

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

|                             |        |                        |
|-----------------------------|--------|------------------------|
| 1                           |        | CWP-24807-2022         |
| Dr. Avtar Singh and others  |        | .....Petitioners       |
|                             | Versus |                        |
| State of Haryana and others |        | ....Respondents        |
|                             |        |                        |
| 2                           |        | CWP-24727-2022 ( O&M ) |
| Rekha Verma and another     |        | .....Petitioners       |
|                             | Versus |                        |
| State of Haryana and others |        | ....Respondents        |
|                             |        |                        |
| 3                           |        | CWP-24797-2022         |
| Dr. Monika Yadav            |        | .....Petitioner        |
|                             | Versus |                        |
| State of Haryana and others |        | ....Respondents        |

**Date of decision : 01.11.2022**

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

Present: Petitioners No.1 to 3 in person in CWP-24807-2022.

Petitioners in person in CWP-24727-2022.

None for the petitioner in CWP-24797-2022.

Ms. Meenaxee Raj,  
Joint Director, Medical Education & Research, Haryana.  
Dr. Ashok Chauhan,  
Dean & Chairman, Admission Committee, with  
Shri Neeraj Saini, ADA, PGIMS, Rohtak.  
Ms. Rekha Siag, Legal Officer,  
for respondent No.2 in CWP-24727-2022.

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**RAVI SHANKER JHA, CHIEF JUSTICE ( Oral )**

Members of the Bar are abstaining from work.

These petitions have been filed by the candidates, who seek

admission to the Post Graduate courses in the State of Haryana, for a

direction to the State to issue proper Backward Class (BC) Certificates to them, alleging that the BC Certificates have been issued by misconstruing the instructions issued by the Government in that regard.

This Court is not required to enter into the merits of the case and take a decision in respect of the issue raised in these petitions on account of the fact that Ms. Meenaxee Raj, Joint Director, Medical Education & Research, Haryana, as well as Ms. Rekha Siag, Legal Officer, on instructions from Shri Vikas Gupta, CEO of Haryana Parivar Pehchan Authority, appearing on behalf of the Citizen Resources Information Department, Government of Haryana (respondent No.2 in CWP-24727-2022), state that the authorities are re-examining the matter and would issue the necessary BC Certificates to the petitioners. It is further stated that the BC certificates of four petitioners, namely Rekha Verma, Mahabir Singh (petitioners in CWP-24727-2022), Dr. Monika Yadav (petitioner in CWP-24797-2022) and Dr. Avtar Singh (petitioner No.1 in CWP-24807-2022), have already been issued and decision in respect of issuance of BC certificate to Dr. Loveneesh Kumar (petitioner No.2 in CWP-24807-2022) shall be undertaken by 2.00 PM today. It is also informed that as far as Dr. Ashish Verma and Dr. Sundeep Kumar (petitioners No.3 and 4 in CWP-24807-2022) are concerned, verification process with regard to issuance of certificates to them would be completed and the certificates, if so required, would be issued to them by tomorrow.

In view of the aforesaid statement and taking the same on record, the issue raised by the petitioners in the present petitions does not survive.

Dr. Ashok Chauhan, Dean & Chairman, Admission Committee, who is present in the Court, alongwith Shri Neeraj Saini, ADA, PGIMS, Rohtak, has informed that the seats that had been provisionally allotted to the petitioners in the first round of counseling are still vacant and have not been filled up. He has also informed that registration for the second round of counseling would commence from today and that the provisional allotment of seats for the second round of counseling would commence on 07.11.2022. It is informed that the final allotment of seats after completion of second round of counseling would take place on 11.11.2022. He clarifies that as on date, the seats that have been provisionally allotted to the petitioners are vacant and as per the procedure prescribed, provisionally allotted seats that remain unfilled in the first round of counseling have to be declared vacant for the purpose of allotment in the second round of counseling. It is informed that as on date, the seats have not been declared vacant for the second round of counseling.

In view of the aforesaid statement of the Officers of the State, appearing in the Court, and the Dean & Chairman, Admission Committee, it is evident that in the instant cases, the petitioners were denied final allotment of the seats after provisional allotment in the first round of counseling, for no fault on their part, as the State itself has stepped forward and stated that they are revising the BC Certificates issued to them, which were issued on account of some errors on the part of the State, and that as many as four of the petitioners have already been issued the corrected BC Certificates and decision in respect of issuance of BC certificate in the case of one petitioner shall be undertaken by 2.00 PM today, according to which they would be eligible for being allotted

the seats. In such circumstances, as the petitioners are not at fault and had approached this Court well within time and as the State has itself stepped forward and rectified the error committed by them and have already issued the BC Certificates to four petitioners, denial of admission or finalisation of the provisional allotment of the seats allotted to the petitioners would lead to injustice, moreso as the second round of counseling as on date has not commenced and the seats are still lying vacant.

In such circumstances and looking to the peculiar facts of these cases, especially the stand of the State and rectification of the BC Certificates, while disposing of these petitions, it is ordered that in the case all those petitioners who are found to fulfill the qualification as prescribed on account of issuance of the corrected BC Certificates, the provisional allotment made in their favour shall be made final before declaring the seats vacant for the second round of counseling. It is further ordered that in the peculiar circumstances, the said exercise be undertaken and completed by tomorrow and the vacant seats for the second round of counseling be declared only after completing the said exercise. It is further observed that the date for commencement of registration for the second round of counseling be shifted by two days, thereby modifying the schedule for the second round of counseling, as published on 30.10.2022, to the extent that registration would commence from 03.11.2022 and continue upto 05.11.2022. It is clarified that the remaining part of the schedule for the second round of counseling published on 30.10.2022 shall remain as it is.

With the aforesaid observation/directions, the instant petitions stand disposed of.

It is made clear that this order has been passed in the peculiar facts and circumstances of these cases and, therefore, the directions are confined to the petitioners in the present cases only. It is further ordered that in such circumstances, this order shall not be cited or treated as a precedent, as it is confined to the facts of these cases.

A copy of this order be given to the parties under the signatures of the Bench Secretary.

( RAVI SHANKER JHA )  
CHIEF JUSTICE

( ARUN PALLI )  
JUDGE

November 01, 2022  
ndj

|                           |        |
|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |