

ITEM NO.10

COURT NO.12

SECTION IV-B

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition for Special Leave to Appeal (C) No. 18535/2019

(Arising out of impugned final judgment and order dated 23-07-2019 in CWP No. 19989/2019 passed by the High Court of Punjab & Haryana At Chandigarh)

AASTHA RAJ

Petitioner(s)

VERSUS

GOVERNMENT MEDICAL COLLEGE AND HOSPITAL & ANR. Respondent(s)

(FOR ADMISSION and I.R. and IA No.115332/2019-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date :16-08-2019 This matter was called on for hearing today.

CORAM :

HON'BLE MS. JUSTICE INDIRA BANERJEE
HON'BLE MR. JUSTICE B.R. GAVAIFor Petitioner(s) Mr. Vipin Gogia, Adv.
Ms. Jaspreet Gogia, AOR

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

No one has appeared on behalf of the respondents.

On or about 12th June, 2019, the petitioner made an online application for admission to MBBS/BDS/BHMS course for the academic session 2019-20 in the Chandigarh quota.

Later by reason of some doubts with regard to the eligibility criteria for the Chandigarh quota, the petitioner applied to the Baba Farid University

of Health Sciences, Faridkot in Punjab, but she withdrew her application and she also did not participate in the counselling for admission to the institution.

The petitioner has been successful in the NEET (UG) 2019 examination, ranking 13th in the Scheduled Caste category. She, however, appears to have been declared ineligible on the ground that she had applied for admission in a medical college in the State of Punjab. This has apparently been held against the petitioner on the ground of alleged contravention of Clause 5 of the prospectus.

Clause 5 of the prospectus provides as follows:

“In case the information furnished or certificates/documents submitted by the candidate are found to be fake or the candidate is found to have withheld or concealed information in the print out online application form, his/her admission shall stand cancelled and the fee deposited shall be forfeited. In addition he/she may also face legal action under the law of the land.”

As recorded by the High Court, the petitioner applied for admission in the medical college in the State of Punjab after she applied for the NEET examination. Clause 5 does not appear to have any

application because the petitioner cannot be said to have withheld or concealed information in the print out online application. Moreover, she withdrew her application. The respondents are purporting to misinterpret clause 5 of the Prospectus. The refusal of the authorities to permit the petitioner to participate in the counselling was arbitrary and discriminatory. The judgment and order of the High Court is unsustainable. We, therefore, direct that the petitioner be considered for admission.

The special leave petition is disposed of accordingly.

Pending application stands disposed of.

[CHARANJEET KAUR]
A.R. -CUM-P.S.

[INDU KUMARI POKHRIYAL]
ASSTT. REGISTRAR