

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

CWP No.26454 of 2018

Date of Decision : 30.01.2019

Chirag Hooda

....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
Mr.Saurabh Dalal, 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)

The petitioner is aggrieved of the action of the respondents in denying him admission to MBBS Course for the Session 2018-2019. He 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 his 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