

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-3277-2023

Date of decision: 17.02.2023

Paramjeet Singh

.....Petitioner

Versus

Union of India and another

....Respondents

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

Present: Ms. Ritu Pathak, Advocate, (Legal Aid Counsel),
for the petitioner.

Mr. Anil Chawla, Advocate,
for the respondent-Union of India.

RAVI SHANKER JHA, CHIEF JUSTICE (Oral)

This petition has been filed by the petitioner, praying for the
following relief:-

(a) “A writ of Mandamus for directing the respondents to declare the petitioner eligible being within age limit as per the guidelines mentioned in the NEET (UG)-2022 Information Bulletin and allocate one seat to him to pursue medical studies in a government medical studies in a government medical college as per his ranking.

(b) xx xx xx

(c) xx xx xx

(d) xx xx xx”

The petitioner has alleged that he appeared in NEET (UG)-2022 examination conducted for granting admissions to MBBS course, for the session 2022-23. It is alleged that though, he was wrongly debarred from participating in the selection process by the authorities on

the ground that he had crossed the upper age limit prescribed under the Rules, no such upper age limit has been prescribed in the Rules. It is also alleged that NEET (UG)-2022 brochure (P-3), clearly contains a stipulation that there is no upper age limit for applying for NEET (UG), in spite of which, the petitioner, who belongs to the Scheduled Caste Category, has been denied the benefit. In such circumstances, the respondent authorities be directed to grant admission to the petitioner in the MBBS course.

Having heard learned counsel for the petitioner, it is observed that although the petitioner has annexed a snapshot of the online portal flashing a message, dated 11.10.2022 (P-2), stating that he was ineligible to submit the application form on the ground of having crossed the upper age limit, but it is evident that he had, in fact, submitted the application form which was accepted and thereafter he was also permitted to participate in the counseling. These facts are evident from the information supplied to the petitioner under the Right to Information Act, on 24.01.2023 (P-4), wherein the authorities have clearly stated that he had been permitted to participate in the counseling up to the third round (Mop-up Round), but he remained unsuccessful. The authorities have also informed that the petitioner had obtained less marks than the last selected candidate, therefore, he was not granted the admission.

Apart from the abovesaid factual aspects of the matter, it is informed by the learned counsel for the respondent-Union of India, who is present on advance copy, that admission process for the session 2022-23, was completed on 29.12.2022. Further, the snapshot of the portal as regards denial of admission on account of having crossed the upper age

limit is dated 11.10.2022, however, the present petition was filed after considerable delay on 13.02.2023. In the circumstances, even in view of the law laid down by the Supreme Court in the cases of **Mridul Dhar (Minor) and another Vs. Union of India and others, (2005) SCC 65;** **Priya Gupta Vs. State of Chhattisgarh and others, (2012) 7 SCC 433;** **Ashish Ranjan and others Vs. Union of India and others, (2016) 11 SCC 225;** **Dr. Astha Goel and others Vs. Medical Counselling Committee and others, 2022 SCC OnLine SC 734** and **Board of Governors in Supersession of Medical Council of India Vs. Dr. Priyambada Sharma and others, 2022 SCC OnLine SC 1442,** the relief prayed for by the petitioner cannot be granted at this belated stage after the entire admission process is over.

Thus, in view of the aforesaid discussion, undisputed facts and the law laid down by the Supreme Court, the petition stands dismissed.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

February 17, 2023
Ak Sharma

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