

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

CWP No.19943 of 2018

Date of Decision : 10.10.2018

Ajay Jakhar

....Petitioner

Versus

State of Punjab and others

....Respondents

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR.JUSTICE AMIT RAWAL

Present: Mr.Kuldip Singh, Advocate
for the petitioner.

Ms.Anu Pal, DAG, Punjab.

Ms.Gurneet Sagoo, Advocate
for respondents No.3 and 4.

MAHESH GROVER, J. (Oral)

This petition has been filed by the petitioner with a grievance that he ought to be granted admission to MBBS Course in the college affiliated to the respondent University on the basis of the result declared for the NEET Examination 2018. The petitioner was successful in the NEET Examination and secured 511 marks out of 720. He has been denied admission under the seats intended for State quota of Punjab as he has done 10+2 from Rajasthan. Clauses 11 and 12 of the Prospectus for Admission under NEET UG 2018 clearly stipulate that a candidate shall have passed his/her 10th class examination and also 10+1 and 10+2 from the State of Punjab to enable him/her to such a preference. Both the Clauses are extracted herebelow for ready reference :-

“11. The candidate should be a bonafide resident of Punjab.

The resident status of Punjab State shall be taken in terms of

Punjab Government, Department of Personnel and

Administrative reforms (PP-II Branch) letter No.1/3/95-3

PP/11/9619, dated 6th June, 1996, ID No.1/2/96-3PP-2/8976, dated 7th July, 1998 and ID No.1/3/95-3PP/11/81, dated 1st January 1999 and any further instructions issued by the Department of Personnel, if any, and the same shall be adhered to. Candidate must have passed 10+1 and 10+2 examination from Punjab. Candidate who passed his/her 10+1 and 10+2 examinations or other equivalent examination from a recognized School/Institution situated in Chandigarh (Union Territory), who is bonafide resident of Punjab shall also be eligible.

12. In view of the judgment dated 02.07.2014 in CWP No.6009 of 2014 and connected cases by the Hon'ble Punjab and Haryana High Court, the eligibility criteria from academic session 2019-2020 onwards shall be, inter-alia as under :-

“The candidate shall have passed his/her 10th Class examination and also 10+1 and 10+2 from the State of Punjab.”

Upon notice being issued, the respondents No.3 and 4 have filed their reply wherein in paras 6 and 7 they have detailed the reasons for excluding the petitioner from the process of admission. It has been averred that first physical counselling for admission to MBBS/BDS Courses, session 2018 was conducted by the respondent University w.e.f. 10.08.2018 to 13.08.2018 followed by the 2nd round of counselling for the vacant seats on the same day at 4.00 PM. The petitioner appeared for the counselling and marked his attendance in open merit No.523 and wanted to opt the seat of Sikh Minority at SGRD, Amritsar, but the seat could not be allotted to him as he did not apply under Sikh Minority Category. The condition of his

having not passed 10+1 and 10+2 from Punjab was an additional factor to oust him from consideration. In the mop-up round of counselling conducted on 22.08.2018 the petitioner never applied at all and in this manner he was ousted from the consideration for admission to MBBS/BDS course as he had not applied for the alternate course.

On due consideration, we find that the instant petition lacks merit. The petitioner has been unable to show any illegality or infirmity in the approach of the respondents. We, therefore, decline interference.

Dismissed.

(MAHESH GROVER)
JUDGE

10.10.2018
dss

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No