
(2020) 08 RAJ CK 0103
In the Rajasthan High Court
Case No : Civil Writ Petition No. 8934 Of 2020

Dr. Arushi Maheshwari

APPELLANT

Vs

State Of Rajasthan And Ors

RESPONDENT

Date of Decision : 26-08-2020

Acts Referred:

Constitution of India, 1950 — Section 226

Citation : (2020) 08 RAJ CK 0103

Hon'ble Judges : Inderjeet Singh, J

Bench : Single Bench

Advocate : Suruchi Kasliwal, Harshal Tholia, Dr. V.B. Sharma, Achintya Kaushik

Final Decision : Dismissed

Judgement

1. Heard on the application for taking the amended cause title on record.
2. For the reasons mentioned in the application, the same is allowed. Amended cause title is taken on record.
3. This writ petition has been filed by the petitioner with the following prayer:-

It is, therefore, most humbly prayed that the Hon'ble High Court may kindly be pleased to allow this Writ Petition by issuing an appropriate Writ, Order or Direction and the Hon'ble High Court may kindly be pleased:-

(a) To direct the Respondents to keep one seat vacant for the Petitioner in the Post Graduate Programme in Psychiatry Branch of the National Institute of Medical Science, Jaipur till the final disposal of the present Writ Petition from the Hon'ble Court of Law;

(b) To direct the Respondents to grant admission to the Petitioner by following the admission process in the Post Graduate Programme in Psychiatry Branch of the National Institute of Medical Science, Jaipur;

(c) To quash and set-aside the allotment letter/admission given to the candidate

lower in rank than the Petitioner including all or any actions that may have been taken or are taken during the pendency of the matter in favour of such candidate and to direct the Respondents not to allow such other candidate to pursue the PG programme;

Alternatively,

(i) To quash and set-aside the Notification dated 24.07.2020 including the entire admission process followed thereafter;

(ii) The Respondents be directed to restart the entire admission process from the stage of issuance of the Notification for the purpose for which the Notification dated 24.07.2020 was issued; and

(d) Cost of the Writ Petition may also kindly be awarded in favour of the humble Petitioner; and

(e) Such other and further appropriate Writ, Order(S) Or Direction(S) as the Hon'ble High Court deems to be just and proper in the facts and circumstances of the present case may also kindly be passed in favour of the Petitioner.

4. Brief facts of the case are that the respondents started the process of admission in NEET-PG Session 2020 in which the petitioner being eligible, applied through online on 17.07.2020 and submitted her choice. According to the scheme of admission, the process of counseling is to be held & completed in three different phases/rounds. In the present process, first and second rounds were completed through online process and for third round i.e. Mop-up Round the respondent No. 2 issued a notification dated 24.07.2020 (Annexure-5) and as per serial no.4 of the said notification regarding holding of Mop-up Round, the seat allotment (off-line) was scheduled to be held on 30.07.2020. The said condition stipulated at serial no.4 is being reproduced as under :-

Mop-Up Round: Seat allotment (off-line) and reporting before the Board at the venue Govt. Dental College (GDC), Shastri Nagar, Jaipur.

At the spot on the same day along with submission of all original document and other documents as listed in instruction booklet.

Completion of all other formalities, deposition of prescribed admission fee, at the desk of concerned college at GDC, Jaipur on the same day.

5. The petitioner has filed the present writ petition being aggrieved of non-allotment of seat as per her choice in Mop-up round.

6. Counsel for the petitioner submitted that the petitioner has already submitted scan copies of the documents in her on-line application form. Counsel further submitted that the petitioner appeared in the Mop-up round but could not submit her original documents as required by the respondent No. 2 due to the fact that her original documents were in transit as her landlord through courier sent the documents to her parental house at Lalitpur, Uttar Pradesh and the said parcel

reached at Lalitpur, Uttar Pradesh on 01.08.2020 and in this regard the petitioner also submitted an affidavit before the Counseling Board. Learned counsel further submitted that according to the information supplied by the respondent, the petitioner has to submit her original documents before the allotted college. Counsel relied on the order passed by the Hon'ble Supreme Court in Misc. Application No. 1282/2020 in writ petition (C) No. 76/2015, wherein process of counseling was extended from 31.07.2020 to 31.08.2020. Counsel further relied on the order dated 31.07.2020 issued by All India Medical Council. Counsel further submits that the action of the respondent in closing the Mop-up round on 30th/31st July is contrary to the order passed by the Hon'ble Supreme Court.

7. Learned counsel appearing on behalf of the respondent submitted that the petitioner was required to submit her original documents at the time of Mop-up round (off-line) which she failed to comply as such case of the petitioner for allotment of seat was not considered. Counsel further submits that the Mop-up round has already been completed on 30/31.07.2020 itself and the petitioner has approached this court only after completion of Mop-up round on 10.08.2020, therefore, no relief can be granted to the petitioner.

8. Heard counsel for the parties and perused the record. The petitioner has approached this court at this belated stage when the Mop-Up round has already been over much before filing of the present writ petition, as informed by counsel for the respondent.

9. This writ petition filed by the petitioner deserves to be dismissed for the reasons; firstly the petitioner failed to submit her original documents at the time of Mop-up Round for seat allotment (off-line) as required under the notification dated 24.07.2020; secondly the petitioner has approached this court after completion of first & second round of counseling as well as after completion on Mop-up Round; thirdly the seat which the petitioner wants for her admission in the subject of Psychiatry cannot be allotted as according to counsel for the respondent the process of seat allotment has already been over and at this belated stage, if this writ petition is allowed then the person who is already occupying/holding the seat has to lose seat, which in the mind of this Court is not proper as it would unsettle the settled position with regard to allotment of seats and lastly I am not inclined to exercise extraordinary jurisdiction of this court under Article 226 of Constitution of India for the petitioner who has approached this court at this belated stage.

10. In that view of the matter, instant writ petition is dismissed.