

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

CWP No.8939 of 2019

Date of Decision : 03.04.2019

Dr.Vikas Yadav and others

....Petitioners

Versus

State of Haryana and others

...Respondents

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

Present : Mr.Ashwani Talwar, Advocate and
Mr.Akshay Bansal, Advocate
for the petitioners.

...

MAHESH GROVER, J.(O)

This writ petition has been filed by the petitioners praying that notification dated 19.03.2019 be quashed to the extent that it provides 25% seats to be reserved for the candidates passing MBBS/BDS Course from the institutions located within the State of Haryana. Another prayer has been made to quash para10(xiii) of the same notification providing that a candidate would be considered under the institutional preference vacancy in the first instance and later in the general category.

Learned counsel for the petitioners has contended that some of the States are providing 20% limit for candidates passing their qualifying examination from institutes located within the State but the State of Haryana has provided 25% which is in excess of the limit set down by other States. This, according to the petitioners, would prejudicially affect the chances of admission of deserving candidates.

We are of the opinion that such a grievance is imaginary and argument misplaced. Each State would be within its rights to provide a cap of reservation for the students passing their qualifying examination from within the State. As long as they do not violate the cap of 50% as laid down by the Hon'ble Supreme Court, there would be no cause to agitate.

In so far as second grievance pertaining to para 10(xiii) of the impugned notification is concerned, we deem it appropriate to reproduce the said provision here-below for ready reference :-

“(xiii) The candidate's choice shall be considered first under the Institutional Preference vacancy and then under General Category seats.”

To our minds the aforesaid clause also does not violate any law. Evidently, a person who passed out from an institution and claims a preference in this regard would have to be accommodated in the first instance against the vacancy for institutional preference and in case he does not fulfill the parameters, he is entitled for consideration in the general category. Since no illegality has been shown in the impugned notification vis-a-vis the grievance set out in the petition, we decline interference.

Petition dismissed.

(MAHESH GROVER)
JUDGE

03.04.2019
dss

(LALIT BATRA)
JUDGE

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