

(2010) 10 P&H CK 0362

High Court Of Punjab And Haryana At Chandigarh**Case No:** Civil Writ Petition No. 19481 of 2010

Neetu Saini

APPELLANT

Vs

State of Punjab and Others

RESPONDENT

Date of Decision: Oct. 29, 2010**Acts Referred:**

- Constitution of India, 1950 - Article 226

Hon'ble Judges: Ranjit Singh, J**Bench:** Single Bench**Final Decision:** Dismissed

Judgement

Ranjit Singh, J.

The Petitioner appeared in the P.M.E.T. 2010 Examination for admission to M.B.B.S/B.D.S Courses. The examinations was held on the basis of prospectus issued by Respondent No. 2. The Petitioner secured 462 marks and was placed at merit No. 265. The Petitioner claims that she was sure to get admission at Government Medical College, Amritsar. The schedule for counselling for admission to various Medical Colleges was issued in July 2010. While the process was on, Respondent No. 2 issued a notice on 2.8.2010, permitting the physically handicapped category candidates to apply fresh even if they had not fulfilled the eligibility condition of not less than securing 50% marks in the qualifying examination. As per the notice, eligibility condition for cut off marks in the qualifying examination was relaxed from 50% to 45%. Due to the relaxed eligibility condition, Respondent No. 4, who had secured 46% marks in the qualifying examination, thus, was held eligible for admission and accordingly was admitted in Medical College, Amritsar because of this changed condition. This led to affecting the rights of the Petitioner to get admission at Medical College, Amritsar, and hence, the Petitioner has filed the present petition to challenge the relaxation done after having invited the applications, terming it to be illegal, arbitrary and unfair.

2. The primary objection of the Petitioner appears to be that the condition could not have been relaxed midway during the counselling and that too after issuance of the prospectus, on the basis of which the tests were held. The Petitioner has been admitted to Shri Guru Ram Dass Institute, Amritsar but still has come up with the grievance only to say that her chance to get admission in Medical College, Amritsar, has been put to prejudice. The Petitioner has not demonstrated in any manner as to how the relaxation in the cut off marks for considering the eligibility for physically handicapped candidates has effected the chances of the Petitioner to get admission in the Medical College, Amritsar. The reservation for the physically handicapped candidates is required to be made as per the statute and as such, can not be termed as illegal or arbitrary. In order to achieve this statutory purpose, if some relaxation is granted to make some physically handicapped candidates eligible, it would not lead to any arbitrary, discriminatory or unfair action. Respondent No. 4 has been admitted to a medical course and this relaxation appears to have been made to achieve the statutory object of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995. The requirement of statute can not be allowed to become redundant by providing same standard of eligibility for a physically handicapped candidate, who would definitely be at disadvantage as compared to those candidates who does not suffer such handicap. I can not notice any illegality or arbitrariness in the action of the Respondents in relaxing the eligibility condition, since it was with the aim and purpose of achieving the purpose behind the abovesaid Act. It may also need a notice that any interference in this would lead to ousting the physically handicapped candidates, who have been admitted due to the relaxed eligibility condition, which rather may not sound fair. Incidentally, the Petitioner is only seeking a change of his College for the purpose of admission. Accordingly, I do not consider this case to be fit for invoking extra ordinary jurisdiction under Article 226 of the Constitution of India.

3. The writ petition is, therefore, dismissed in limine.