



IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No. 2616 of 2020

Date of decision: 28.07.2020

Maharishi Markandeshwar University and another
...Petitioners.

Versus

State of Himachal Pradesh and others
...Respondents.

Coram

The Hon'ble Mr. Justice Tarlok Singh Chauhan, Judge.

The Hon'ble Ms. Justice Jyotsna Rewal Dua, Judge.

Whether approved for reporting?¹

For the Petitioners : Mr. K.D. Shreedhar, Senior Advocate
with Ms. Shreya Chauhan, Advocate,
through Video Conferencing.

For the Respondents : Mr. Ajay Vaidya, Senior Additional
Advocate General, through Video
Conferencing.

PROCEEDINGS CONVENED THROUGH VIDEO CONFERENCE

Tarlok Singh Chauhan, Judge (Oral)

Mr. Ajay Vaidya, learned Senior Additional Advocate
General has obtained instructions in terms of the order passed by
us yesterday. In terms thereof, the Committee that was

¹ Whether reporters of Local Papers may be allowed to see the Judgment ?

constituted, has decided that in case the seats will remain vacant/unfilled after Mop up round, then the petitioners-College will be allowed to fill-up the said seats on its own level on 31.07.2020 from the NEET-PG 2020 candidates. Relevant portion of the instructions reads as under:-

“After deliberations, the Committee decided that in case seats will remain vacant/unfilled after Mop up round, then M.M.C. Solan will allow to fill up the said seats at College level on 31.07.2020 from NEET-PG-2020 candidates. However, counseling shall be held under the supervision of the representatives of DM E&R, H.P. from amongst the candidates already registered upto Mop round. No fresh application can be included as per MCCI.”

2. Learned Senior Counsel for the petitioners states that the petitioners have no difficulty in complying with the aforesaid instructions, but would take strong exception and rightly so to that portion of the instructions, which provides “No fresh application can be included as per MCCI”.

3. It is more than settled that admissions in the professional colleges pertaining to Medical and Dental Colleges in Post Graduate & Super-Specialty Courses are required to be made purely on the basis of merit and merit alone because the object must be to select the best and most meritorious student

and cannot, therefore, be restricted or made on the basis of “first come first serve”. (Refer: ***Dr. Pradeep Jain and others Versus Union of India and others, (1984) 3 SCC 654***).

4. Accordingly, we direct the petitioners-College to fill-up the remaining vacant/unfilled seats after the mop up round strictly on the basis of merit. In order to ensure that the admissions are made in a transparent manner and that too strictly in order of merit amongst the candidates, who might be desirous to seek admissions, such admissions shall be made in presence of an Observer(s) to be appointed by the Director, Medical Education & Research, Himachal Pradesh.

5. It is clarified that admissions shall be made on the basis of the advertisement that was issued by the petitioners-College in compliance to the orders passed on 27.07.2020. All those candidates, who apply upto 10:00 am on 31.07.2020, shall be eligible for consideration.

6. In view of the aforesaid orders, nothing survives for adjudication in this petition and the same is accordingly disposed of in the aforesaid terms, leaving the parties to bear their own costs. Pending application(s), if any, shall also stand disposed of.

Authenticated copy of this order be supplied to the parties by the Secretary/Private Secretary.

(Tarlok Singh Chauhan)
Judge

(Jyotsna Rewal Dua)
Judge

28th July, 2020
(krt/Mukesh)

High Court of HP