

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWPN0.12303 of 2004

Vishwanath KlairPetitioner

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 correct. However the petitioner is eligible for admission in medical colleges in Chandigarh since he had passed 10+1 and 10+2 from Chandigarh school. It is also relevant to mention that Union Territory of Chandigarh does not allow Punjab students for admissions in Chandigarh medical colleges.

Para 5: That contents of this para are admitted being a matter of record.

Para 6: That contents of this are wrong and denied. The petitioner is not eligible for admissions in MBBS & BDS in the State of Punjab since he did not pass 10+1 and 10+2 exam from State of Punjab.

Para 7: That contents of this para are wrong and denied. The petitioner is eligible for admission in Chandigarh medical colleges. Besides he is eligible for all India quota seats and central pool seats in Delhi medical colleges.

Para 8: That contents of this para are admitted being matter of record.

Para 9: That contents of this para are wrong and denied. The exceptions have been made for wards of Punjab Government and High Court employees who are posted in Chandigarh in view of the fact that capital of Punjab is a separate Union Territory. It is relevant to mention that this exception is not available to the children of Punjab Government employees who are posted in Mohali or Zirakpur in Punjab i.e. on the outskirts of Chandigarh. They are required to study in schools in Punjab if they want to compete for admission in medical colleges in the State of Punjab.

Para 10: That contents of this para are wrong and denied. The students who passed 10+1 and 10+2 from a particular State/Union Territory are automatically eligible for admissions in medical colleges in that State/Union Territory. Clause (D-3) has been provided to protect the interest of those children who completed only one year of study in

Punjab and have been compelled to study for another year due to posting of their parents out of State of Punjab. If this provision was not made, such students would not be eligible for admissions in any of the States.

Para 11: That contents of this para are wrong and denied. The petitioner has remained in Chandigarh and done 10+1 and 10+2 from Chandigarh and therefore he has no claim for admission in Punjab medical colleges.

Para 12: That contents of this para required no comments.

Para 13: That contents of this para are wrong and denied. The petitioner has approached the Hon'ble High Court at belated stage.

Para 14: That contents of this para are wrong and denied as explained in preliminary submissions. The petitioner has done his 10+1 and 10+2 from Chandigarh school. He is eligible for admission in Chandigarh medical colleges and not in Punjab medical colleges.

Para 15: No law points are involved in this case.

Para 16: That contents of this para are denied for want of knowledge.

Para 17: The petitioner has done 10+1 and 10+2 from Chandigarh school and therefore he is eligible for admissions in Chandigarh Medical Colleges. The students who do 10+1 and 10+2 from Punjab alone are eligible for admission in Punjab medical colleges. These students of Punjab are not eligible for admission in Chandigarh medical colleges. The writ petition deserves to be dismissed.

Place, Chandigarh,

Dated:

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

Verification:

Verified that the contents given in para 1 & 17 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