

202

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

CWP-20073-2020

Decided on: 26th November, 2020

Soniya Sunilovna Kumar

.....Petitioner

VERSUS

Union of India & others

.....Respondents

**CORAM: JUSTICE S. MURALIDHAR
JUSTICE AVNEESH JHINGAN**

Present: Mr. Kamaldeep Sehra, Advocate for the Petitioner.

Mr. Dheeraj Jain, Advocate
for Respondent No.1/Union of India

Mr. Anil Mehta, Additional Standing Counsel
for Respondent Nos. 2 and 3.

Dr. S. Muralidhar, J

1. The writ petition is being heard finally with the consent of learned counsel for the parties.

2. The Petitioner appeared for the National Eligibility-cum-Entrance Test (UG) 2020 in September, 2020 under the Overseas Citizens of India Category. Thereafter, on 3rd November, 2020, the Petitioner sought admission to the MBBS Course in the Government Medical College and Hospital, Sector 32, Chandigarh (Respondent No. 3) under the quota reserved for Foreign Indian Students.

Respondent No. 3 at Serial No. 6 under 'Category-2' with 72.314 percentile marks. Admittedly, nine seats were reserved for students applying under the Foreign Indian Students category.

4. During the first round of counselling for admission to the aforesaid course, CWP No. 19555 of 2020 (*Aanchal Setia v. Chandigarh Administration and others*) was filed in this Court by another candidate who sought admission to the course under the Foreign Indian Students category. While directing notice of motion to issue in the said petition on 18th November, 2020, the Court directed that the proceedings of the counselling for seats in the above category be kept in sealed cover.

5. On 23rd November, 2020, this Court dismissed the aforesaid writ petition. It must be noted here that the ground on which the said writ petition was dismissed was different from the ground on which the present Petitioner is seeking admission. The issue that had arisen in that writ petition was whether the Petitioner therein was eligible for admission under the Foreign Indian Student category. The Court decided that issue in the negative and accordingly dismissed the petition. However, as far as the present case is concerned, there is no such controversy.

6. The only issue that now arises is whether the ninth seat, which has fallen vacant as a result of dismissal of CWP No. 19555 of 2020, can be allotted to the Petitioner?

7. Mr. Anil Mehta, learned Counsel appearing for Respondent Nos. 2 and 3, does not dispute that if the first round of counselling had been allowed to proceed in accordance with law, then the present Petitioner, on the basis of her position in the merit list, would have been allotted the ninth seat. In fact, this is also the contention in the present petition viz., that on the basis of her position in the merit list, she should be allotted the ninth seat.

8. With there being virtually no dispute on this issue, the Court finds it appropriate to direct, on the basis of statement made by Mr. Anil Mehta, learned Counsel for Respondent Nos. 2 and 3, that the Petitioner be allotted the ninth seat in the MBBS Course 2020 of the Respondent No. 3 on the basis of her position in the aforesaid merit list, if found eligible in all other

respects.

9. The petition is disposed of in the above terms.

(S. MURALIDHAR)
JUDGE

(AVNEESH JHINGAN)
JUDGE

26th November, 2020
sham

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