

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

CWP-20346-2020 (O&M)
Date of decision:- 27.11.2020

Pankaj Devrari

...Petitioner (s)

Versus

Chandigarh Administration through its Home Secretary, Civil
Secretariat, Sector 9, U.T., Chandigarh and others

...Respondent(s)

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

Present: Mr. Jagtar Kureel, Advocate,
for the petitioner.

Mr. Pankaj Jain, Senior Standing Counsel,
with Mr. Anil Mehta, Additional Standing Counsel,
for the respondents – U.T., Chandigarh.

(The aforesaid presence is being recorded through video conferencing since the proceedings are being
conducted in virtual Court)

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RAVI SHANKER JHA, C.J. (ORAL)

This petition has been filed by the petitioner praying for a direction to the respondent-authorities to permit him to participate in the counselling undertaken by respondent No. 2 – Government Medical College and Hospital, Sector-32, Chandigarh for making admission to MBBS Course.

Learned counsel for the petitioner submits that the petitioner is a meritorious candidate and has obtained good marks in the competitive examination. It is submitted that while filling up the online admission form, the petitioner did not submit or file the necessary certificates/documents alongwith the online application/form. It is submitted that the said mistake occurred on account of the fact that the flow-chart depicted in the prospectus indicated the steps required to be taken by a student while filling up the form, but did not stipulate compulsory uploading of certificates. He further submits that subsequently on 13.11.2020, the respondents published a list of ineligible candidates in which the petitioner's name was mentioned at serial No. 60 with a note that he had not uploaded the certificates/documents with his admission form. He further submits that the petitioner had even approached the authorities, but the petitioner was not permitted to participate in the counselling even though he has obtained more marks than those candidates who have been called for counselling. He further submits that the petitioner cannot be denied

admission, which is essentially based on merit, on such a technical ground, namely, non-submission of documents alongwith the online form. He submits that in such circumstances, the respondents be directed to over-look this technical fault and permit the petitioner to participate in the counselling for admission to MBBS Course in the respondent No. 2 – institution.

Learned senior standing counsel appearing for the respondents submits that the procedure for applying, which has been specified by the respondents in the Centralized Admission Prospectus for the Session 2020, a copy of which has been filed alongwith the petition as Annexure P-2, clearly mentions at clause 8 that the candidates belonging to General/SC/ST/BC/Jaj/PwD for MBBS/BDS/BHMS course should upload the following documents at the time of filling up the online application form. He further submits that the documents to be filed online are also enumerated in clause 8 of the prospectus. He has also taken this Court through the flow-chart of steps for filling up the application form online that have been specified and enumerated in the said prospectus para 10 of which clearly mentions uploading of certificates as per clause 8. He has also brought to the notice of this Court that the authorities being aware of the difficulties that may be faced by students filling up the form have also made provision for assisting them by specifically providing that in case of difficulty in filling/submitting online application form/fee, the candidates can contact the person who has been named in the prospectus. He further submits that as it is an admitted fact that the petitioner did not upload the certificates required to be uploaded alongwith the online form as prescribed in clause 8 of the prospectus, his name was included in the list of ineligible candidates and he has rightly not been called for counselling by the respondent-authorities. He has also emphasized that in such a case, the candidate cannot be called for counselling by overlooking the lapse on his part, at this stage, especially as that would open up the flood-gate for all those who are identically placed and were declared ineligible because they have incorrectly filled up the application form, especially as the first round of counselling is already over.

We have heard learned counsel for the parties at length.

In the instant case, it is an admitted fact that the petitioner though required to submit the documents alongwith the online form as per clause 8 of the prospectus has failed to do so. It is evident that the flow-chart showing the steps to be taken by the candidates filling up the online form also indicates uploading of the certificates mentioned in clause 8 of the prospectus inspite of

which the petitioner has not done so. It is also evident from a perusal of the

note in bold letters after clause 10 of the prospectus that “**all steps are mandatory to complete the application process**”. Apparently, the application form filled up by the petitioner was incomplete and the mandatory requirement of submitting the same alongwith documents has not been complied with by the petitioner. It is also an admitted and undisputed fact that though the facility of contacting the person named in the prospectus, in case the candidate was facing any difficulty in filling up the form had been provided, which the petitioner did not choose to avail.

In the circumstances, it is evident that the petitioner has failed to comply with the mandatory requirement stipulated in the prospectus for filling up the online form and, thus, the petitioner’s name was rightly included in the list of ineligible candidates. As no fault can be found with the inclusion of the name of the petitioner in the list of ineligible candidates, the question of permitting the petitioner to participate in the process of counselling does not arise. In the given circumstances, we are of the considered opinion that the respondent-authorities were choiceless but to deny the petitioner chance to participate in the counselling. We are also of the considered opinion that as the admission process including the first round of counselling is almost over, no relief as prayed for by the petitioner, at this stage, can be granted. Further, this Court cannot relax the mandatory conditions envisaged in the prospectus and permit students to participate in the process of counselling.

In the circumstances, we do not find any merit in the petition, which is accordingly dismissed.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

27.11.2020
Amodh

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