

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

Sr. No.102

CWP No.19989 of 2019 (O&M)

Date of decision : 23.7.2019

Aastha Raj

..... Petitioner

VERSUS

Government Medical College & Hospital, Sector 32, Chandigarh and
another

..... Respondents

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

Present: Mr. Rakesh Gupta, Advocate, for the petitioner.

SUDHIR MITTAL, J.

A combined merit list dated 20.7.2019, has been notified by the respondent-College which shows that the candidature of the petitioner has been rejected on the ground that she had applied for MBBS course in the State of Punjab also. This action has been put to test in the present writ petition.

2. The petitioner qualified the NEET (UG) 2019 examination, the result of which was declared on 5.6.2019 and secured 391 out of total of 720 marks. Thereafter, she applied for the MBBS course being conducted by the respondent-College in the Scheduled Caste category and in accordance with the terms of the prospectus submitted an affidavit with the application that she had neither applied nor claimed benefit of residence in any other State/Union Territory other than U.T Chandigarh.

Later, she also applied in the State of Punjab, but never took part in the counseling. In fact, she withdrew her candidature and sent a letter dated 8.7.2019 to the Registrar-cum-Chairman, Baba Farid University of Health Sciences, Faridkot. On 9.7.2019, she received an Email stating that she had applied in Punjab also and therefore, she should clarify her position. A reply dated 12.7.2019, was submitted by her clarifying that she did not participate in the counseling in the State of Punjab and withdrew her application through letter dated 8.7.2019. A specific affidavit dated 12.7.2019 was also filed in this regard. Yet, the petitioner has been declared ineligible illegally.

3. Prospectus for the year 2019 issued by the respondent-College is Annexure P-6, on record. Clause 5 of the section relating to 'Admission' is specific in nature and it clearly states that in case the information furnished is found to be incorrect or there is some concealment of information, the admission shall stand cancelled and the fee deposited shall be forfeited. Prospectus has the force of law and the terms thereof have to be applied with full force. In our opinion, Clause 5 applies even at the stage of scrutiny of application forms prior to counseling, entitling the respondent-College to declare a candidate ineligible for furnishing false information. The explanation given by the petitioner that she never took part in the counseling in the State of Punjab and in fact, withdrew her application, cannot come to her aid as she did apply in the State of Punjab for the State quota seats in violation of the terms of the prospectus issued by the respondent-College. Thus, there is no illegality in the impugned merit list.

4. Accordingly, we do not find any merit in this writ petition and the same is dismissed.

(DAYA CHAUDHARY)
JUDGE

(SUDHIR MITTAL)
JUDGE

23.7.2019
Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No