
(2019) 08 P&H CK 0031

In the Punjab And Haryana At Chandigarh

Case No : Civil Writ Petition No. 18291 Of 2019

Dhruvi Yadav

APPELLANT

Vs

Union Of India And Others

RESPONDENT

Date of Decision : 07-08-2019

Acts Referred:

Constitution Of India, 1950 — Article 226, 227

Citation : (2019) 08 P&H CK 0031

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

Bench : Division Bench

Advocate : Dhruvi Yadav, Viney Yadav

Final Decision : Dismissed

Judgement

Daya Chaudhary, J

Petitioner-Dhruvi Yadav has approached this Court by way of filing the present petition under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari for quashing the condition mentioned in the prospectus in not providing reservation to the OBC category for admission in MBBS course whereas the same is provided for admission in BDS course. A further prayer has also been made for direction to respondents to grant opportunity of counselling for admission in MBBS course after making provision for reservation in OBC category during pendency of this petition.

Briefly, the facts of the case as made out in the present writ petition are that the petitioner after passing matriculation and 10+2 examination, appeared in examination of NEET 2019 and her overall rank was 105540 and in OBC category, it was 45785. The petitioner applied for admission in MBBS and BDS courses in Government Medical College and Hospital, Sector-32, Chandigarh. She has claimed benefit of reservation in OBC category on the basis of notification whereby the caste Yadav/Ahir has been declared as backward. The reservation of OBC category has been provided for BDS course but not for MBBS course. The

petitioner has also submitted her character certificate issued by the School as well as certificate of other backward classes/OBC issued by the Sub Divisional Magistrate (South), UT Chandigarh for claiming benefit of reservation in OBC category. The claim of the petitioner was not considered in OBC category and aggrieved by the action of respondent-authority, she has filed the present petition.

As per case of the petitioner, Government Medical College and Hospital, Chandigarh and Dr. Harvansh Singh Judge Institute of Dental Sciences & Hospital are being maintained by UT Chandigarh. Said institutions are receiving aid from Central Government and are also being maintained by Central Government. The Government Medical College and Hospital, Sector-32 Chandigarh is also an educational institution setup by the Central Government and maintained/aided by the Central Government and as such, the benefit of reservation to OBC category should have been given to the petitioner.

The petitioner, while appearing in person, submits that the action of the respondent-authority in not providing benefit of reservation to OBC category for admission in MBBS course in Government Medical College and Hospital, Sector-32, Chandigarh is illegal, unlawful and liable to be set-aside. The petitioner also submits that her case be considered at par with one Shivani, who approached this Court by way of filing CWP No.18187 of 2016 as she was given provisional admission by treating her as reserved category candidate. Said petition is still pending after admission.

We have heard the contentions raised by the petitioner and have also perused the documents available on the file.

On perusal of application form filled up by the petitioner, it reveals that she has applied in General category in MBBS course but she is claiming benefit of reservation in OBC category whereas she was treated in General. Her grievance is that there should have been reservation for OBC category in MBBS course whereas she has wrongly been denied this benefit of reservation.

On perusal of averments made in the petition and also on hearing the petitioner, it cannot be said that the petitioner mentioned her category as OBC and it was changed to General. Neither any averment has been made nor any document has been shown to show that she applied in OBC category. Simply it has been mentioned that in case, the reservation of OBC category is there in BDS course, it should have been in MBBS course as well. The process of admission is over and now at this stage, the category of petitioner cannot be changed from General to OBC. Moreover, the petitioner has not challenged this condition mentioned in the prospectus and she has only requested for providing reservation of 27% to OBC category in MBBS course. No direction can be issued at this stage for the course of 2019. In case, the prospectus does not prescribe any reservation for OBC category, no benefit can be granted unless it is provided or mentioned in the prospectus that the reservation for OBC would be applicable in MBBS course also.

Pendency of petition filed by one Shivani, on the basis of which, the petitioner has tried to take benefit is not going to help her as the issue has not been decided so far. Accordingly, the petitioner cannot claim parity with Shivani when there is no provision for grant of benefit of reservation to OBC category in MBBS course.

The eligibility for admission to a course has to be considered according to the prospectus issued before Entrance Examination and the admission has to be made on the basis of instructions mentioned in the prospectus having force of law.

This view has been held in Full Bench judgment of case in Amardeep Singh Sahota vs. The State of Punjab etc., 1993(4) SCT 328 (P&H) wherein the view taken in Ravdeep Kaur vs. The State of Punjab and others, ILR (1985) 1 Punjab and Haryana 343 was relied upon. Accordingly, in view of the facts and the law position as discussed above, we find no merit in this petition and the same being devoid of any merit is hereby dismissed.