

CWP-28314-2018 (O&M)

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

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CWP-28314-2018 (O&M)

Date of decision:-16.10.2023

MISS SANJANA DADWAL

.... Petitioner

Vs

STATE OF PUNJAB AND ORS

...Respondents

**CORAM: HON'BLE THE ACTING CHIEF JUSTICE
HON'BLE MRS. JUSTICE MANISHA BATRA**

Present: Mr. Vijay Kumar Jindal, Senior Advocate with
Mr. Akshay Jindal, Advocate and
Mr. Pankaj Gautam, Advocate for the petitioner.

Mr. Abhay Pal Singh Gill, DAG, Punjab.

Ms. R. Akanksha, Advocate for respondent No.3.

Mr. Akshay Bansal, Advocate for respondent No.4

Ritu Bahri, Acting Chief Justice (Oral)

Instant petition has been filed by the petitioner seeking writ of certiorari for quashing order dated 23.10.2018 Annexure P-8, passed by respondent No.3 whereby the admission granted to the petitioner in BAMS Course for the session 2017-2018 at Khalsa Ayurvedic College and Hospital, Nangal Kalan, Mansa has been cancelled.

The main ground for cancelling the admission of the

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petitioner as reflected in the writ petition is that she has secured less marks in the 12th examination. As per Annexure P-8, the eligibility criteria for admission dated 23.10.2018 was that a candidate must have minimum 50% marks (40% for SC/BC and 45% for Physical handicapped*) for BAMS and 40% marks (33%for SC/BC) for BHMS taken together in PCB and also in Physics, Chemistry and Biology (PCB) in 10+2 examination.

As per the reply filed by respondent No.1, respondent No.3-University monitors the day to day functioning.

As per reply filed by respondents No.2 and 3, dated 04.12.2018, in para 3, it is stated that the petitioner had not obtained minimum of 50% marks for BAMS in Physics, Chemistry and Biology in 10+2 examination and in this backdrop her admission was cancelled on 23.10.2018.

As per the additional affidavit filed by Dr. Sanjeev Goyal, Registrar, Guru Ravidas Ayurvedic University, Punjab it is stated that as per the counselling admissions were made provisionally on the basis of merit position and petitioner was admitted. Thereafter, petitioner again submitted original certificates to the respondent-University and it was found that petitioner did not have minimum 50% marks in BAMS in Physics, Chemistry and Biology and 10+2 examination and for this mistake show cause notice, Annexure R-3/1 was issued on 14.11.2018 and relevant extract of which is Annexure R-3/2 and it was a duty caste for the institution to be careful in future and even the person responsible for conducting this mistake was

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demoted as per Annexure R-3/3. As per Annexure P-3, the petitioner has obtained 46 marks in physics, 52 marks in Chemistry and 47 marks in Biology/Biotechnology out of 100 marks. It clearly shows that there was no mis-representation on the part of the petitioner and the difference is on a meager side as the total percentage was 49.3%. The petitioner has been admitted and has been giving examinations till date.

Learned counsel for the respondents submits that the petitioner has completed the course and she has cleared the examination of 1st and 2nd years, but the result has not been declared for 3rd and 4th years. As per the eligibility criteria, she should have got 50% minimum in 10+2, but as per Annexure P-3, she got 49.3% and it is was not a mistake on her part.

Keeping in view this fact that she has already qualified and studied for 4 years, this writ petition is allowed and a direction is given to respondent No.3 to declare the result of the petitioner of 3rd and 4th year.

This order will not be considered as a precedent for criteria of admission below 50% marks in BAMS Course.

Pending application, if any, also stands disposed of.

**(RITU BAHRI)
ACTING CHIEF JUSTICE**

**(MANISHA BATRA)
JUDGE**

16.10.2023
pooja saini

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No