

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

**CWP No.21690 of 2018 (O&M)
Date of Decision: 30.08.2018**

Ishan Mittal

....Petitioner

Versus

State of Punjab and others

....Respondents

**CORAM: HON'BLE MR. JUSTICE MAHESH GROVER
HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU**

Present: Mr. D.S.Patwalia, Senior Advocate with
Mr. Kannan Malik, Advocate for the petitioner.

Mr. Suveer Sheokand, Additional Advocate General, Punjab
for respondent Nos.1 and 2.

Mr. Anupam Gupta, Senior Advocate with
Mr. Ashish Rawal and Mr. Digvijay Singh, Advocates
for respondent Nos.3 and 4/Baba Farid University, Faridkot.

Mr. B.B.S.Sobti, Advocate
for respondent No.5/Dayanand Medical College & Hospital, Ludhiana.

None for respondent No.6/Punjab Institute of Medical Sciences.

MAHESH GROVER, J. (Oral)

We have heard learned Counsel for the parties.

The petitioner has prayed that his claim be considered for
admission to the MBBS Course.

The present situation has emerged from the order dated
23.08.2018 (**Annexure P-14**), passed in CWP No.15944 of 2018 and other
connected cases, wherein the action of the State in prescribing a roster system
to fill up the seats, emerging from all India quota, was considered, as well as
the issue of micro reservation being restricted to Government Institutes alone.

We have, by detailed order on 23.08.2018 (P-14), accepted the petition partially and extended the micro reservation to the private Institutes as well. Since we had, in three writ petitions bearing CWP Nos.16611, 17316 and 16736 of 2018, directed the University to reserve seats for the petitioners therein, three additional seats were created. Petitioner-Ishan Mittal is concededly higher in merit to all other stakeholders to the seats.

On 28.08.2018, when the petition came up for hearing, we passed the following order:-

“ Learned Counsel for the petitioner states that three seats were created, pursuant to a decision dated 24.07.2018, rendered by this Court in CWP No.16611 of 2018. Petitioner was at Sr. No.3 and would have been considered. It is further contended that in the initial round, there were four seats in the Government Institutes. The petitioner was at Sr. No.3 there as well, but since he could not participate in the Counseling due to ill health, he ought to have been considered against the seats, which are now being created.

Notice of motion for 30.08.2018.

Dasti only.

Since the admission has to be made in a time bound manner, we direct the learned Counsel for the respondents to have instructions ready. ”

Pursuant thereto, learned Senior Counsel representing the Baba Farid University (respondent Nos.3 and 4) has produced a Chart before us and has stated that concededly, Ishan Mittal is higher in merit at Sr. No.3 of the Category Code 18.2.

Three seats were reserved, pursuant to our orders, in the cases of Isha Gupta, Abhinav Garg and Niharika Dhawan and even though the petitioner before us was not granted any interim relief.

It is now stated that if petitioner-Ishan Mittal is granted the admission, there would be some reshuffle, disadvantaging a few on re-allocation of seats.

After considering the matter, we are of the opinion that any seats created on account of our orders would not necessarily create any equitable right in favour of the incumbents once the main petition itself has been decided. The consequences of implementation of the judgment in CWP No.15944 of 2018 would, therefore, have to be borne by the stakeholders to the admission process. Even otherwise, the interim order would not create any equitable right to any respondents. The allocation of seats would be strictly in accordance with the merit.

With the aforesaid observations, we dispose of the present petition.

(MAHESH GROVER)
JUDGE

August 30, 2018
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(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>