

Sandeep Barar and Another

Vs

State of Punjab Others

And

Kanwar Ajit Singh Sidhu

Vs

State of Punjab and Others

With

Nirpjit Singh Dosanjh

Vs

State of Punjab and Others

With

Komal Sekhon

Vs

State of Punjab and Others

With

Harkamal Kaur

Vs

State of Punjab and Others

Civil Appeals Nos. 4408 and 4409 of 1989, and Special Leave Petition (Civil) Nos. 13343, 13160
and 13755 of 1989

(M.H. Kania, Kuldip Singh JJ)

30.01.1990

JUDGMENT

KULDIP SINGH, J. -

1. Special leave granted.

2. We pronounce our conclusions in the appeals and a reasoned judgment shall be delivered later on. We allow the appeals and set aside the judgment of the High Court dated September 13, 1989 delivered in Civil Writ Petition No. 10623 of 1989. We also set aside the consequential judgments of the High Court dated September 18, 1989 in Civil Writ Petition Nos. 10855 of 1989 and 9745 of 1989. Civil Writ Petition Nos. 10623 of 1989 and 10855 of 1989 filed by those petitioners in the High Court are dismissed. Civil Writ Petition No. 9745 of 1989 is disposed of in terms of this order.

3. We direct as under :

(a) Admissions, in the three State medical colleges and two State dental college for the session commenced in the year 1989, to the seats reserved in favour of sportsmen/sportswomen be made in accordance with the Government of Punjab, Department of Health and Family Welfare Notification dated April 21, 1989 (Annexure 'A' in C.A. 4408 of 1989) read with Government of Punjab, Department of Education instructions dated August 6, 1986 (excluding para 2 which has already been struck down) (Annexure 'B' in C. A. 4408 of 1989).

(b) We hold that the government instructions dated August 30, 1984 providing weightage in the various grades are no longer operative and had been superseded by the instructions dated August 6, 1986.

(c) We strike down the instructions issued by Director of Sports contained in memorandum Sports SDA-VII-86-87-8895 dated September 16, 1986 (mentioned as August 6, 1986 in the High Court judgment) (Annexure 'C' in C.A. 4408 of 1989) and direct that the same be not taken into consideration while finalising the selection.

(d) Admission to all the seven seats (six to MBBS and one to BDS) be made as directed by us in this order above. Three of the respondents namely Amandeep Kaur Sahota, Baljinderdeep Singh Dhanj and Navdeep Walia have already been admitted as a result of the High Court order. In the interest of justice we direct the respondent State of Punjab to create three additional seats with the approval of the Medical Council of India and if such an approval is granted, then these three students be accommodated against the additional seats.

4. There shall be no order as to costs.

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