



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-30139-2024

Date of decision : 20.11.2024

Khyati

.....Petitioner

Versus

State of Haryana and others

.....Respondents

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

Present: Mr. Tejinder Pal Singh, Advocate,
for the petitioner.

Mr. Deepak Balyan, Addl. Advocate General, Haryana.

Mr. Aditya Gautam, Advocate,
for respondents No.2 and 3.

SHEEL NAGU, CHIEF JUSTICE (Oral)

CM-18495-CWP-2024

Notification dated 21.06.2024 and the Constitution (Scheduled Castes) Order, 1950, filed by the petitioner vide this miscellaneous application, are taken on record.

Accordingly, the application stands allowed.

CWP-30139-2024

1. The petitioner, who is an aspirant for admission to Master of Physiotherapy (MPT) course, applied under the SC category, by mentioning her caste. The notification dated 21.06.2024 (Annexure P-11) issued by the



Medical Education and Research Department, Haryana Government, *inter alia*, required a candidate desirous of seeking admission to the said course to fill up the form in terms of instructions of the Government. The eligibility criteria contained in clause 7 of the said notification provides thus :

“7. Eligibility Criteria :

A candidate desirous of seeking admission in Nursing, Physiotherapy and Paramedical courses shall be eligible if she/he :

- i. is a citizen of India,*
- ii. is a bona-fide resident of Haryana as per instructions issued by the Chief Secretary to Govt. of Haryana, and, whose parent(s) produce(s) a Haryana Residence Certificate as per Government instructions given in **Annexure II, III & IV** or any further amendments issued by State Government from time to time,*
- iii. For Management Category, candidates from all over India shall be eligible, irrespective of their State of domicile and place of study,*
- iv. Obtains an NOC issued by the Head of the Department (DGHS/UHS, Rohtak/Director of concerned Medical (College) as the case may be, if the candidate applies under category of in-service candidates (Regular employees of Health Department/Medical Education Department etc. of Government of Haryana). No in-service candidates shall be considered without valid NOC.*
- v. Fulfils the minimum eligibility criteria, even if the candidate belongs to General/SC/SC (Deprived)/BC-A/BC-B/PWBD/EWS/ESM/FF etc, and is seeking admission under any category of seats*



a. *No candidate who has failed to obtain the minimum eligibility marks in CET examination (i.e. 30 percentage for General Category, 25% for SC/BC and PWBD candidates for the respective course) shall be eligible for admission.”*

2. From sub-clause (v) of clause 7 of the notification, it is obvious that SC (Deprived) is a separate category, which the candidate is required to mention in the application form, in case the candidate belongs to that particular category. SC and SC (Deprived) are separately mentioned in the said notification and therefore, plea of the petitioner for taking advantage of having merely mentioned SC category in the application form and then seeking benefit under the SC (Deprived) category, cannot be accepted.
3. In fact, the petitioner had not filled up the form in correct manner and had not followed the instructions to the hilt. The fault lies with the petitioner. The respondents cannot be found fault with.
4. Petition stands dismissed.

(SHEEL NAGU)
CHIEF JUSTICE

(ANIL KSHETARPAL)
JUDGE

November 20, 2024
narotam

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