

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

CWP No.23249 of 2018 (O&M)

Date of Decision : 30.01.2019

Riddhi Vats

....Petitioner

Versus

State of Haryana and others

...Respondents

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

...

Present : Mr.Divay Sarup, Advocate
for the petitioner.

Mr.Ankur Mittal, Addl.AG, Haryana.

Mr.M.S.Longia, Advocate
for respondent No.4.

Mr.Surinder Garg, Advocate
for the University.

...

MAHESH GROVER, J.(O)

CM-17363 & 17364-CWP-2018

Learned counsel for the petitioner prays for permission to
withdraw the present applications. Permitted to do so.

Dismissed as withdrawn.

CWP No.23249 of 2018

The petitioner is aggrieved of the action of the respondents
in denying her admission to MBBS Course for the Session 2018-
2019. She refers to the notification dated 15.06.2018 providing 5%
seats of the annual sanctioned intake capacity to the candidates with
benchmark disabilities. For the purpose of reference the relevant is

extracted herebelow :-

“5% seats of the annual sanctioned intake capacity shall be filled up by candidates with benchmark disabilities in accordance with the provisions of the Rights of Persons with Disabilities Act, 2016, based on the merit list of 'National Eligibility-Cum-Entrance Test'. For this purpose the Specified Disability contained in the Schedule to the Rights of Persons with Disabilities Act, 2016 annexed as Appendix 'G' in the Gazette Notification of Medical Council of India dated 22.01.2018 shall be considered. If the seats reserved for the persons with disabilities in a particular category remain unfilled on account of unavailability of candidates, the seats will be included in the annual sanctioned seats for the respective Category.”

Learned counsel for the petitioner would place reliance on the aforesaid to contend that in case the seats intended for the persons with disability in a particular category remain unfilled on account of unavailability of candidates, they should be given to the general category. This argument flies in the face of the simple language of the afore-extracted clause where it has been referred in unambiguous language that if the seats reserved for the persons with disabilities in a particular category remain unfilled on account of unavailability of candidates, they would be included in the annual sanctioned seats for the respective category. Nowhere it prescribes that it would go to the general category. The stand of the respondents is equally erroneous. They while interpreting this clause transferred

the available seats from this category to the wards and dependents of freedom fighters and Ex-Servicemen. This is clearly impermissible. However, the illegal act of the respondents does not in any way affect the petitioner for the simple reason that her plea of the seats falling to the general category is in any case unsustainable.

No ground to interfere.

Dismissed.

(MAHESH GROVER)
JUDGE

30.01.2019
dss

(LALIT BATRA)
JUDGE

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