

COCP-2980-2018

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

COCP-2980-2018

Date of Decision: October 09, 2018

Ashu Hooda & others

...Petitioners

Versus

B.S. Chavan

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Girish Agnihotri, Senior Advocate with  
Mr. Vijay Pal, Advocate,  
for the petitioners.

Mr. Suvir Sehgal, Sr. Standing counsel for U.T. Chandigarh,  
with Mr. Suman Jain, Advocate  
for the respondent.

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AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioners have approached this Court alleging violation of the judgment dated 31.08.2018 as the respondents have not complied with the directions issued by this Court in the said order passed in CWP No. 18240 of 2018 & other connected writ petitions, whereby, directions were issued to the respondents to scrutinize the cases of all the incumbents whosoever opted and claimed the benefit of residence in any other State and thereafter, if it is found that the candidate who has sought the benefit of residence in any other State, he would be debarred from claiming the seat in Union Territory, Chandigarh and would not be entitled to admission.

2. Learned senior counsel for the petitioners asserts that the judgment passed by the Division Bench of this Court on 31.08.2018 was

made available on the website of this Court. There was ample time available with the respondents to carry out the exercise as per the directions issued by this Court. The said exercise has not even been attempted by the respondents. He further asserts that as per the judgment passed by this Court, the first direction was limited to the extent of next academic session, whereas, with regard to the second direction, the same had to be implemented for the present session and therefore, respondents were required to carry out the said exercise and thereafter, whichever seat(s) became available, should have been offered to the candidates, who have opted for Union Territory, Chandigarh, as their preference. He, thus, contends that the respondent has rendered himself liable for proceedings under the Contempt of Courts Act, 1971.

3. On the other hand, learned counsel for the respondent contends that the medical college did not have the data with regard to the candidates, who had opted for different States as the said data was available with the Central Board of School Education or with the universities conducting admissions. He, therefore, contends that the said exercise could not be carried out apart from the fact that there was no time available for carrying out such an exercise. His further submission is that although the candidates, who had taken admission in the medical colleges, were parties to the writ petition(s) and the Court while dealing with the admissions, said nothing with regard to the admissions, which had already been completed. Had there been anything to dislodge the candidates, who had already been admitted, there would have been an indication about them in the said judgment. He,

thus, contends that the order which has been passed by the Division Bench especially subsequent direction was limited to the extent of seats which were available at the time when counseling was to be carried out on 31.08.2018, which was the last date fixed. Since there was only one seat available, the said seat was given to a candidate, who was highest in merit and had opted for Union Territory, Chandigarh. He, therefore, contends that the contention of the learned senior counsel for the petitioners cannot be accepted.

4. I have considered the submissions made the learned counsel for the parties and with their assistance have gone through the judgment of the Division Bench.

5. Perusal of the said judgment would indicate that the Court has emphasized more than once that the last date for completing the admission process was 31.08.2018 and there was no further scope for extension of time. This Court tends to agree with the submissions of the learned counsel for the respondent that the direction, contempt of which is alleged to have been committed by the respondent, was limited to the extent of seats which were available on the last date of counseling. It is an admitted position that only one vacant seat was available against which admission has been granted to the candidate who had opted for Union Territory, Chandigarh and was the highest in merit in the NEET ranking. The said exercise having been carried out by the respondent, it cannot be said that there has been violation of the judgment passed by the Division Bench of this Court. This Court is not in agreement with the submission of the learned senior counsel

for the petitioners that the exercise had to be carried out viz-a-viz the already admitted candidates as well because the Division Bench did not indicate anything with regard to dislodging the admissions which have already been carried out nor did it say that the admissions already made of the candidates would be dependent upon the exercise which was to be carried out by the respondents as per the directions.

6. In the above facts and circumstances, this Court would not be in a position to come to a conclusion that the respondent has intentionally violated the judgment passed by this Court or the directions issued by the Division Bench of this Court have not been complied with. Finding no merit in the present contempt petition, the same stands dismissed.

7. At this stage, learned senior counsel for the petitioners prays that an application would be moved for clarification of the judgment before the Division Bench. No permission of this Court is required for this purpose and therefore, nothing can be said in this regard.

8. Rule stands discharged.

October 09, 2018  
*Harish*

(AUGUSTINE GEORGE MASIH)  
JUDGE

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