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

**CWP No.20319 of 2019
Date of decision: 25.07.2019**

Ishita Singhal

..Petitioner

Versus

Union Territory, Chandigarh and another

..Respondents

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

Present: Mrs. Ritam Aggarwal, Advocate
for the petitioner.

Daya Chaudhary, J.

Petitioner Ishita Singhal has approached this Court by way of filing the present writ petition under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus directing the respondents to consider her candidature for admission in MBBS course 2019 on passing 10+2 examination from the School recognized by the Chandigarh Administration being eligible for applying against UT Pool seats. A further prayer has also been made for quashing of public notice dated 27.06.2019 qua the petitioner whereby her candidature has been rejected on the ground of non-submission of Appendix B1 and B4.

Briefly, the facts of the case as made out in the present writ petition are that the petitioner has passed 10+1 and 10+2 examination from DAV Senior Secondary School, Sector 8-C, Chandigarh. She sought admission in MBBS course for the session 2019-20. The petitioner was

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required to submit an affidavit in the form as specified in Appendix B4 appended with the prospectus. Before submission of such affidavit, **CWP No.30432 of 2018** titled as ***Bodhdeep Pal and others vs. U.T. Chandigarh and others*** was filed before this Court wherein criteria was challenged. As per criteria, the students who have done their 10+2 examination from the Schools recognized by the Chandigarh Administration were eligible for applying against UT Pool Seats. By virtue of the said condition/criteria, the students who are residents of other state/states were also eligible for UT Pool seats by doing their 10+2 examination from Chandigarh Administration Schools. The petitioner and other students, who are residents of UT and have completed their entire study from Chandigarh, have lost their chance of admission. Vide public notice dated 18.06.2019, reference of said writ petition was made and next date of hearing in the above said petition was also fixed as 02.07.2019. The last date of submission of application was 29.06.2019. Because of dispute of the eligibility criteria as challenged in the above said petition, the petitioner was required to give an undertaking by way of affidavit stating that she had not claimed benefit of residence in MBBS in any State/UT other than UT Chandigarh for State Quota Seats. The petitioner did not furnish such affidavit. During pendency of said writ petition, a list of rejected/disqualified candidates was displayed and her name was mentioned at Sr. No.85 in the list. Said writ petition was allowed by this Court but thereafter it was challenged by way of filing **SLP (Civil) No.16604 of 2019** titled as ***Aditya Jain vs. Bodh deep*** before Hon'ble the Apex Court, which was allowed and judgment passed by this Court was set-

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aside. The petitioner did not submit the documents as per objection raised in the list about the eligibility criteria as it was pending before the Court.

The petitioner has approached this Court after decision of SLP on the ground that a right has accrued to her to allow her to participate in the counselling and also for consideration of her candidature under the changed circumstances.

Learned counsel for the petitioner submits that earlier the petitioner was not in a position to attach Appendix B1 and B4 as eligibility criteria was already sub-judice and the petitioner would have been disentitled to apply in States of Punjab and Haryana. Learned counsel further submits that the claim of the petitioner has been rejected only on the ground of non-submission of documents i.e. Appendix B1 and B4 whereas it could have been submitted at the time of counselling. Learned counsel also submits that the act of respondent No.2 in rejecting the application of the petitioner is not only illegal and arbitrary but unjust as well.

Heard arguments of learned counsel for the petitioner and we have also perused the documents available on the file including the document showing rejection of claim of the petitioner on the ground of non-submission of Appendix B1 and B4.

The facts are not disputed.

Admittedly, the petitioner did not submit Appendix B1 and B4 and her claim was rejected. As per eligibility criteria, every candidate, who has passed 12th standard examination or other equivalent examination and even whose result was awaited could have applied. All candidates were

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required to submit the documents/certificates to establish their eligibility for UT Pool Seats who passed 10+2 from Schools/Colleges recognized by the Chandigarh Administration situated in the Union Territory of Chandigarh, as regular students of said School/College as per Appendix B1. Candidates were required to submit an undertaking/affidavit to the effect that they have not opted and claimed the benefit of residence in any other State/UT other than UT Chandigarh after declaration of NEET result as per Appendix B4. The petitioner did not submit Appendix B1 and B4 and her claim was rejected. The petitioner has filed this petition after decision of SLP filed against the judgment passed in CWP No.30432 of 2018, which was allowed by this Court but was set-aside by Hon'ble the Apex Court. **The process of admission has already completed as last date of submission of application was 29.06.2019. The petitioner did not furnish the affidavit as per requirement of Appendix. No right has accrued to the petitioner after decision of SLP. Neither admission can be made nor direction can be issued after the last date as prescribed by the concerned authority.**

In *Medical Council of India vs. Madhu Singh, 2002(7) SCC 258*, Hon'ble the Apex Court has directed the Medical Council of India to ensure that examining bodies fix a time schedule for making admissions and the same should be strictly adhered to.

Similarly, in *Mridul Dhar (minor) vs. Union of India, 2005(2) SCC 65*, the ratio of judgment in **Madhu Singh's case (supra)** has been followed and directions were issued to all the States and Union Territories to ensure that the time schedule, as provided by the authorities for making

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admissions must be strictly adhered to. This principle has also been reiterated in ***Priya Gupta vs. State of Chhatisgarh and others 2012(7) SCC 433***. The latest judgment in this regard is of case titled as ***Education Promotion Society for India and another vs. Union of India and others, Writ Petition (Civil) No.747 of 2019*** wherein the petitioner claimed his right over the seats, which were vacated after 31.05.2019. It was held that no direction could be issued to Government Medical College and Hospital, Sector-32, Chandigarh to admit the petitioner against the said seat.

The judgment of the Himachal Pradesh High Court in ***Gunjan Kapoor vs. State of H.P. and others, 1999 (2) CLJ (HP) 203***, the claim of the candidate was not considered in Sports category as the certificate was not submitted before the last date of admission. The decision of admission counselling committee was challenged which was considered and quashed. It was held in that case that no modification could be made by any authority as such variation leads to injustice, arbitrariness and unfair results.

In full Bench judgment of this Court in case ***Rahul Prabhakar vs. Punjab Technical University, Jalandhar 1997 (3) SCT 526***, the application form was sent by post and the same was received after the last date. It was not entertained either by relaxation of conditions or by enlarging the time on the ground that the delay was only on the part of the postal authorities. It was held that information brochure/prospectus has the force of law and its conditions have to be strictly construed. Any relaxation may lead to illegal and arbitrary action on the part of the authorities.

One more judgment of Division Bench of this Court in case

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In the present case, the petitioner did not append the relevant documents as per requirement of the prospectus and her claim was rejected by the competent authority. Moreover, the present petition has been filed when the process of admission is over and last date has also gone.

Accordingly, in view of the observations as made above and the law position as discussed above, there is no merit in the contentions raised by learned counsel for the petitioner and the petition being devoid of any merit is hereby dismissed.

(SUDHIR MITTAL)
JUDGE

Whether Reportable	Yes
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