

CWP-24186-2019 (O&M)

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

**CWP-24186-2019 (O&M).
Decided on: November 25, 2019.**

Niharika Dhawan

.. Petitioner

VERSUS

State of Punjab and others

.. Respondents

*** * ***

**CORAM: HON'BLE MRS.JUSTICE DAYA CHAUDHARY
HON'BLE MR.JUSTICE JASGURPREET SINGH PURI**

*** * ***

**PRESENT Mr.D.S.Patwalia, Sr. Advocate, with
Mr.Kannan Malik, Advocate,
for the petitioner.**

Mr.Sahil Sharma, DAG, Punjab.

JASGURPREET SINGH PURI, J.

The present writ petition has been filed by the petitioner invoking extraordinary writ jurisdiction of this Court under Article 226 of the Constitution of India with a prayer for seeking quashing of Clause 17(v) of the Notification No.5/5/2019-5HB-III/3577 dated 06.06.2019 (Annexure P-8) (hereinafter, for short 'Notification') wherein it has been provided that after the second centralized counseling of NRI quota in State Colleges and private colleges / minority colleges, the remaining vacant seats of MBBS / BDS Course under NRI Quota shall go to the General Category and General Category of the Management / Minority Quota respectively. It has been

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prayed in the petition that instead of reverting back the vacant seats of NRI quota to the General Category, it should proportionately be apportioned as per the Reservation Policy which is in vogue in the State of Punjab so that the benefit of reservation can be extended to those students on proportionate basis who are in the reserved category.

The petitioner seeks to derive benefit from the quota of Children / Grand Children of persons killed in Terrorist Action in State of Punjab as the impugned Clause 17(v) of the Notification would come in her way, in case the unfilled seats of NRI Quota after second counseling are not proportionately distributed to the different reserved category seats.

Short affidavits have been filed by the Director, Medical Education and Research, Punjab and Baba Farid University of Health Sciences, Faridkot, taking up a stand that the NRI seats are not under the category of Reserved Category and have been culled out from the General Category seats. Therefore, it would be appropriate to return the same to the General Category Quota from which they have been drawn in case they have not been filled up even after second counseling in terms of Clause 17 (v) of the Notification.

The petitioner having NEET (UG) 2019 Roll No.160115659 applied for admission to the Course of MBBS/BDS for the Session 2019 under Category Code - 18.2 (Terrorist Affected Category) and was registered at No.800060 and was placed at Merit No.16 under the aforesaid Code namely 18.2 and was at No.3303 under open merit and as per NEET, her marks were 285. The University had fixed first round of

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counseling on 2.7.2019 to 8.7.2019, which was later on extended upto 29.8.2019, in the light of decision of Hon'ble the Supreme Court and thereafter, the last date of admission was extended upto 7.9.2019. During first round of online counseling, total 11 seats in the Course of MBBS were allotted to the candidates under Category 18.2, as per their choice of college/Quota/Category. The last seat of MBBS course was allotted to the candidate at merit No.13 as per NEET merit whereas petitioner stood at merit No.16 and therefore, could not be offered seat. Thereafter, as per second round of physical counseling, the petitioner appeared on 3.9.2019 as per NEET merit in Category 18.2, but she did not accept the vacant seat of Government Dental College, Amritsar, lying vacant at her turn due to reasons best known to her as per the stand taken by Baba Farid University. Since the petitioner could not be selected in the MBBS category in view of her merit at No.16 in her category and she did not accept the vacant seat at Government Dental College, Amritsar, despite same lying vacant. Moreover, the counseling is already over as it was on 7.9.2019. The subject matter in the present petition is only an academic discussion as the last date for counseling was over long time ago.

In view of above, the present writ petition is dismissed.

(DAYA CHAUDHARY)
JUDGE

(JASGURPREET SINGH PURI)
JUDGE

November 25, 2019.
shivani/raj arora

Whether speaking / reasoned
Whether reportable

Yes / No
Yes / No