

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CWP-1994-2020

Date of Decision: January 27, 2020

Abhishek Parewa and others

... Petitioners

Versus

Union of India and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAVI SHANKER JHA, CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI, JUDGE

Present: Ms. Swati Arora, Advocate, for the petitioners.

Mr. Arun Gosain, Senior Panel Counsel for the respondent-UOI.

RAVI SHANKER JHA, CHIEF JUSTICE, (ORAL)

The petitioners, who seek admissions in AYUSH Courses, have filed this petition praying for the relief of quashing order dated 01.11.2018 and notification dated 07.12.2018 issued by the Government of India and Central Council of Indian Medicine prescribing NEET as the basis of admission in the BAMS Course for the academic session 2019-20. The petitioners have also challenged letter dated 14.01.2020 issued by the respondent-University directing cancellation of all provisional admissions made by the Colleges pursuant to certain interim directions passed by this Court in view of the fact that the petitions have ultimately been heard and dismissed by this Court with a direction to cancel all the illegal admissions made pursuant to the interim order. The petitioners have also challenged notices dated 18.01.2020 issued by the respondent-College for cancellation of admissions in view of letter dated 14.01.2020.

At the very outset, it is observed that the petition relates to admissions to the AYUSH Courses made for the academic session 2019-20.

Admittedly, the NEET examination for making such admissions was held in

May 2019 and the entire admission process for making admissions was completed by October, 2019 as stated by the counsel for the petitioners. Admittedly, the petitioners did not immediately approach this Court assailing the said process of admission made by the authorities or challenging the impugned orders or notification and have belatedly filed this petition on 22.01.2020 after the issue raised by the petitioners has already been considered and finally decided by this Court in CWP-23710-2019 vide order dated 18.12.2019. Concededly, the colleges in which the petitioners were granted admissions were before this Court in writ petition(s) which were dismissed vide order and judgment dated 18.12.2019, and thus, this petition now by the students, post said decision, is nothing but an afterthought. Thus, ex-facie this petition is just another attempt to reopen the issue, upon certain new grounds, and, therefore, lacks bonafides. It is also an admitted and undisputed fact that the pendency of the petitions and the challenge to the notification issued by the Colleges was well within the knowledge of the petitioners in spite of which they did not approach this Court assailing the notification or challenging the admission process at the appropriate time. It is also informed that similar petition filed by the students was dismissed as withdrawn and thereafter, no further steps were taken by any of the students or the petitioners to assail the notification or the admission process. It is also an admitted fact that the petitioners have neither appeared nor passed the NEET examination.

It is also pertinent to note that CWP-23710-2019 and other petitions were filed by the Federation of Private Self-Financed Ayurvedic Colleges Association, Punjab and various other colleges and in the said petitions, an interim order was granted to the effect that the petitioners would

be permitted to attend classes with a specific stipulation and condition that the admissions and permission so granted would be subject to the final outcome of the petitions. It is also an admitted fact that the petitioners while obtaining provisional admissions had submitted a written undertaking to the effect that their admissions would be subject to the final outcome of the petitions that were pending before this Court. It is, therefore, evident fact that the petitioners were fully aware of this condition as well, in spite of which they did not approach this Court and have done so at this belated stage, only after the matter was finally decided by this Court knowing fully well that no challenge to the admission process can be entertained by this Court as the time schedule fixed for admissions has lapsed and the issue of admissions cannot be reopened or entertained by this Court, at this stage.

In view of the aforesaid undisputed facts and circumstances, it is evident that the petitioners have approached this Court after the entire admission process has been completed and after the issue raised by the petitioners in this petition has already been considered and decided by this Court in CWP-23710-2019 on 18.12.2019.

In the circumstances, we do not find any reason to entertain the present petition which is, accordingly, dismissed.

(Ravi Shanker Jha)
Chief Justice

January 27, 2020
vkd

(Arun Palli)
Judge

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