

SLP(C)No. 17898-17899 OF 2000

ITEM No.202

Court No. 1

SECTION IVB
A/N MATTER

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No.17898-17899/2000

(From the judgement and order dated 07/09/2000 in LPA 1348/2000
and 1349 of 2000 of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

AAKANKSHA SHARMA & ANR.

Petitioner (s)

VERSUS

STATE OF PUNJAB & ORS.

Respondent (s)

(With appln. for c/delay in filing rejoinder and with
prayer for interim relief(
(For Final Disposal)

Date : 10/08/2001 These Petitions were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE R.C. LAHOTI

For Petitioner (s) Mr. K L Budhiraja, adv.
Mr. Paritosh Budhiraja, adv.
Mrs Urmila Sirur, adv.

For Respondent (s) Mr. V R Reddy, Sr. adv.
Mr. Rajeev Sharma, adv.

Mr. Maninder Singh, adv.
Ms. Pratibha M. Singh, adv.
Ms. Kavita Wadia, adv.

UPON hearing counsel the Court made the following
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Leave granted.
The appeals are disposed of in terms of the
signed order. No costs.

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(Kanchan Jain) (Prem Prakash)
AR-cum-PS Court Master

Signed order is placed on the file.

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IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 5239-5240 OF 2001@@
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arising out of
SPECIAL LEAVE PETITION (C) NOS. 17898-17899 OF 2000@@
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Aakanksha Sharma & Anr.Appellants

VS.

State of Punjab & Ors.Respondents

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Leave granted.

Appellant No. 1 - Aakansha Sharma, was born in Kapurthala District in the State of Punjab. She, however, passed her Matriculation Examination from C.B.S.E., New Delhi after studying for that examination in Karnal (Haryana). Appellant No. 2 - Sanjeev Kumar, is also a resident of Punjab. He passed his 10 + 2 Examination from Ambala Cantt. (Haryana).

Since both the appellants were born in Punjab they considered themselves as included in the category reserved for bona-fide residents for the State of Punjab and taking note of various Government of Punjab Circulars and Notifications, appeared for Punjab Medical Entrance Test - 2000 (PMET-2000) in accordance with the prospectus issued by respondent Nos. 2 and 3 for selection of students for admission to various
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medical courses in the State of Punjab. The appellants were made to give an undertaking that they would not seek admission against 85% quota in any other State. That undertaking was furnished by the appellants. The result of the PMET-2000 was declared on 25th June, 2000 and according to the appellants, they secured a position in the merit list for getting admission. After the declaration of the result on 25th June, 2000, the eligibility criteria was changed and Notification dated 3rd June, 2000 was withdrawn on 23rd July, 2000 as a result of which the appellants who had given an undertaking not to seek admission under 85% quota in any other State, could neither find a place in the medical colleges in Punjab (since they had studied in Delhi or Haryana) nor were they in a position to appear for entrance examination for medical courses in any other State, as by that time entrance examinations in other States were also over. It is submitted that the appellants have been made to suffer for no fault of theirs.

According to the appellants they claimed their eligibility not on the basis of the prospectus but by virtue of the Notification which came to be changed

subsequently. Notification dated 3rd June, 2000 was withdrawn on 23rd July, 2000.

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The appellant students acted on the Notification dated 3.6.2000 which was issued by University in accordance with the directions dated 25.5.2000 made by the High Court of Punjab & Haryana in CWP No. 5436 of 2000, Damandeep Singh Makkar &@

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Ors. Vs. State of Punjab & Ors. It appears that yet@@ CCCCCCCCCCCCCCCCCCCCCCCCCCCCC

another writ petition CWP 7723 of 2000 was filed before the High Court of Punjab & Haryana complaining that the notification dated 3.6.2000 was not in total conformity with the directions of the High Court dated 25.5.2000. At the hearing in CWP 7723 of 2000, (Ms.@@

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Namrita Grung & two Ors. Vs. State of Punjab &@ CCCCCCCCCCCCCCCCCCCCCCCCCCCCC

Ors.), the Dy. Advocate General for the State of@@ CCCCC

Punjab as also the counsel for the University made a statement before the Court that the notification dated 3.6.2000 shall be withdrawn. The High Court, acting on such statement, directed the writ petition to be dismissed as infructuous. There was no adjudication on merits. On 23.7.2000 a fresh Notification was made superseding the Notification dated 3.6.2000 wherein the admission criteria was altered resulting in denial of admission to the appellants before us. The appellants herein were not a party in CWP 7723 of 2000 filed by Ms. Namrita Grung and two others, nor were they noticed therein, nor did they have any

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opportunity of participating at the hearing. The writ petition was disposed of only as infructuous. The appellants promptly challenged the action of the respondents by filing a writ petition before the High Court and on their petition being dismissed, promptly filed these appeals by special leave. They also sought for an interim relief which, however, this Court was not inclined to grant ex-parte though a notice therefor was issued to the respondents.

The facts noticed hereinabove are not disputed by learned counsel for the respondents.

In this view of the matter it is apparent that the appellants have suffered for no fault of theirs. The decisions of the High Court to which the appellants are not parties and change in criteria of admissions at an advanced stage when the situation has become irreversible for the appellants, have landed the appellants in a difficulty incapable of resolution except by judicial intervention. The Court is required to balance the equities and remove the hardships.

On behalf of the Medical Council of India, it was stated that no relief could be granted to the appellants for the current session as that would require increase of seats after start of the session.
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Question of fulfilling attendance requirement would also arise as the session is almost nearing its end. We quite see the genuineness of apprehension expressed by the learned counsel for Medical Council of India.

It will be a travesty of justice to deny admission to the appellants. We are of the opinion that the appellants were denied admission on untenable grounds, and therefore, it appears appropriate to us, with a view to do complete justice between the parties, to direct that they be adjusted in the next session, which we are informed, commences in September, 2001. The appellants had obtained certain rankings in the merit list as per the result declared by Guru Nanak Dev University, Amritsar of PMET, 2000. Appellant No. 1 had a rank of 340 and appellant No. 2 had a rank of 290. While adjusting them for allotment of two seats in the Session commencing from September, 2001, they would retain their ranks and be considered at Sl. Nos. 340A and 290A respectively. We are informed that 'Counselling' for the Session starting in September, 2001, would commence on 17th August, 2001 for 'General Category Candidates'. It is, therefore, proper that the appellants are permitted to take part in the 'Counselling' commencing from 17th August, 2001. The respondent shall take
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appropriate steps in that behalf. The entitlement of the appellants to seats in medical college shall depend upon the status of availability of seats at the point of their ranking, that is, 340A (just below 340) and 290A (just below 290) respectively.

With these observations, the appeals are disposed of. We, however, clarify that these appeals have been decided in the peculiar facts and circumstances of these cases and shall not be treated as a precedent. No costs.

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(R. C. LAHOTI)

New Delhi
August 10, 2001.