

SUPREME COURT OF INDIA

Aman Deep Jaswal

Vs.

State of Punjab & Ors.

(Y.K. Sabharwal and C.K. Thakker, JJ. R.V. Raveendran and Lokeshwar Singh Panta, JJ.)

C.A.No.988 of 2006

03.02.2006

ORDER

Y.K. Sabharwal, J.

1. Leave granted.

2. By the impugned judgment, the High Court held that the writ petitioner Aman Deep Jaswal was meritorious and was entitled to be admitted in Government Medical College, Patiala against the course of her option, namely, MD Anaesthesia. She could not, however, be granted relief in view of the session having already commenced. The relief was denied on the ground that if allowed, it would amount to mid-session admission which was not permissible. At the same time, the High Court cancelled the admission in the aforesaid course granted to respondent Dr. Radhika Dhawan. Further, concluding that the Selection Committee of the respondent State had committed default in ignoring the rightful claim of the writ petitioner, the State was burdened with costs of Rs 50,000 (Rupees fifty thousand) by further directing that half of the amount would be recoverable from the Chairman/Members of the Selection Committee for ignoring the rightful claimant and for arbitrarily exercising the power vested in them and the remaining amount from the State. Both the writ petitioner and the respondent Dr. Radhika Dhawan whose admission was cancelled, have challenged the impugned judgment of the High Court.

3. It is not in dispute that the appellant Aman Deep Jaswal was much higher in rank in the selection and had also opted for MD Anaesthesia as one of the options. There could be no valid reason for denying her admission simply because of the word “any” written by her as third preference. Her first preference was MD Gynaecology and the next was MD Anaesthesia but in the second counselling her first option was MD Anaesthesia. The same could not be denied for the use of the word “any” when it is not disputed that she was more meritorious than Dr. Radhika Dhawan. The High Court was, however, right, despite these facts, in denying admission being granted to her during mid-session.

4. On these peculiar facts, we are of the view that the appellant Aman Deep Jaswal is entitled to be admitted in MD Anaesthesia in Government Medical College, Patiala in the next academic year 2006-2007 within the sanctioned intake of the college. Ordered accordingly.

5. The next question is about the direction in the impugned judgment cancelling the admission of Dr. Radhika Dhawan. It is not the case of any of the parties that insofar as Dr. Radhika Dhawan is concerned, she is also from the select list and has put in almost a year in the course. At this stage, relief could not be granted to the appellant Aman Deep Jaswal by cancelling the admission of Dr. Radhika Dhawan. Therefore, we set aside the impugned judgment to the extent it directs cancellation of admission of Dr. Radhika Dhawan.

6. The impugned judgment is, therefore, set aside in the above terms. The appellant Aman Deep Jaswal will be granted admission as above directed.

7. The civil appeals are disposed of accordingly

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8. There shall be no order as to costs.