

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWPNo.12290 of 2004

ZarinaPetitioner

Versus

State of Punjab & Ors.Respondents

Written statement of Satish Chandra, IAS, Secretary to Government of Punjab, Department of Medical Education & Research.

Preliminary Submissions:

1. The petitioners have challenged the State Government notification and Prospectus dated 17/6/2004 wherein only those students who have passed 10+1 and 10+2 from the schools situated in the State of Punjab (with certain exceptions – like Punjab Government employees and High Court employees posted at Chandigarh) have been made eligible for admissions in MBBS and BDS course. The State Government has not altered the eligibility conditions for MBBS and BDS course during the current academic year and it has been following this policy consistently for last many years.

2. The condition of having passed 10+1 and 10+2 from the schools in the State of Punjab has not been imposed by the State of Punjab alone. Most of the States in the country and even the Union Territory of Chandigarh follow the same practice. The students of Punjab schools are not eligible for competing for MBBS and BDS seats in the Union Territory of Chandigarh and other States. The domicile or residence status is not relevant for the purpose of admissions.

3. The notification for admissions was issued by the State Government on 17/6/2004 and University published the prospectus and made it available to the students on 28/6/2004. The petitioner was well aware of the scheme of admissions in the State of Punjab for the last 1 ½ months but chose to remain silent. The writ petition has been filed just before the start of counseling for admission which began 16/8/2004.

4. The prayer of the petitioner for allowing students who have not passed 10+1 and 10+2 from the State of Punjab can not be accepted at this stage. The prospectus has a force of law and its provisions specially envisaging major policy changes can not be altered during the process of admissions.

Reply:

Para 1: That contents of this para need no comments.

Para 2: That contents of this para need no comments.

Para 3: That contents of this para need no comments.

Para 4: That contents of this para are denied for want of knowledge.

Para 5: That contents of this para are denied for want of knowledge.

Para 6: That contents of this para are wrong and denied. If the petitioner could do 10+1 from Mohali, she could have also done 10+2 from that school or from any other school in Mohali.

Para 7: That contents of this para need no comments.

Para 8: That contents of this para need no comments.

Para 9: That contents of this para are admitted being matter of record.

Para 10: That contents of this para are admitted being matter of record.

Para 11: That contents of this para are admitted being matter of record.

Para 12: That contents of this para are admitted being matter of record.

Para 13: That contents of this para are admitted being matter of record.

Para 14 & 15: That contents of this para are wrong and denied. The petitioner's father was posted in Mohali and not outside Punjab and therefore she is not covered under the exceptions. Only the wards of employees who are posted outside Punjab including Chandigarh can do their schooling from Chandigarh and compete for admissions in medical colleges in the State of Punjab. The petitioner's father posted in Punjab and therefore she was required to do 10+1 and 10+2 from schools situated in Punjab in order to become eligible for admissions in medical colleges.

Para 16: That contents are not relevant.

Para 17: That contents are wrong and denied. Clause (D-3) protects the children of those central government employees who are compelled to do 10+1 or 10+2 from outside

Punjab due to posting out of their parents. However if the parents have remained posted outside Punjab for 2 years continuously then this protection is not available.

Para 18: That contents of this para are wrong and denied. Chandigarh is a separate Union Territory and therefore all the students of Chandigarh schools can not be made eligible for admission in Punjab medical colleges.

Para 19 & 20: That contents of this para are wrong and denied. Since father of petitioner was posted in Punjab and not outside Punjab therefore the petitioner can be eligible only if she had passed both 10+1 and 10+2 from Punjab school.

Para 21: That contents of this para are not relevant.

Para 22: That contents of this para are not relevant. There are only three Government medical colleges and two private medical colleges in the State and numbers of seats are very limited. There are more than 35 engineering colleges in Punjab and there is little demand for engineering seats. Accordingly the policy followed by Technical Education Department can not be adopted by Medical Education Department.

Para 23: That admission guidelines formulated by State of Haryana are not relevant to the present case.

Para 24: That contents of this para need no comments.

Para 25: No law points are involved in this case.

Para 26: The prospectus was issued in the month of June, 2004 and petitioner have approached the Hon'ble Court after about 1 ½ months and that too just before the start of counseling which began on 16/8/2004.

Para 27: That contents of this para are denied for want of knowledge.

Para 28: It may therefore be seen that the State of Punjab is following a consistent policy for the last many years. The petitioner has not done her 10+1 and 10+2 from school in Punjab and therefore she is not eligible for admission in Punjab medical colleges.

Place, Chandigarh,

Dated:

(Satish Chandra)
Secretary to Government of Punjab
Department of Medical Education & Research

Verification:

Verified that the contents given in para 1 & 16 in the above written statement are true and correct to the best of my knowledge as derived from official record and no part of this is false and nothing has been concealed therein.

Place, Chandigarh,**Dated:**

(Satish Chandra)
Secretary to Government of Punjab
Department of Medical Education & Research