

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.19005 of 2019
Date of decision: 15.07.2019

Sourav

..Petitioner

Versus

State of Punjab and another

..Respondents

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY
HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. N.S. Sidhu, Advocate
for the petitioner.

Daya Chaudhary, J.

The prayer in the present petition is for issuance of a writ in the nature of mandamus directing the respondents to consider the claim of the petitioner in the Economically Weaker Section Category (hereinafter referred to as “EWS Category”) for the process of counseling in admission of MBBS/BDS Session-2019 after considering the EWS certificate issued by the competent authority.

Briefly, the facts of the case as made out in the petition are that the petitioner filled online application form for National Eligibility-cum-Entrance Test (UG) 2019 (hereinafter referred to as “NEET”). His Roll number was issued on 05.04.2019, whereby he was informed about the date of examination fixed for 05.05.2019. Petitioner appeared in the NEET conducted by respondents and the result was declared on 05.06.2019. He secured NEET all India rank as 23548 and total marks obtained by him were

551. Being eligible, the petitioner applied for the admission. The grievance of the petitioner in the present petition is that he belongs to EWS Category but he was considered in General Category.

Learned counsel for the petitioner submits that the candidate, who secured rank 24048 has been placed on rank 34 in the merit list prepared by respondents and the petitioner secured rank 23548 but his name was incorporated at Sr. No.615 in General Category. Learned counsel also submits that the petitioner was eligible for consideration in EWS Category by considering his marks and his name should have been at Sr. No.34 of the merit list. The petitioner made representation for consideration of his name in EWS Category and not in General but still no action has been taken. Learned counsel also submits that EWS Certificate issued by the competent authority on 12.07.2019 was shown to the concerned authority but the same was not accepted.

Heard arguments of learned counsel for the petitioner. We have also perused the documents available on the file.

Admittedly, the petitioner applied in General Category and his name was considered in General Category at the time of declaration of the result. The grievance of the petitioner is that he belongs to EWS Category and the Certificate of EWS Category was not accepted by respondent-authority and his claim has wrongly been rejected. It is also not disputed that EWS Certificate was issued by the competent authority on 12.07.2019, whereas the result of NEET-2019 was declared on 05.06.2019. Meaning thereby, the result was declared as per category mentioned in his application

form i.e. in General. The documents submitted at the time of filling up of application form are to be considered and documents supplied subsequently cannot be considered as eligibility criteria. In case, any candidate furnishes any document subsequently and he was not in possession of said documents at the time of submission of application, the same cannot be considered.

The same issue was there in **CWP No.17819 of 2019** titled as **Ankita Sharma vs. The Chairman, Joint Admission Committee, Chandigarh**, which was also dismissed on 12.07.2019.

Accordingly, there is no merit in the submission made by learned counsel for the petitioner as Category of the petitioner cannot be changed from General to EWS Category and the present petition being devoid of any merit is hereby dismissed.

(DAYA CHAUDHARY)
JUDGE

15.07.2019
sunil/neetu

(SUDHIR MITTAL)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	No