

Vikram Pal and others Vs. ***State of Haryana and others***

Present: - Mr. Ashwani Talwar, Advocate,
for the applicant-petitioners.

Mr. Deepak Balyan, Addl. A.G., Haryana,
for respondents No.1 & 2.

Mr. Ankur Mittal, Advocate,
for respondent No.3.

Case taken up through Video Conferencing.

The applicant-petitioners are seeking review of the order dated 06.05.2020 on the sole basis that the plea of reservation for the economically weaker sections category vide notification dated 15.04.2020 (Annexure P-2) issued by the State of Haryana, being implemented after the process of admissions had started in November, 2019 and, therefore, not permissible, has not been addressed in the order under review.

Learned counsel for the applicant-petitioners submits that in November, 2019, the National Board of Examinations issued the Information Bulletin (Annexure P-1) laying down the entire schedule of conduct of examination(s) for admissions to the postgraduate courses in various medical colleges under the All India Quota as well as the State Quota. The NEET-PG-2020 was conducted on 05.01.2020 and the result was declared on 31.01.2020, whereby the merit of the candidates including the applicant-petitioners was determined for allocation of seats for admission either under the All India Quota or the State Quota. It is submitted that in the judgment dated 30.05.2019 (Annexure P-5), the Division Bench of the Hon'ble Supreme Court, in similar situations for admission in the previous session 2019-20, had observed that the notification concerned, issued by the State of Maharashtra for providing reservations to the economically weaker sections under the State Quota

seats would have no application to the ongoing process of admissions for the session 2019-20. Hence, the prayer is for a similar direction for the present session 2020-21 for admissions under the economically weaker sections category provided by the notification dated 15.04.2020 (Annexure P-2) issued by the State of Haryana.

Counsel for the State firstly submits that the Information Bulletin (Annexure P-1) for conduct of the NEET-PG-2020 examination for admission to MD/MS/Post Graduate Diploma Courses only lays down the schedule and the various aspect of the conduct of the examination(s) as well as admissions. Clause 13.2 of the said document (Annexure P-1) relating to reservations for 50% State Quota seats itself stipulates that the reservation policy and the guidelines applicable to the State/UT concerned will be followed for the State Quota seats. Pursuant to the said Clause, at the time of issuance of the notification dated 15.04.2020 (Annexure P-2), the reservations, already notified vide notification dated 29.01.2020 (Annexure R-1) issued by the State of Haryana, had come into being and, therefore, enforced in the seat distribution. He, thus, submits that the plea of the said reservation not being applicable to the State Quota is misplaced as the admission process for the State Quota seats had only commenced on issuance of the notification dated 15.04.2020 (Annexure P-2), whereas the previous process was only for determination of merit by the National Board of Examinations by conducting the NEET-PG-2020 examination. He further submits that in the order Annexure P-5, relied upon for the previous session 2019-20, it was specifically permitted that the admissions for the economically weaker sections category to be made by the State of Maharashtra vide their notification dated 07.03.2019 was to be appropriated towards separate seats to be sanctioned by the Medical

Council of India without interfering with the initial distribution of seats

as per the ongoing process. He submits that similar is the situation for the current session 2020-21, as is clarified in the State reply stating that the economically weaker sections seats are over and above the initial allocation of seats in the State Quota. He otherwise submits that filling or non-filling of the economically weaker sections seats do not in any manner prejudice the claims of the general category candidates like the eight petitioners, as has been rightly observed in the order dated 06.05.2020. Lastly, he submits that this Court had specifically rejected the plea now raised in the present review petition not only at the time of initial issuance of notice but also at the time of the final hearing on 06.05.2020. Although it is not specifically so noticed, however, it is not denied even by Mr. Ashwani Talwar, learned counsel appearing on behalf of the applicant-petitioners, at the time of hearing today. That apart, in the order dated 06.05.2020, it is specifically noticed in the operative portion that the counsel for the parties including Mr. Talwar was satisfied with the observations made in the said order.

Keeping in view the aforesaid facts and circumstances, we are persuaded to accept the arguments raised by the learned counsel for the non-applicant/respondents and, thus, we do not find any merit in the present review petition, which is hereby dismissed with costs of Rs.50,000/-, which shall be deposited by the applicant-petitioners with the Registry of this Court within a period of 30 days from today, failing which the Registrar General shall proceed to recover the same in accordance with law.

**(RAKESH KUMAR JAIN)
JUDGE**

**(JASWANT SINGH)
JUDGE**

14.05.2020

Vinod/Vivek*