

CWP no. 13094 of 2018 (O&M) 1

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

CWP no. 13094 of 2018 (O&M)

Date of Decision : 30.05.2018

Arun Singla

....Petitioner(s)

Versus

State of Haryana and others

...Respondent(s)

**CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR JUSTICE RAJBIR SEHRAWAT**

Present : Mr.Sunil Chadha, Sr. Advocate with
Mr. M.S.Athwal, Advocate for the petitioner(s)

Mr. Ankur Mittal, Addl. AG, Haryana with
Mr. Manoj Dhankhar, Advocate for respondent no.1

Mr. Surinder Garg, Advocate for respondents no .2 and 3

Mr. Deepak Sonak, Advocate for respondents no. 4 and 5

MAHESH GROVER, J.(ORAL)

This petition has been filed by the petitioner with a prayer that the admission granted to private respondents, in particular, respondent no.4 to M.D. (Medicine) seat in the open category during the mop up round held on 15.5.2018 be quashed.

To demonstrate his grievance, learned counsel for the petitioner had depicted the situation through a chart and according to us it adequately brings out the grievance. The petitioner did not opt for any stream in the first round of counselling held on 3.4.2018 whereas respondent no.4 was allocated stream of Pediatrics in the open merit. This was, however, not

availed of by him. In the second round of counselling held on 9.5.2018 the petitioner got M.D (Pediatrics) in the open category and availed of the admission but resigned with forfeiture of the tuition fee.

Respondent no.4 on the other hand opted for M.D. (Medicine) in the second round of counselling in the open category and though granted the stream did not join, to take exit with forfeiture of tuition fee. In the third round of counselling held on 15.5.2018 from where the grievance of the petitioner stems respondent no.4 opted for the same stream i.e M.D. (Medicine) in the open category. The petitioner was also granted M.D. (Medicine) but in the Institutional Preference category (hereinafter referred to as 'I.P category'). The mistake was realized there and then by those in-charge of counselling and his admission was retracted instantaneously to give it to respondent no.4 who was eligible in the I.P category. Since in the second round of counselling this very seat of M.D. (Medicine) allocated to respondent no.4 in the I.P category had fallen vacant on account of his forfeiture, it was given to the next candidate in the I.P category i.e respondent no.5. The petitioner alleges that once he had been granted the stream of M.D. (Medicine) in I.P category it could not have been withdrawn from him. Secondly, he contends that respondent no.4 and 5 have indulged in manipulative tactics when initially stream of M.D. (Medicine) was availed by respondent no.4 in I.P category but abandoned, to again opt for M.D. (Medicine) in the open category thereby vacating the seat in I.P category which was given to respondent no.5. However, except for attributing manipulative tactics it has not been shown to us that such a course was irregular or contrary to the law.

conceded before us that the petitioner was not eligible in the I.P category.

If that be so then the only grievance that remains is that respondent no.4 ought not have abdicated seat of M.D. (Medicine) in I.P category to opt for open one leaving I.P seat vacant which eventually went to respondent no.5 who is lower in merit than the petitioner.

It is contended before us that had respondent no.4 stuck to his original option for M.D. (Medicine) in the I.P seat category, the open seat could have been available for the petitioner.

The respondents on the other hand have stated that perception of the petitioner is wrong as another candidate is available who is higher in merit than the petitioner who could also possibly have opted for the M.D. (Medicine).

Upon examining the matter, we find that the claim of the petitioner is largely based on hypothesis and assuming that respondent no.4 did indeed abandon his seat in the M.D. (Medicine) in the I.P category to help respondent no.5 this per se will not be any ground for us to interfere unless any irregularity or illegality is shown in the process.

Hence, instant petition is hereby dismissed.

(Mahesh Grover)
Judge

30.05.2018

rekha

Whether speaking/reasoned

Whether reportable

Yes/No

Yes/No

(Rajbir Sehrawat)
Judge