



CWP-21773 of 2024 -1-

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-21773 of 2024 (O&M)
Date of decision : 04.09.2024

Deepika Singh
.....Petitioner

vs.

State of Haryana and another
.....Respondents

CORAM: HON'BLE MR. JUSTICE SHEEL NAGU
HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Jai Singh Yadav, Advocate for the petitioner.

Mr. Deepak Balyan, Additional Advocate General,
Haryana, for respondent No.1

Mr. Vishal Aggarwal, Advocate and
Mr. Harmanjeet Gill, Advocate for respondent No.2

SHEEL NAGU, CHIEF JUSTICE (Oral)

1. This petition has been filed by an aspirant for admission to the Course of Master in Dental Surgery.
2. The petitioner had appeared earlier in the NEET-MDS-2024 (Master in Dental Surgeon) and secured 547 Marks out of 960 Marks securing rank of 1211, vide Score-Card Annexure P-2. The petitioner thereafter applied for admission to the Course of Masters in Dental Surgery

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under the Category BC.B IP (Institute Preference) i.e. Back Ward Class B-Category, on the basis of NEET-MDS 2024.

3. First counselling commenced on 01.07.2024. The last round of counselling is now going to be held on 05.09.2024.

4. The case of the petitioner before this Court is that a revised Public Notice dated 18.07.2024, vide Annexure P-8, was issued by the respondent-university and the candidates were asked to submit documents including the following to be produced on the date of counselling:-

“Creamy /Non-Creamy certificate for BCA-A/BC-B category candidates as per Govt. Of Haryana notification No. 40/13/2024-1SW dated 16.07.2024, certificate for the year 21024-25 & issued after 01.04.2024 should be brought at the time of Physical document verification.”

5. Since the Counselling was fixed for 27.08.2024, the petitioner applied for the said certificate as per the Revised Public Notice on 24.08.2024. The certificate was though prepared by the authority concerned but the same could not be uploaded and thus by the time the counselling was held, in which the petitioner participated, she was not possessed with the certificate as per the Revised Public Notice. The said certificate as per the Revised Public Notice was uploaded as late as on 03.09.2024 and thus the petitioner is before this Court seeking the following relief :-

- a) issuance of a writ in the nature of Mandamus directing to the respondents to allow her admission in Course of Master in Dental Surgeon, as her Admission

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in Master in Dental Surgeon was not considered on the ground that petitioner does not hold Latest Backward Class Certificate, in spite of petitioner is a meritorious candidate and having the Backward Class Certificate, which is wrong, arbitrary, biased and is against the Judgment passed by this Hon'ble High Court in LPA No. 612 of 2023 dated 09.08.2024 (P-12), and is also against Article 14 and 16 of the Constitution of India.

b) Further prayed before this Hon'ble High Court to allow the petitioner to appear in the Next Counselling which is being held on 05.09.2024, during the pendency of the writ petition, in the interest of justice.

6. This Court, while taking cognizance of matter, asked Mr. Vishal Aggarwal, Advocate for the University-respondent No.2, to find out as to whether the seat is lying vacant or not. After seeking instructions from the University, he has informed that the seat in the category of the petitioner, reserved for MDS Pedodontics, PGIDS, Rohtak, is lying vacant and has not yet been filled up in the earlier counselling.

7. In view of the above, this Court is of the considered view that since it was not the petitioner's fault, and the original application of the petitioner on the basis of which she participated in the counselling was complete and it was only because of the Revised Public Notice dated 18.07.2024 that she did not get the seat due to her and also that fresh caste



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certificate was not uploaded, for reasons not attributed to the petitioner and further that the seat is lying vacant in the said category, this Court deems it appropriate to allow this petition with the following direction :-

- i) The petitioner be considered against the Pedodontics seat of PGIDS Rohtak, against the BC.B Category, as if she was in possession of the said certificate dated 24.08.2024, on the date when she appeared in the counselling on 27.08.2024 and if other requirements as per Rules and Regulations are complete, the petitioner be accommodated on the said seat.

8. With these observations, the petition stands allowed.

(SHEEL NAGU)
CHIEF JUSTICE

(ANIL KSHETARPAL)
JUDGE

04.09.2024
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Whether speaking / reasoned	Yes / No
Whether reportable	Yes / No