

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

101

(PROCEEDINGS THROUGH V.C.)

CWP-18655-2020

DATE OF DECISION: NOVEMBER 05, 2020

Dr. Rama Devi

.....Petitioner

VERSUS

State of Haryana and others

....Respondents

CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Abhishek Sethi, Advocate,
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court making a prayer for consideration of her son, who has been born out of the wedlock, where the petitioner, being the mother, belongs to the scheduled caste category and the former husband belonging to the general category and, thus, had applied for admission to M.B.B.S. Course under the general category. In the NEET (UG) 2020 examination, son of the petitioner had applied under the general category. It is asserted that the son of the petitioner is a brilliant student and has scored very high in the examination as well as in the NEET (UG) 2020. Assertion has also been made that had the petitioner applied under the scheduled caste category, the seat would have come to the son of the petitioner but simply because son of the petitioner had applied under the

general category, he would be deprived of the right of consideration under the scheduled caste category to which the petitioner belongs and obviously the son also. In support of this contention, learned counsel for the petitioner has placed reliance on the judgment passed by the Hon'ble Supreme court in the case of Rameshbhai Dabhai Naika Vs. State of Gujarat and others, 2012 AIR SC (Civil) 591 (Annexure P-6). Assertion has also been made that a scheduled caste category certificate dated 23.10.2020 (Annexure P-8) stands issued to the son of the petitioner, namely, Siddharth by the competent authority i.e. the Naib Tehsildar, Rohtak. On this basis, prayer has been made for directing the respondents to consider the claim of the petitioner under the scheduled caste category for admission to M.B.B.S. Course.

We have considered the submissions made by learned counsel for the petitioner and on going through the pleadings and records of the case, we do not find any ground to interfere in the present petition, especially when it is an admitted fact that son of the petitioner had applied under the general category for admission to the M.B.B.S. Course i.e. through NEET (UG) 2020. Apart from that, as per the admitted facts, all through the records indicate that the petitioner had treated himself as a general category candidate. Even the certificate of the scheduled caste category (Annexure P-8) has been issued to son of the petitioner on 23.10.2020, which is subsequent to the last date of submission of application and that too after the declaration of the result.

In the light of the above, we do not find any ground to interfere in the matter, much less for issuance of a writ of mandamus, when the petitioner is unable to establish a right for consideration for admission to the

M.B.B.S. Course to the son of the petitioner under the scheduled caste category.

The writ petition accordingly stands dismissed.

(AUGUSTINE GEORGE MASIH)
JUDGE

November 05, 2020
khurmi

(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No