



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

CWP-22214-2024 (O&M)
Date of decision:- 06.09.2024

Illa Chaudhary

...Petitioner(s)

Versus

Director, Postgraduate Institute of Medical Education and
Research (PGIMER), Chandigarh and another.

...Respondent(s)

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

Present:- Mr. Abhinav, Advocate,
 Mr. Madan Pal, Advocate,
 for the petitioner.

 Mr. Avinit Avasthi, Advocate,
 for the respondents.

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SHEEL NAGU, C.J. (ORAL)

1. This petition has been filed by the petitioner seeking the following reliefs:-

(i) Issuance of a writ of certiorari for quashing the impugned action of the respondents where the petitioner is shown not eligible for admission in the Bachelor of Public Health (BPH) Course for September, 2024 session on the ground that OBC Certificate dated 27.08.2024 (Annexure P-7) is not in proper format.

(ii) Issuance of a writ in the nature of mandamus for direction to the respondents to treat the petitioner eligible being having OBC Certificate in the correct proforma for admission in the Bachelor of Public Health (BPH) Courses for September, 2024 session and thereafter grant her admission.



2. This Court on 05.09.2024 had posed two questions for consideration which are reproduced below:-

(i) Since the petitioner has secured more marks than the last un-reserved candidate for admission to Bachelor of Public Health (BPH) Course, therefore, petitioner is entitled for migration from OBC list to un-reserved list?

(ii) Can PGIMER (respondent No. 1) insist for OBC Certificate having been issued between 06.07.2023 to 05.07.2024, when the Prospectus has no such enabling provision and the petitioner had submitted her latest certificates dated 03.05.2023 (Annexure P-6) and 27.08.2024 (Annexure P-7)?

3. As regards the first question of whether due to securing higher marks than the cut-off marks prescribed for un-reserved candidates, the petitioner, who belongs to OBC, is entitled to migrate from OBC list to the un-reserved list or not, learned counsel for the respondents has produced details regarding BPH September 2024 session, which is marked as 'X', and informed that the cut-off marks for un-reserved category candidates is 71.8750 and above, whereas the petitioner has secured 69.9219 percentile and, therefore, the question of migration does not arise.

4. Coming to the second point as to whether the OBC certificate issued on 03.05.2023 (Annexure P-6) and 27.08.2024 (Annexure P-7) can be taken into account in terms of the Prospectus (Annexure P-1), learned counsel for the petitioner has drawn the attention of this Court to Annexure - V of the Prospectus and in particular 'Note' appended thereto which reads thus:-

“Note: The closing date for receipt of application will be treated as the date of reckoning for OBC status of the candidate and also for assuming that the candidate does not fall in the creamy layer.”



5. Learned counsel for the petitioner has also drawn the attention of this Court to Clause 3.4 A (iii) of the Prospectus relating to Reservation of Seats which reads thus:-

“3.4 Reservation of Seats

A. Scheduled Caste (SC), Scheduled Tribe (ST) & Other Backward Classes (OBC)

(i) xx xx xx xx xx xx xx xx xx

(ii) xx xx xx xx xx xx xx xx xx

(iii) For availing reservation, SC/ST/OBC candidates should furnish Caste Certificate from competent authorities as per the format given at Annexure-III (for SC/ST candidates) and at Annexure-IV (for OBC-NCL candidates) at the time of counselling. Further, in case of OBC candidates, the certificates should specifically indicate that they do not belong to the Persons/Sections (Creamy Layer) mentioned in Column 3 of the Schedule of the Government of India, Department of Personnel and Training O.M. No. 36012/22/93-Estt. (SCT) dated 08.09.93 & its subsequent revision through O.M. No. 36033/3/2004-Estt. (Res) dated 09.03.2004, 27.05.2013, 13.09.2017 and further revision, if any, received till the closing date for ONLINE Registration of applications for entrance test. The candidates should ensure that they belong to the OBC category while applying for the posts. Such candidates should produce a valid OBC certificate in the prescribed format during document verification. Further, in addition to the category certificate (OBC), a declaration in the prescribed format as per Annexure-V has to be furnished by the candidates during document verification, that he/she does not belong to the creamy layer. The certificate produced shall not be older than one year at the time of document verification. In case of not complying to these stipulations, their claim for reserved status (OBC) will not be entertained.”

6. On conjoint reading of Annexure – V of the Prospectus at page 57 of the paper-book and Clause 3.4 A (iii) of the Prospectus at page 33 of the paper-book, it is obvious that the Prospectus makes it incumbent upon the competent authority to ensure that the Caste Certificate shall not be older than one year at the time of document verification, whereas in Annexure – V of the Prospectus, ‘Note’ clearly mentions that the closing date for receipt of



application will be treated as the date of reckoning for OBC status of candidate.

It is not disputed by learned counsel for the petitioner that the date of reckoning of the Caste Certificate is the date of counselling i.e. 28.08.2024.

7. Therefore, by the conjoint reading of the aforesaid Clause 3.4 A (iii) and ‘Note’ appended to Annexure – V, this Court has no difficulty in coming to a conclusion that the document verification is the relevant date on which the validity of the Caste Certificate is to be deciphered. Since the petitioner has submitted two Caste Certificates dated 03.05.2023 (Annexure P-6) and 27.08.2024 (Annexure P-7) and the requirement is of producing a Caste Certificate which is not older than one year from the verification date and the Caste Certificate produced on 27.08.2024 (Annexure P-7) was not older than one year, the same ought to have been considered by the respondents on 28.08.2024.

8. Having not done so, the action of the respondents is vitiated in law.

9. The petition, accordingly, stands allowed with a direction to the respondents to consider the candidature of the petitioner as OBC candidate based on her Caste Certificate dated 27.08.2024 (Annexure P-7) and take appropriate consequential steps.

(SHEEL NAGU)
CHIEF JUSTICE

(ANIL KSHETARPAL)
JUDGE

06.09.2024
Amodh Sharma

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