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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-33365-2024 (O&M)

Date of decision: 20.03.2025

Gurpreet Singh

...Petitioner

V/s

Guru Ravidas Ayurved University, VPO Kharkan,
Una Road, District Hoshiarpur and another

....Respondents

CORAM: HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE
HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Kanwarpal Singh Mahey, Advocate for the petitioner.

Ms. Shreya Bublani, Advocate,

Ms. Sidhi Bansal, Advocate for

Mr. R. Kartikeya, Advocate for respondent No.1.

Mr. Paramjit Singh Saini, Advocate for respondent No.2.

SUMEET GOEL, JUDGE

1. The writ petition in hand, has been preferred under Article 226/227 of the Constitution of India, with the following substantive prayer:

“(i) issue a writ in the nature of mandamus directing the respondents to allot the Seat for BAMS in the respondent No.2-College, as the petitioner has already cleared the National Eligibility-cum Entrance Test (UG) 2024 with 96 marks out of 720 marks and thus he has become eligible. It is submitted that after clearing the NEET-2024 Examination, the respondent No.1 has allotted the seat for BAMS in respondent No.2-College, but the respondent 2-College is not allotting the seat to the petitioner without any rhyme reason and pressurizing the petitioner to surrender the seat. Thus, the above action of the respondents is illegal, discriminatory, unfair, unjust and in violation of Articles 14 and 16 of the Constitution of India.”

2. Shorn of non-essential details, relevant factual matrix of the *lis* in hand reads thus:

(i) The petitioner passed his 10+2 examination (non-medical) from the Punjab School Education Board in the subjects, *inter alia*, General



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English, Physics and Chemistry in the year 2023. Thereafter, the petitioner passed an additional subject, Biology, from the Himachal Pradesh Board of School Education, in the year 2024.

(ii) The petitioner, as per his pleaded case, became eligible to apply for the NEET - 2024 Examination, since he had passed Biology as an additional subject, in Class 10+2. The petitioner appeared in NEET-2024 and obtained 96 marks out of a total of 720 marks.

(iii) Seeking admission to the BAMS degree course (*hereinafter referred to as ‘the course in question’*), the petitioner applied to the respondents and was issued a provisional allotment letter dated 03.12.2024 for respondent No.2-College. The admission to the said course is governed by the Notification dated 09.11.2024 issued by the Department of Medical Education and Research, Government of Punjab (*hereinafter to be referred to as ‘09.11.2024 Notification’*), relevant whereof reads thus:-

“Clause 13

13. ELIGIBILITY CRITERIA FOR ADMISSION TO BAMS/BHMS/BUMS COURSES:

xxx	xxx	xxx	xxx
xxx	xxx	xxx	xxx

D) FOR BAMS

a) *The candidate must have passed intermediate (10+2) or its equivalent examination recognized by the concerned State Government and Education Board with the subject of Physics, Chemistry, Biology and English individually and must have obtained minimum of fifty percent marks taken together in Physics, Chemistry and Biology at the aforesaid qualifying examination in the case of General Category and forty percent marks in the case of the Scheduled Castes, Scheduled Tribes and Other Backward Classes.*

Clause 18

18. DECLARATION TO BE SUBMITTED BY THE CANDIDATE

The Candidate and his parent guardian shall submit a sworn declaration that the candidate has not passed the qualifying

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examination from more than one Board/university and has not obtained admission in BAMS/BHMS/BUMS course in any other State/UT, except under All India Quota Seats.”

(iv) However, respondent No.2-College did not actually allot a seat to the petitioner, which constrained the petitioner to institute the present writ petition.

It is in the above factual backdrop that the present writ petition has come up for adjudication before this Court.

3. Learned counsel for the petitioner has argued that; since the petitioner had passed the requisite subjects of Physics, Chemistry, Biology and English, individually, and was qualified in terms of the cut-off marks; he was given provisional admission to the *course in question*. In other words, it has been reiterated that the petitioner was eligible, in terms of *Clause 13* of the requisite criteria for admission to the *course in question*, and hence there was no occasion for the respondents to deny him admission. Learned counsel has further iterated that this Court, in its equitable jurisdiction, deserves to show indulgence to the petitioner, who is a genuine and deserving student, as he qualifies the requisite criteria and is unable to get admission to the *course in question* due to the adamant and illegal conduct of the respondents.

On the strength of the above submissions, learned counsel for the petitioner has entreated the Court to grant the writ petition in hand.

4. On behalf of respondent No.1, its learned counsel has iterated that the written reply submitted on behalf of respondent No.2 be treated as the reply on behalf of respondent No.1 as well, and the submissions made by learned counsel for respondent No.2 be read on behalf of respondent No.1 as well.

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4.1. Learned counsel appearing for respondent No.2, while raising submissions in tandem with the written statement filed on behalf of respondent No.2, has argued that the essential mandatory condition contained in *Clause 18* of the *09.11.2022 notification* prescribes that a candidate ought to have passed the qualifying examination from only one Board/University. Learned counsel has thus iterated that the petitioner was granted provisional admission as the document(s) submitted by him reflected that he had passed the qualifying examination, i.e., the 10+2 examination, in the requisite subjects of Physics, Chemistry, Biology & English on an individual basis from the Punjab School Education Board. However, it later came to light that the petitioner had passed Biology, as an additional subject, later on from the Himachal Pradesh Board of School Education. It has, thus, been strenuously urged that the petitioner was not fulfilling the essential mandatory qualification(s) in terms of the *09.11.2022 notification*, and therefore, he is not being admitted to the *course in question*.

On the strength of above submissions, learned counsel for the respondents has canvassed for the dismissal of the writ petition in hand.

5. We have heard learned counsel for the rival parties and have perused the record.

6. The prime issue that arises for determination in the present writ petition is whether the petitioner possessed the requisite qualification(s), in terms of the *09.11.2022 notification*, to be admitted to the *course in question*, and if so, whether the petitioner is entitled to be admitted to the *course in question*.

7. At this juncture, it would be germane to refer herein to a judgment of the Hon'ble Supreme Court in the case of **Ashok Kumar**



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Sonkar vs. Union of India and others, 2007(4) SCC 54, wherein it has been held that:

“20. Possession of requisite educational qualification is mandatory. The same should not be uncertain. If any uncertainty is allowed to prevail, the employer would be flooded with applications of ineligible candidates. A cut-off date for the purpose of determining the eligibility of the candidates concerned must, therefore, be fixed. In absence of any rule or any specific date having been fixed in the advertisement, the law, therefore, as held by this Court would be the last date for filing the application.”

Indubitably, the above demiurgic enunciation of law has a factual backdrop pertaining to a recruitment process, but the *ratio decidendi* thereof would apply *mutatis mutandis* to an admission process as well.

A granular analysis of the factual matrix of the case in hand reflects that the petitioner passed the subjects of Physics, Chemistry, Mathematics & English from the Punjab School Education Board, *whereas* he passed Biology as an additional paper, from the Himachal Pradesh Board of School Education, Dharamshala. Juxtaposing *Clause 18* and the qualification(s) possessed by the petitioner, leads to the irresistible conclusion that the petitioner is not qualified to apply for the *course in question* in terms of *Clause 18* since he did not pass the qualifying examination (10+2) from a single Board/University. *Ergo*, the petitioner cannot be stated to be qualified for securing admission to the *course in question* as he does not possess the mandatory educational requirements/qualifications for the same.

8. The words of the *09.11.2022 notification*, especially *Clause 13* and *Clause 18* thereof, are clear, plain and unambiguous. They are susceptible to only one meaning, thus, a Court of law is bound to give effect to that meaning, irrespective of the consequences flowing therefrom. The

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law countenance no preferential treatment or relaxation in favour of an individual, particularly when such relaxation has neither statutory sanction nor any reasonable nexus with the avowed objective behind the eligibility criteria.

It is an immutable and sacrosanct obligation of a writ Court to dispense justice in accordance with the exalted principles of good conscience, justice and equity. However, the invocation of equitable jurisdiction does not confer upon the Court an unfettered prerogative to render orders in complete defiance or in oblivion of the established tenets of the law of the land. The administration of equity must operate within the defined contours of jurisprudence and cannot transgress into the realm of judicial adventurism, whereby reliefs, alien to the fundamental precepts of law, are granted without legal substratum. Equity, in its true essence, does not entail bestowing that which the law does not contemplate, nor does it envisage the conferment of benefits that stand in stark contradiction to statutory mandates. The writ Court, whilst exercising its plenary powers in equity, is vested with the authority to bridge the lacunae that may exist within the rigid framework of statutory provisions. However, such a course of action must be undertaken with due reverence to the overarching legal order, *lest* it results in judicial encroachment that supplant it; or it tampers the rigours of legal formalism without eviscerating the statutory fabric upon which the administration of justice firmly rests. The equitable jurisdiction of a writ Court must be exercised with judicious restraint, ensuring that its decisions do not traverse beyond the permissible precincts of legal propriety. The maxim *Aequitas Sequitur Legem* — equity follows the law — encapsulates the fundamental doctrine, namely, that an equitable relief must

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be harmonized with statutory provisions, not granted in derogation thereof. While it is within the writ Court's remit to remedy injustice where the law is silent or deficient, such remedial measures must not metamorphise into judicial legislation which impinges upon the extant rules. The Court, in its equitable jurisdiction serves as the guardian of justice, yet it must remain ever vigilant against the perils of judicial overreach, wherein discretionary powers are wielded in a manner that proscribes legal mandates.

The effusive *clarion call* by the petitioner on the ground of equity, for relaxation of the eligibility criteria, is thus beyond the purview of legal framework. We, *ergo*, are unable to affirmatively respond to such plea by the petitioner, which indubitably invites rejection.

Decision

9. In view of the preceding ratiocination, the writ petition in hand is dismissed. Pending application(s), if any, shall also stand disposed of. No order as to costs.

(SUMEET GOEL)
JUDGE

(SHEEL NAGU)
CHIEF JUSTICE

March 20, 2025

Ajay

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No