
(2013) 08 P&H CK 0388
In the Punjab And Haryana At Chandigarh
Case No : CWP No. 16663 of 2013

Tarun Garg

APPELLANT

Vs

The State of Haryana and Others

RESPONDENT

Date of Decision : 16-08-2013

Acts Referred:

Citation : (2013) 4 PLR 643

Hon'ble Judges : Rakesh Kumar Jain, J

Bench : Single Bench

Advocate : Jagdish Manchanda, for the Appellant; Saurabh Mohunta, DAG, Haryana and Mr. Ramesh Hooda, Advocate, for respondents No. 2 and 3, for the Respondent

Final Decision : Dismissed

Judgement

Rakesh Kumar Jain, J.—Respondents/University issued prospectus for admission to MBBS/BDS-2013 through counseling on the basis of marks obtained in NEET-UG-2013. The candidates were required to submit their application forms latest by 19.7.2013 (upto 5:00 PM). The petitioner secured 396 marks in the NEET-UG-2013 and has submitted his application form. Column No. 10 of the said application form requires the candidate to state as to whether he wanted to be considered in any of the reserved categories as provided in the prospectus. Admittedly, the petitioner has mentioned "No" in column No. 10, meaning thereby, he did not want to be considered in any of the reserved categories as provided in the prospectus. The application form further provides that if the candidate wanted to be considered in any of the reserved categories, then he has to give three preferences of the reserved categories. The case set up by the petitioner is that certificate belonging to Economically Backward Person in General Caste category (for short "EBP") was provided to him on 17.7.2013, therefore, he could not opt for this category when he filled his application form on 11.7.2013. He has thus, prayed for considering him in the reserved category of EBP.

2. After notice, reply has been filed in which it has been mentioned that in Chapter-V under heading "Reservation and Distribution of Seats" of the prospectus in Clause 11 at page 12, it is clearly mentioned that a candidate, who applies either for reserved category or for both reserved and open categories will be considered first in open category and in case he is not selected in open category, he will be considered for reserved category. In case a candidate does not fill up his reserve category in his application form, he will not be subsequently considered for admission against that category. It is also mentioned in Chapter-VIII under heading "General Instruction" in Clause 17 at page 20 of the prospectus that "No change in category(ies) will be entertained/ permitted at the later stage".

3. After hearing learned counsel for the parties and on perusing the record, I am of the considered opinion that the writ petition filed by the petitioner is denuded of any merit because in the application form, the petitioner, who belongs to General Category, did not opt for any reserved category as provided in the prospectus and has also not filled up any of the column of the preferences in the reserved category. Moreover, it has been provided in the prospectus that in case a candidate applies in both reserved and open categories, he will be first considered against open category and if he is not selected in the said category, he will be considered for reserved category but since the petitioner did not opt for reserved category in his application form, he could not be considered against reserved category later on. It is also provided in prospectus that no change in the category can be entertained and a candidate who has opted for general category seat cannot be shifted to reserved category seat at a later stage. It hardly makes any difference if the petitioner has got the reserved category certificate after the submission of his application form because even in the application form he did not opt for the reserved category. In view of the aforesaid discussion, I do not find any merit in the writ petition. Hence, the same is hereby dismissed.