

CWP no. 21008 of 2018 (O&M) 1

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP no. 21008 of 2018 (O&M)

Date of Decision : 11.10.2018

Ridhima

....Petitioner

Versus

State of Punjab and others

...Respondent(s)

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

Present : Mr.Vinod Gupta, Advocate for the petitioner
Ms. Anu Pal, DAG, Punjab
Ms. Gurpreet Sago, Advocate for respondents No. 2 to 4

MAHESH GROVER, J.(ORAL)

In the instant writ petition, petitioner has prayed that she be considered for admission to the MBBS course in the State quota seats. The only reason why the petitioner was not granted consideration against the State quota seat was that she went to Kota to get coaching and did her +2 from there although she had consistently been studying in Punjab having done her +1 also from State of Punjab.

We have issued notice of motion to the respondents who have filed their reply. Reliance has been placed on a judgment of the Hon'ble Supreme Court in Writ Petition (C) No.766 of 2018 titled as **Rajdeep Ghosh vs. State of Assam and ors** decided on 17.8.2018 wherein it has been observed as follows:-

“35. It was urged that some of the students may obtain admission in other States for the purpose of better coaching. Relevant date has not been placed on

record by the petitioners that in Assam coaching is not available. Apart from that, when they can afford to obtain coaching in other States, they stand on a different footing, they are the one who belongs to an affluent class who can afford expensive education in other States and it is not necessary that they should be adjusted in State quota seat, they can stake their claim for All India Quota Seats for the State of Assam. They can stake their claim with respect to open seats within the State of Assam. The exclusion is not total for them. However, with respect to the State- quota seats, since it is open to the State Government to lay down the educational as well as domicile requirement, incumbents must fulfill the criteria. The criteria so laid down in Rule 3(1) (c) of Rules of 2017, cannot be said to be ultra vires of Article 14 of the Constitution of India.”

We are of the opinion that we cannot enforce the consideration of the petitioner against the State quota seats.

Hence, instant petition is hereby dismissed.

(Mahesh Grover)
Judge

11.10.2018
rekha

(Amit Rawal)
Judge

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No