

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

CWP No.25240 of 2022

Date of Decision :03.11.2022

Ritesh Dhara

.....Petitioner

Versus

State of Haryana and others

..... Respondents

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

Present : Petitioner in person.

Dr. Aditya Dahiya, IAS,
Director, Medical Education and Research, Haryana with
Dr. Sheebq Mohindrh, Deputy Director, Office of
Director, Medical Education and Research, Haryana
for respondent No.2.
Ms. Rekha Siag, Legal Officer, for respondent No.3.

RAVI SHANKER JHA, CHIEF JUSTICE (Oral):

Members of the Bar are abstaining from work.

On the request being made by the parties, who are appearing in person, the matter has been taken up for hearing.

This petition has been filed by the petitioner being aggrieved by the order of the respondent authority dated 27.10.2022, vide which, the admission granted to the petitioner in MS Orthopaedics in PGIMS, Rohtak, was cancelled on the ground that his BC-A certificate was not in accordance with the Government notification dated 17.11.2021.

This Court, after hearing the petitioner, in person, had passed the following order on 02.11.2022, which reads thus:-

“Members of the Bar are abstaining from work.

On request being made by the petitioner, who is appearing in person, the matter has been taken up for

hearing on the question of issuance of notice and grant of ad-interim relief.

Issue notice of motion.

Ms. Rekha Siag, Legal Officer, Citizen Resources Information Department, Govt. of Haryana, on advance copy, accepts notice on behalf of respondent No.3.

The petitioner may serve a copy of the petition alongwith copy of this order on the Director, General Medical Education and Research Haryana (respondent No.2), during the course of the day. He would also be at liberty to serve the respondents through the office of the Advocate General, Haryana.

As the members of the Bar are abstaining from work, respondent No.2 authority is directed to appear on 03.11.2022 and inform this Court about the status of admission of the petitioner.

As far as the interim relief is concerned, the petitioner submits that he has been granted provisional admission in Pandit Bhagwat Dayal Sharma PGIMS, Rohtak, in MS Orthopaedics under the BCA In-Service category. He further submits that the said seat was provisionally allotted to him pursuant to the counseling that took place on 20.10.2022, after duly verifying the BC Certificate issued by the authorities concerned. The petitioner further submits that the format of BC Certificate that could be downloaded by him from the portal of the State Government at the time of filling of form was duly downloaded and submitted to the authorities, which was considered and found to be in accordance with law by the Admission Committee. Thereafter, provisional admission was granted to the petitioner. He submits that he has been pursuing his

course since 21.10.2022. However, vide order dated 27.10.2022, the provisional admission granted to him has been cancelled on the ground that the BC Certificate produced by him was not in accordance with the notification dated 17.11.2021 issued by the State Government. The petitioner further submits that the BC Certificate that was produced by him was the one which was downloaded by him from the portal of the State Government, and subsequently, the Citizen Resources Information Department (respondent No.3) removed the anomalies in the portal, pursuant to which the petitioner downloaded his revised BC Certificate on 01.11.2022, according to which he belongs to BC category and does not fall within the creamy layer. The petitioner, therefore, submits that though he now possesses the BC Certificate in terms of the notification dated 17.11.2021 issued by the State Government, but the authorities, without taking this aspect into consideration, have issued the impugned order dated 27.10.2022 cancelling his provisional admission. He further submits that the seat allotted to him has been thrown open for being declared vacant and is being put up for second round of counseling in terms of the order dated 01.11.2022 passed by this Court in CWP-24807-2022. The petitioner submits that in case the interim relief is not granted, he would be deprived of his seat, which has been duly allotted to him in accordance with law and on which he has already obtained provisional admission, as some other candidate would be allotted the said seat in the second round of counseling, in spite of the fact that the petitioner possesses all the necessary eligibility certificates and qualifications.

Ms. Rekha Siag, Legal Officer, appearing on behalf of respondent No.3, submits that the submission

made by the petitioner to the effect that previously, the portal of the respondent No.3 Department was issuing an incomplete BC Certificate, is correct. She submits that subsequently, the portal has been updated and the anomalies have been removed, whereafter the Certificate that can be downloaded from the portal clearly indicates the status regarding creamy layer of the petitioner as well. On being shown the Certificate dated 01.11.2022 that has been downloaded by the petitioner, according to which he belongs to BC category and is not in the creamy layer, she submits that the said Certificate is correct and that the petitioner actually falls in the BC category.

List on 03.11.2022.

In the meanwhile, operation of the impugned order dated 27.10.2022 (P-15) is stayed. It is directed that the status of provisional admission of the petitioner on the seat of MS Orthopaedics in Pandit Bhagwat Dayal Sharma PGIMS, Rohtak, shall be maintained and the seat shall not be declared vacant.

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

Pursuant to the order passed by this Court, the Director Medical Education and Research, Haryana, is present in person, in Court. He submits that the assertions of the petitioner that have been recorded by this Court are true and correct. He further submits that the Admission Committee will immediately reconsider the issue of cancellation of the petitioner's admission by treating his BC-A certificate, downloaded by him on 01.11.2022 as valid, and take a decision in terms of the directions issued by this Court today itself.

In view of the aforesaid statement, nothing further survives for

adjudication, as the Director, Medical Education and Research, Haryana, has stated that the BC-A certificate of the petitioner is valid and on that account, the matter of cancellation of his admission would be reconsidered by the Admission Committee today itself.

The Director, Medical Education and Research, Haryana, also submits that for this purpose, the necessary formality of the virtual appearance of the petitioner before the Admission Committee etc. would also be taken care of by him.

In view of the aforesaid statement, made by the Director, Medical Education and Research, Haryana, which we appreciate, the petition stands disposed of.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

03.11.2022
Manoj Bhutani

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