

Sr.No.201

IN THE HIGH COURT OF PUNJAB AND HARYANA, CHANDIGARH

CWP NO.20575 OF 2017(O&M)

Date of Decision: 25.01.2018

Gurleen Kaur and anotherPetitioners

versus

State of Punjab and anotherRespondents

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

Present Mr.Lalit Rishi, Advocate for the petitioners.
Ms. Anu Pal, Asstt. AG, Punjab.
Mr.Nitin Kaushal, Advocate for respondent no.2.

MAHESH GROVER, J(ORAL)

The petitioners applied for B.Sc (Nursing) course but were denied admission as the respondents insisted on giving preference to students who had passed PPMET qualifying examination from State of Punjab.

Learned counsel for the petitioners refers to the notification dated 13.05.2016 governing the admissions to the B.Sc(Nursing) Courses 2016 onwards in particular para 1.3 of the Corrigendum of Government of Punjab, Department of Medical Education and Research (HEALTH-III BRANCH) which is reproduced as under:-

“ **1.3**

No institution shall select candidates out of any other source, or in any other manner other than inter-se-merit of the candidates on the basis of PPMET merit list. However, for the minority quota seats, the inter-se-merit of the candidates of the concerned minority only shall be considered. There shall be no overlapping or bye passing of

inter-se-merit of candidates seeking admission to seats in management/minority quota except the NRI quota seats. There will be three counsellings. Seats shall be filled in the following order:

- i) **from amongst the PPMET qualified students;***
- ii) from amongst the PPMET appeared students from the State of Punjab;*
- iii) from amongst the PPMET appeared students from the State of other State.”*

The respondents, on the other hand, contended that these instructions were subsequently mandated through corrigendum to read as follows

“ **1.3**

The selection shall be made as per following manner, subject to the condition that the rules/regulations/guidelines of Indian Nursing Council are strictly followed:-

- (i) from amongst the PPMET qualified students on the basis of merit list;*
- (ii) From amongst the PPMET appeared students from the State of Punjab;*
- (iii) From amongst the bonafide residents of Punjab State on the basis of merit of qualifying exam,*
- (iv) if, seats still remain vacant, candidates belonging to other State shall also be considered on the basis of qualifying exam.”*

Consequently, in view of the amended clause, the admission was to be given to incumbents who were bonafide residents of Punjab or had passed the qualifying examination from the State of Punjab.

During the pendency of the writ petition and under the orders of this

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Court, the petitioners were granted provisional admission.

We have heard the arguments and are of the opinion that the respondent's claim is totally misplaced. Both the conditions amended or unamended do not give out any such criteria where the incumbents having qualified from the State of Punjab or being residents of Punjab were to be preferred. In both these notifications, there is a clear cut indication against clause (i) that admissions are to be made from amongst those who are qualified PPMET on the basis of merit. Undeniably petitioners are in merit and, therefore, to insist upon any other condition which does not even manifest itself from the notifications, would be unacceptable justification to deny the admission to the petitioners.

Consequently, the stand of the respondents is negated and while allowing the writ petition, we mandate that the petitioner's admission be regularised.

(MAHESH GROVER)
JUDGE

25.01.2018
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(RAJBIR SEHRAWAT)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No