

**(202) IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-19779-2020

Date of Decision: 24.11.2020

Chitra

... Appellant

Vs.

Chandigarh Administration and others

... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present : Mr. Rajesh Gupta, Advocate and
Ms. Manjula Gupta, Advocate
for the petitioner.

Mr. Anil Mehta, Advocate
for the respondents.

AJAY TEWARI, J. (Oral)

This petition has been filed by an aspirant for a seat in the Government Medical College & Hospital, Sector-32, Chandigarh.

As per the petitioner, she had obtained 611 marks which would have entitled her to a seat in the General Category, since as per her, she would have been at serial No.82 in the list as against 92 seats. While filling the admission form every candidate has to submit an affidavit (as per appendix B-4) wherein they have to certify that they had not sought State quota admission in any other place except Chandigarh. The exact wording of the said affidavit as follows:

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Appendix B4

FOR MBBS Course Only

Compulsory for all Candidates

*Undertaking/Affidavit of the parents/guardian (s) to be attested by an
Executive Magistrate/Oath Commissioner/Notary Public*

*Certified that I _____ Father/ Mother/ Legal
Guardian of Miss/ Mr. _____ resident of*

_____ (Full address to be given)

Do hereby undertake that :

1. That I am a citizen of India.
2. That my child/ward (Strikeout whichever is not applicable)
 - i. Has opted and claimed the benefit of Residence for admission in MBBS in a State/UT other than UT Chandigarh for State Quota Seats. If yes, mention the name of the State/UT _____
 - or
 - ii. Has not opted and claimed the benefit of Residence for admission in MBBS in a State/UT other than UT Chandigarh for State Quota Seats.
3. That the above said information is true to the best of my knowledge and nothing is concealed herein. If at any stage, the information provided is found false/wrong, the admission of my son / daughter / ward is liable to be cancelled.

Signature of Parent / Guardian

.....

Relationship with the Candidate

Name _____,

Address _____

Signature of the Candidate

Name of the Candidate _____

Seal: Executive Magistrate/ Oath Commissioner/ Notary Public”

What the father of the petitioner did was that he mentioned the State “Haryana” in sub para i. of para 2 of Appendix B4. Further, as per the proforma, the option whichever was not applicable had to be struck out but in the case of the petitioner admittedly that option was not struck out. It is the case of the petitioner that this mentioning of State “Haryana” was an inadvertent mistake because as a point of fact the petitioner had not applied for a State quota seat in Haryana or any other place except Chandigarh.

It has been fairly accepted by Mr. Anil Mehta, learned counsel for the respondents that those applicants who had not even furnished the affidavit or had furnished one which was blank were permitted to correct this but the petitioner was never called upon to make the necessary correction. Thus, the position which emerges is that the affidavit filed on

behalf of the petitioner is rendered meaningless.

The further case of the petitioner is that not only she was not allowed to explain this anomaly but she had moved representation alongwith an affidavit well before the declaration of result on 13.11.2020 bringing out this fact and requesting the respondent to permit her to clarify the position and remove this defect but no action was taken on the representation and straightway the petitioner was declared as ineligible candidate.

Today, Mr. Anil Mehta, learned counsel for the respondents has very fairly stated that the representation should have been decided. It is also admitted that the admission process has yet not been finalized. Therefore, he states that the Admission Committee would take a reasoned decision on the aforesaid representation within a period of three days.

This petition is disposed of in the aforesaid terms.

A copy of this order be supplied to the learned counsel for the parties under the signatures of the Bench Secretary of this Court.

(AJAY TEWARI)
JUDGE

(RAJESH BHARDWAJ)
JUDGE

24.11.2020

rajeev

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No