

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWPN0.12304 of 2004

Anisha Nayyar

.....Petitioner

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 need no comments.

Para 5: That contents of this para need no comments.

Para 6: That contents of this para need no comments.

Para 7: That contents of this para are admitted being matter of record.

Para 8: That contents of this para are wrong and denied. The eligibility condition for admission is passing out of 10+1 and 10+2 from State of Punjab and not the residence status of the candidate. The exceptions have been made mainly for employees of Punjab Government and Punjab and Haryana High Court who are posted at Chandigarh i.e outside Punjab because of its capital being a separate Union Territory.

Para 9: That contents of this para are wrong and denied. Clause (D-3) protects the interests of those children who can not complete both 10+1 and 10+2 from the State of Punjab due to posting out of their parents. Unless this is done the candidate would not be eligible for admission in any State because he would not be able to do both 10+1 and 10+2 from single State. If the parents had remained posted out of Punjab continuously for two years then students could complete his 10+1 and 10+2 from that State and he would be eligible for admission in that State and therefore no protection/exception is required to be made for him.

Para 10: That contents of this para are incorrect as explained in para 9 above. The petitioner has done 10+1 and 10+2 from Delhi and therefore she is eligible for medical colleges in Delhi apart from all India quota in government medical colleges throughout the country.

Para 11: That contents of this para need no comments.

Para 12: That contents of this para are wrong and denied. The prospectus was published in the month of June but the petitioner deliberately remained silent for 1 ½ and has filed writ petition just before the start of counseling which began on 16/8/2004. The prospectus can not be altered at this stage.

Para 13: That contents of this para are wrong and denied as explained in preliminary submissions.

Para 14: No law points are involved.

Para 15: That contents of this para are denied for want of knowledge.

Para 16: The petitioner has completed her 10+1 and 10+2 from Delhi School and therefore she is eligible for admissions in medical colleges in the Delhi apart from central quota in medical colleges throughout the country. The eligibility conditions for admissions in Punjab medical colleges have been stipulated with reference to school and not with reference to status of residence. Most of the States have similar kind of policy and admission schemes and there is nothing unusual about it. The writ petition therefore 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 & 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