No.762 of 2017 (O&M)

Date of Decision: 24.07.2017

Vikas Nehra & Ors.

... Appellants

VS.

State of Haryana & Ors.

... Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT

HON'BLE MR.JUSTICE SUDHIR MITTAL

Present: Mr. Arvind Seth, Advocate for the appellants

Mr. GS Wasu, Addl. AG Haryana

SURYA KANT, J. (Oral)

(1) The compliance affidavit filed by Ms. Hema Sharma, Additional Secretary-cum-Additional Director, Medical Education and Research Department, Haryana is taken on record.

(2) Learned Single Judge though vide order under appeal dated 05.05.2017 set aside the provision of granting institutional preference but in the instant appeal preferred by affected candidates who wanted to take advantage of such institutional preference with weightage, a Coordinate Bench passed a detailed interim order dated 18.05.2017 thereby restoring the subject-weightage. The said order was challenged before the Hon'ble Supreme Court in SLP (Civil) No.15869 of 2017 which was disposed of on 30.05.2017 in following terms:-

“Since it is only an interim order, we are not inclined to interfere with the same, more so, when we find that there are judgments of this Court giving institutional preference. However, we make it clear that while giving that institutional preference to the extent of 25 per cent, no weightage for marks shall be given to such candidates and, therefore, to that extent the impugned order is modified.

We also request the High Court to make an endeavour to dispose of the appeal in July, 2017 itself instead of 26th September, 2017, which is given for this purpose. The parties may make a mention to the High Court in this behalf when it reopens after Summer Vacation.

The State Government is permitted to undertake fresh exercise in this behalf and complete the process of admission by 10th June, 2017.”

(emphasis applied)

(3) Learned State counsel submits that in compliance to the above-reproduced order of the Apex Court, counseling for fresh admission was conducted and classes have since commenced after admissions. Learned counsel for the parties further jointly state that there is no necessity to go into the merits of the case as the admissions are over. In view of such stand taken on behalf of the parties, the appeal is rendered infructuous as the order passed by the learned Single Judge as well as the interim order passed by the Division Bench both stand modified by the Hon’ble Apex Court in above reproduced terms.

(4) Disposed of as infructuous but in terms of the order dated 30.05.2017 passed by the Hon’ble Supreme Court.

(Surya Kant)
Judge

24.07.2017
vishal shonkar

(Sudhir Mittal)
Judge

1. Whether speaking/reasoned?
2. Whether reportable?

Yes
No