

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

CWP No.4653 of 2019

Date of Decision : 21.02.2019

Sri Satya Sai Murlidhar Ayurvedic College and
Hospital and another

....Petitioners

Versus

Union of India and others

...Respondents

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR JUSTICE LALIT BATRA

Present: Mr.D.Hasija, Advocate
for the petitioners.

MAHESH GROVER, J.(O)

The petitioners pray for issuance of a writ in the nature of mandamus directing the respondents to consider their case for extension of cut-off date in the counselling process.

On a prior occasion we had disposed of a similar prayer in a writ petition with a direction to the respondents to consider the similar claim of the petitioners by deciding their representation.

The petitioners have referred to a communication from Guru Ravidas Ayurved University Punjab (Annexure P-19 on record) whereby they refused to accede to the request of the institutions by observing that permission has to be sought from the Ministry of Ayush, Govt. of India if the date of admission has to be extended or in the alternative an order from the Court. Learned counsel for the petitioners has also referred to an order passed by the Hon'ble Supreme Court, the relevant of which we extract herebelow :-

“7. As two months have passed after the last date of admission to the 1st year BHMS course i.e.15th November, 2018, we direct the Appellants to complete the process of admissions strictly on the

basis of the merit by 15th February, 2019. The Managements of the colleges are directed to hold extra classes for students who will be admitted pursuant to this order to comply with the requirements of minimum working days. This order which is passed in the peculiar facts of the case shall not be treated as a precedent. No opinion is expressed by us regarding the introduction of the minimum percentile as an eligibility criteria in the NEET examination.”

It is contended by him that even the Hon'ble Supreme Court in the matters of appointment to BHMS course had extended the date of counselling. Therefore, this ought to be sufficient to serve as an indicator for the courts to extend the date of counselling on the ground of parity in the matters of courses other than BHMS.

We are afraid we cannot accept the contention of the learned counsel as it has been very clearly stated by the Supreme Court that the order passed by them be not considered as a precedent. We are also of the opinion that on issues such as these, it is the university and the Ministry concerned to mandate the prescription of an admission process. Cut-off date for counselling etc. are all within their domain and the courts have a very little role in such a process. We, therefore dispose of this petition but with a direction to the respondent-University as also to the respondent No.1-Union of India to look into the grievance of the petitioners as expeditiously as possible, preferably within a period of two weeks from the date of receipt of certified copy of the order.

(MAHESH GROVER)
JUDGE

21.02.2019
dss

(LALIT BATRA)
JUDGE

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