

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

CM-11580-CWP-2022 in/and
CWP-16484-2022
Date of decision:- 16.08.2022

Dr. Kulwinder Singh and others

...Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

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

Present: Mr. Abhishek Kumar Premi, Advocate,
for the petitioners.

Mr. Avinit Avasthi, Assistant Advocate General, Punjab.

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RAVI SHANKER JHA, C.J. (ORAL)

CM-11580-CWP-2022

For the reasons mentioned therein, the application for substituting notification dated 18.04.2013 (Annexure A/1) with Annexure P/4 is allowed.

The notification dated 18.04.2013 (Annexure A/1) is taken on record.

CWP-16484-2022

The petitioners by way of the present writ petition seek a writ of certiorari for setting aside an order dated 02.03.2021 (Annexure P-13) rejecting their request to consider the service rendered by them with the respondent-authorities in categories 'C' and 'D' and grant them the benefit of letter dated 19.03.2014 for pursuing PG Course on the ground that the said circular has been withdrawn vide order dated 05.10.2020 (Annexure P-9).

The petitioners further seek a writ of certiorari for quashing the letter dated 07.07.2022 (Annexure P-17), whereby their request for granting benefit of incentive marks for emergency services in terms of an order dated 23.11.2021 (Annexure P-15) passed by this Court in CWP-22822-2021 and other two connected writ petitions has been rejected by the respondent-authorities.

The petitioners further seek a writ of certiorari for quashing the order dated 05.10.2020 (Annexure P-9), whereby the letter dated 19.03.2014

(Annexure P-5) has been withdrawn to the extent that the same is not applicable to them as they have already served more than three years pursuant to the notification dated 19.03.2014 vide which their services were notified as categories 'C' and 'D'.

The petitioners further seek a writ of mandamus directing respondents No. 1 and 2 to consider their service for granting them the benefit of incentive marks for admission in M.D./M.S., DNB Course for the next PG Session 2022-2023 as per the notification dated 19.03.2014 and also issue no objection certificate thereupon.

Learned counsel for the petitioners submits that they are MBBS doctors claiming admission in P.G. Course on the strength of being awarded incentive marks for having rendered service in the institutions that have been mentioned in the notification dated 18.04.2013 (Annexure A/1) issued by the Government of Punjab, Department of Health and Family Welfare (Health-1 Branch) as well as the benefit of the said policy decision. He further submits that the petitioners filed representations before the respondent-authorities which have been rejected vide letter dated 07.07.2022 (Annexure P-17) without applying their mind to the issues raised by them or examining as to whether they are entitled to the benefit under the notification dated 18.04.2013 or not. He further submits that the said order of the respondent-authorities is contrary to the statement made by them before this Court on 23.11.2021 in CWP-22822-2021 titled as *Dr. Narinder Singh and others Vs State of Punjab and others* and other two connected writ petitions, wherein they had clearly stated that all the persons who had rendered services before 26.11.2020 would be considered for giving the benefit of incentive marks in P.G. Course as per the earlier policy dated 18.04.2013.

The aforesaid statement was made before this Court on the basis of an order dated 22.11.2021 (Annexure P-14) passed by the respondent-authorities, wherein they have decided to give the benefit of incentive marks in P.G. Course as per the earlier policy dated 18.04.2013 read with the policy dated 25.06.2019 inspite of the fact that the said policy decision was rescinded and withdrawn vide notification dated 26.11.2020 (Annexure P-10) which has been made to apply prospectively after 26.11.2020.

On a specific query being made by this Court, learned counsel for the petitioners clearly states that they are giving up their claim for granting benefit of incentive marks as per the notification dated 19.03.2014 in respect of which the respondent-authorities have already passed the order dated 02.03.2021 rejecting their claim. It is reiterated that the relief sought in the present writ petition is confined only to claim benefit in terms of the policy dated 18.04.2013 which fact has not been considered and decided by the respondent-authorities.

Mr. Avinit Avasthi, learned Assistant Advocate General, Punjab, submits that the respondent-authorities would re-examine the claim of the petitioners for granting incentive marks in terms of the policy dated 18.04.2013 and take a fresh decision in that regard expeditiously in accordance with law and communicate the same to them accordingly.

In view of the aforesaid prayer made by learned counsel for the petitioners as well as the statement of learned State counsel, the writ petition stands disposed of. As the admission process has been started today, such an exercise shall be undertaken and completed by the respondent-authorities within a period of three days.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

16.08.2022
Amodh Sharma

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