

(2019) 08 P&H CK 0069

In the Punjab And Haryana At Chandigarh

Case No : Civil Writ Petition No. 21151 Of 2019

Aparna Yadav (Minor) Through Udaibir Singh, Next Friend

APPELLANT

Vs

Union Territory Chandigarh And Others

RESPONDENT

Date of Decision : 26-08-2019

Acts Referred:

Citation : (2019) 08 P&H CK 0069

Hon'ble Judges : Daya Chaudhary, J;Sudhir Mittal, J

Bench : Division Bench

Advocate : Suresh Kumar Yadav, Amit Mehta, Subhash Ahuja, S.K. Goyal

Final Decision : Dismissed

Judgement

Daya Chaudhary, J

Petitioner-Aparna Yadav has approached this Court by way of filing the present petition for issuance of a writ in the nature of MANDAMUS directing respondents to grant admission to her in MBBS course against the seat filled up by giving admission to respondent No.4, who was next to her in the list of eligible NRI candidates in Category-II.

As per case of the petitioner, she was fully eligible to be Non-Resident Indian (NRI) and 99.37 percentile in NEET (UG) Examination. She applied online for admission to MBBS in Government Medical College and Hospital (GMCH) Chandigarh. The counselling of NRI for admission to MBBS in GMCH, Chandigarh was to be held on 04.07.2019 but due to pendency of CWP No.17110 of 2019 and CWP No.17026 of 2019, the counselling was postponed vide public notice dated 03.07.2019. However, because of uncertainty at GMCH, Chandigarh, the petitioner took admission in MBBS as NRI candidate in Pt. B.D. Sharma Post Graduate Institution of Medical Sciences, Rohtak. She was at serial No.1 in the list of eligible candidates in Category-II of NRI having highest percentile amongst the eligible candidates of both categories. She did not withdraw her admission from PGIMS, Rohtak. In GMCH, Chandigarh, the list of 9 eligible NRI candidates

in category-I and 10 eligible NRI candidates in NRI Category-II was published. Petitioner was placed at serial No.1 and respondent No.4 was placed at serial No.2. The original documents were not produced by the petitioner at the time of counselling in GMCH, Chandigarh as the same were with PGIMS, Rohtak. The claim of the petitioner was rejected/not considered on the ground that she could not produce original certificates at the time of counselling.

Learned counsel for the petitioner submits that the petitioner should have been given some time to show the original documents as the purpose to produce the original certificates is only to verify the documents. The action of respondents authority is not only arbitrary and unreasonable but unfair as well. Learned counsel also submits that the action of respondent authorities is contrary to the procedure being followed in filling the seat of All India Quota by the MCC in all Medical Colleges including GMCH, Chandigarh. At the end, learned counsel for the petitioner submits that a direction may be issued to the respondent authorities to consider the case of the petitioner in NRI quota against the seat, which has been given to respondent No.4.

Learned counsel for respondents No.1, 3 and 4 has opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner could not produce her original documents as required at the time of counselling, whereas, it was specifically mentioned in the admission brochure in Clause (i) and (ii) under heading counselling page No.13 of centralized admission prospectus, 2019. A specific note was given that the candidates must bring with them all the requisite original certificates/documents for verification at the time of counselling. Learned counsel also submits that the petitioner had taken admission in the Medical College, Rohtak and also paid her fee with the college. She has no right to block two seats at two different places at the same time. The admissions are over and seats have been allotted and there is no reason to interfere keeping in view the stage of admission.

Heard the arguments of learned counsel for the parties and we have also perused the documents available on the file.

The petitioner is aggrieved by the action of the respondent authorities in not granting admission on the ground that she could not produce original documents at the time of counselling. Against heading "Counselling", an important note has been given as Clause (i) and (ii), which are reproduced as under :-

"i) The candidate should bring with them all the requisite original Certificates/ documents for verification at the time of counselling.

ii) The attested copies of the certificates or similar other documents will not be entertained for granting admission to a candidate to the MBBS/BDS/BHMS course."

A perusal of note given in the prospectus shows that the candidates were required to bring with them the original certificates/documents for verification at

the time of counselling. It is also mentioned that the attested copies of the certificates or similar documents thereof will not be entertained for granting admission to a candidate to the MBBS/BDS/BHMS course. The petitioner did not submit the original certificates at the time of counselling and hence, her case was not considered as this condition was a part of prospectus. Moreover, in admission matters, the prescribed procedure is to be followed. Now the admission has been finalized and all seats of NRI quota have been filled up. If the petitioner is allowed admission, respondent No.4 will have to vacate the seat which cannot be done at this stage and the matter cannot be reopened. Moreover, the petitioner has also not challenged the condition of production of original documents at the time of counselling as mentioned in the prospectus.

It has been observed by the Hon'ble Apex Court in a number of judgments that the prospectus is sacrosanct and has force of law which is required to be strictly followed. The concerned authorities are supposed to follow and comply with the terms and conditions of the prospectus.

Accordingly, we find no substance in the submissions made by learned counsel for the petitioner and as such, the petition, being devoid of any merit, is hereby dismissed.