

CASE NO.:  
Appeal (civil) 4329 of 2007

PETITIONER:  
Shikha Aggarwal & Ors

RESPONDENT:  
State of Punjab & Ors

DATE OF JUDGMENT: 17/09/2007

BENCH:  
K G Balakrishnan & R. V. Raveendran & D.K. Jain

JUDGMENT:  
JUDGMENT

O R D E R

CIVIL APPEAL NO. 4329 of 2007  
(Arising out of SLP (C) No.13548/2007)  
With  
CA No 4328 of 2007 (@ SLP (C) No.13421/2007)  
And  
CA No 4327 of 2007 (@ SLP (C) NO.13645/2007)

Leave granted. Heard both sides.

The State Government issued a Notification dated 21.3.2007 enumerated four categories of students who were eligible to apply for the seats earmarked under 'NRI quota'. The Respondent University issued a prospectus dated 28.3.2007 for 2007 Admissions incorporating the said four categories as eligible candidates for NRI quota seats. Category III under NRI quota seats pertains to Indian students sponsored by the NRIs, where sponsorship letter is attached with the application. The appellants in all these appeals were candidates for admission to post-graduate medical courses for the year 2007, falling under category III of the Notification dated 21.3.2007. Counselling for Category III was fixed on 13.7.2007 and appellants were present on that day, ready for counselling.

2. However, categories III and IV were deleted from the NRI status by Corrigendum issued by the State Government on 13.7.2007. Feeling aggrieved, the appellants immediately filed writ petitions challenging the notification dated 13.7.2007 deleting category III and seeking a direction for admission under 'NRI quota'. The said writ petitions were dismissed. The High Court was of the view that having regard to the law laid down by this Court in P.A. Inamdar v. State of Maharashtra [2005 (6) SCC 537], students falling under categories III and IV could not be considered for admission under 'NRI quota'. We do not find any infirmity in the reasoning of the Division Bench in upholding the deletion.

3. The appellants, however, urge another contention based on facts peculiar to their cases. The appellants submitted that having regard to the notification dated 21.3.2007 and the university prospectus which entitled them to be considered for admission under NRI quota seats under Category III (candidates sponsored by NRIs) and their ranking in the merit list under NRI quota, they were confident of getting admission, after completion of admissions under categories I and II. They, therefore, burnt their boats by forgoing the opportunity of pursuing postgraduate courses in other

Universities. Some of them were already admitted to post-graduate courses in other States. Some had been called for interview/counselling for post-graduate courses in other States and were likely to get admissions. They either gave up their seats or did not appear for interviews/counselling in other States, as they were confident of getting seats in the colleges affiliated to respondent University. They were all set for counselling on 13.7.2007 for admission under category III of NRI quota. The belated deletion of category III on 13.7.2007 resulted in the cancellation of counselling and denial of admission to them, thereby jeopardizing their career. The appellants submit that this factual aspect was completely ignored by the High Court. They contend that the corrigendum notification dated 13.7.2007 should not be made applicable to them for the academic session beginning in the year 2007.

4. On the peculiar facts of the case, we are of the opinion that the appellants are entitled to relief. The counseling was fixed on 13.7.2007. Having regard to their ranks in the merit list of candidates under the NRI quota, the appellants would have got admissions, if Category III had not been deleted on 13.7.2007. The appellants had sacrificed the opportunity of pursuing the PG course or seeking admission to PG courses in other Universities/colleges as they were sure of getting admission to colleges affiliated to respondent-University under the NRI quota as originally notified. If the deletion of category III by notification dated 13.7.2007 is made applicable to them, the appellants will lose one valuable year of their career for no fault of theirs, when they were led to believe that they were entitled to be considered under NRI quota. It is not in dispute that adequate number of seats under the NRI quota still remains unallotted. On the peculiar facts and circumstances, to do complete justice, we direct that the appellants be counselled for admission to the post-graduate medical courses by treating them as candidates under NRI quota. Compliance before 28.9.2007.

5. We make it clear that the deletion of categories III and IV, otherwise stands undisturbed and the relief granted to appellants on the peculiar facts of their cases, will not be considered as a precedent for other cases.

6. The appeals stand disposed of accordingly. No costs.