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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 9795/2017

CHANDAN KUMAR RUHELA

..... Petitioner

Through: Mr Krishnamohan K. Menon, Adv

versus

MEDICAL COUNSELING COMMITTEE AND ANR.

..... Respondents

Through: Mr Rajesh Gogna, CGSC with
Mr Akhilesh Kumar, Ms Vipra
Bhardwaj with Ms Sushila Narang,
Gov. Pleader for R-1 and 2

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

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22.11.2017

W.P.(C) 9795/2017 and C.M. No.39856/2017, C.M. No.39857/2017

By way of this petition , the petitioner (a candidate of All India CBSE-NEET Examination – 2017) is seeking a prayer that the prejudicial portions of the web procedures for MBBS counselling which mandates a separate stream registration for a candidate seeking access to a private college seats in spite of the said candidate having a pre-existent web registration is bad; the respondent should be directed to allow the petitioner to take part in the off line counselling in the remaining seats of a deemed/central university.

The averments in the petition disclose that the petitioner had participated in the NEET Examination for the year 2017. He had ranked 45453 in the OBC category. The Bulletin of Information had laid down the timeline for the counselling procedures. The petitioner had registered himself at the website mcc.nic.in in the counselling

process. His registration number was 80119905. In the absence of knowledge regarding the need for an alternate registration for private college seats and under the bona fide belief that one website could not have a dual registration as regards the same qualifying examination, the petitioner did not proceed to register himself in the alternate interface. Submission is that the petitioner now be permitted to have on off line registration and he be permitted admission in any available seat of a private colleges/deemed university which seats yet remained unfilled.

This court was on the leave on the first date of the hearing and the matter was adjourned for today. Although notice has not been issued but the counter affidavit of the respondent is ready and has been placed on record. A copy of the counter affidavit has been furnished to the petitioner.

Learned counsel for the respondent points out that even as per the his own case, the petitioner had registered himself only for the 15% of the All India Quota Seats in the Government Medical/Dental College of the country. He did not obtain admission in that quota. The last MBBS seat already stands exhausted in this quota. The petitioner had not registered his particulars for management /UG (MBBS/MD) Quota seats in the deemed University / Central University in the first round of online counselling and nor in the second round of counselling for which registration was necessary for allotment of the seat. The first round of counselling commenced on 05.07.2017. The petitioner was admittedly not registered. Even in the second round of counselling which commenced from 01.08.2017

up to 04.08.2017, the petitioner did not register himself. Obviously he was not entitled to be eligible in the Mop up round of counselling conducted by the respondent after these two rounds as he had not registered. As per the MCI's Time Schedule approved by the Hon'ble Apex Court in its order dated 18.01.2016, ***W.P.(C)76/2015- Ashish Ranjan & Ors vs Union of India & Ors***, the last date up to which students can be admitted / joined against vacancies arising was 31.08.2017 and not beyond that date.

Learned counsel for the respondent rightly points out that the petitioner himself in his petition has admitted that he did not have an alternate registration for the deemed university / Central university; he had only taken registration in the 15% All India Seats in the Government Medical / Dental Colleges. He having failed to get himself registered in the management quota seats in the deemed university / Central university, he is not entitled for any relief.

Noting these submissions and counter submissions, it has been put to the learned counsel for the petitioner that since admittedly he on his own had not taken the alternate registration for the management quota seats in the Deemed Universities / Central Universities he has no case; his submission on this count is that he did not take the alternate registration not only because of lack of knowledge but also for the reason that in case he had applied for a management UG quota seat and had been granted a seat, he would be foisted with that seat and would not have had a chance to be considered for the quota seat in the Government Medical/Dental College. This is no answer. This scheme is uniformly applicable to

all candidates who had appeared for the NEET Examination. The petitioner having failed to take the alternate registration in the deemed University / Central University quota he cannot at this stage state that he should be given permission to submit an off line application to that University where such seats are available.

Learned counsel for the respondent additionally point out that time schedule has been laid down by the Supreme Court in the Judgment of *Ashish Ranjan (supra)* details of which had first been contained in the judgment of the Apex Court in *Dar-Us-Salam Educational Trust and Ors vs Medical Council of India W.P.(C) 267/2017* a judgment delivered on 09.05.2017. The respondent cannot deviate from this timeline. The last date for admission for NEET Candidates stood closed on 31.08.2017.

The petitioner himself was at fault in not making an alternate registration.

This petition appears to be nothing but an abuse of the process of the court because this court is of the firm view that the petitioner was well aware of the consequences of this petition but it appears that he had just taken a chance before this court and has thus wasted the precious time of the court.

Petition has no merit. It is dismissed with costs quantified at Rs. 10,000/-.

INDERMEET KAUR, J

NOVEMBER 22, 2017
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