

[2011] 14 (ADDL.) S.C.R. 1065

PARMENDER KUMAR & ORS.  
v.  
STATE OF HARYANA & ORS.  
(Civil Appeal No. 9717 of 2011)

NOVEMBER 14, 2011

**[ALTAMAS KABIR, CYRIAC JOSEPH AND  
SURINDER SINGH NIJJAR, JJ.]**

*Education/Educational Institutions – Admission in the Post-Graduate or Diploma Courses in medicine – Conditions relating to admission as indicated in the prospectus – Modification in the conditions by the State Government after declaration of result and preparation of select list – Power of – Held: If such Government Orders were already in force when the prospectus was published, they would certainly have a bearing on the admission process – However, once the results had been declared and a select list had been prepared, it was not open to the State Government to alter the terms and conditions just a day before counselling was to begin, so as to deny the candidates, who had already been selected, an opportunity of admission in the aforesaid courses – Benefits of admission in the reserved category is the result of the policy adopted by the State Government to provide for candidates from the reserved category – Appellants having been selected on the basis of merit, in keeping with the results of the written examination, the submission that such admissions in the reserved category will have to be made keeping in mind the necessity of upholding the standard of education in the institution, cannot be accepted.*

**Appellants-members of the State Civil Medical Services, are candidates for admission to the Post-Graduate Courses conducted by respondent No.2**

A University against the Haryana Civil Medical Services (HCMS) reserved quota. As per the prospectus, a common entrance examination was held for candidates who applied for admissions against seats reserved for the HCMS quota as also seats under open merit category, the results were declared and counselling was held. Clauses B 5 and 6 of the prospectus provided that HCMS doctors who wanted to join the PG-courses against the HCMS reserved quota, required NOC in terms of Government of Haryana instructions dated 5th December, 2008; and C three years regular service with successful completion of probation period. On the basis thereof, the appellants were allowed to participate in the selection process, their names were published in the merit list dated 3rd March, 2011 and were admitted. However, on 31st March, 2011, D the Government of Haryana issued an instruction that changed the eligibility conditions whereby three years regular service was changed to five years and applied the same to the process of admission which had already been set in motion on the basis of the previous E Government instructions, and that too just one day before the date of counseling. Aggrieved, the appellants filed a writ petition. The Single Judge of the High Court passed an interim order to the effect that in the meantime the appellants would be permitted to take part in the F counselling as against the HCMS quota candidates, subject to their own risk and responsibility; and that the said order would not confer any equitable right in favour of the appellants. The Division Bench upheld the order of the Single Judge of the High Court.

G The question which arose for consideration in these appeals is whether the State Government had any jurisdiction and/or authority to alter the conditions H relating to admission in the Post-Graduate or Diploma Courses in the different disciplines in medicine which had earlier been indicated in the prospectus, once the

examination for such admission had been conducted and the results had been declared and a select list had also been prepared on the basis thereof.

Disposing of the appeals, the Court

HELD: 1.1. The appellants contended that once the process of selection of candidates for admission to the Post-Graduate and Diploma Courses had been commenced on the basis of the prospectus, no change could, thereafter, be effected by Government Orders to alter the provisions contained in the prospectus. If such Government Orders were already in force when the prospectus was published, they would certainly have a bearing on the admission process, but once the results had been declared and a select list had been prepared, it was not open to the State Government to alter the terms and conditions just a day before counselling was to begin, so as to deny the candidates, who had already been selected, an opportunity of admission in the aforesaid courses. The benefits of admission in the reserved category are many, but the same is the result of the policy adopted by the State Government to provide for candidates from the reserved category and since the appellants had been selected on the basis of merit, in keeping with the results of the written examination, the submission that such admissions in the reserved category will have to be made keeping in mind the necessity of upholding the standard of education in the institution, cannot be accepted. The appellants have shown their competence by being selected on the basis of their results in the written examination. The submission that the NOCs had been given to the appellants from the open category, also does not appeal to this Court, since the appellants were candidates in respect of the reserved category of the HCMS. [Para 23] [1079-E-H; 1080-A-D]

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A *State of Orissa & Anr. Vs. Mamata Mohanty (2011) 3 SCC 436 : 2011 (2 ) SCR 704 – distinguished.*

B 1.2 The judgment and order of the Division Bench of the High Court is set aside. However, the counselling process in these appeals was to be conducted on 6th April, 2011 and the academic session was to commence on 10th May, 2011. In other words, the appellants have already lost about six months of the courses in question. As was observed in *Dr. Vinay Rampal's* case, the sands of time had run out which is inevitable in judicial process. C Following the same reasoning, as adopted in *Dr. Vinay Rampal's* case, it is directed that the appellants shall be admitted in the Post-Graduate or Diploma Courses, for which they have been selected, for the new academic year without any further test or selection. [Para 24] [1080-D-G] D

*Vinay Rampal (Dr.) Vs. State of J & K & Ors. (1984) 1 SCC 160 – relied on.*

E *State of Punjab & Anr. Vs. Dr. Viney Kumar Khullar & Ors. (2010) 13 SCC 481: 2010 (13 ) SCR 733; Rajiv Kapoor & Ors. Vs. State of Haryana & Ors. (2000) 9 SCC 115: 2000 (2) SCR 629; Union of Public Service Commission Vs. Gaurav Dwivedi & Ors. (1999) 5 SCC 180 : 1999 ( 3 ) SCR 649; Amardeep Singh Sahota Vs. State of Punjab (1993) 4 F SLR 673 (FB)*

**Case Law Reference:**

	2010 (13) SCR 733	Referred to.	Para 11, 13
G	(1984) 1 SCC 160	Referred to.	Para 13
	2000 (2) SCR 629	Referred to.	Para 14
	1999 ( 3 ) SCR 649	Referred to.	Para 16
H	2011 (2 ) SCR 704	Distinguished.	Para 23

PARMENDER KUMAR & ORS. v. STATE OF HARYANA & ORS. 1069

(1993) 4 SLR 673 (FB) Referred to. Para 21 A

CIVIL APPELLATE JURISDICTION : Civil Appeal No. 9717 of 2011.

From the Judgment & Order dated 2.6.2011 of the High Court of Punjab & Haryana at Chandigarh in LPA No. 983 of 2011. B

WITH

C.A. Nos. 9718, 9719, 9720, 9721 & 9722 of 2011. C

Altaf Ahmad, P.S. Patwalia, Vikas Singh, K.K. Tyagi, Iftekhhar Ahmad, P. Narasimhan, Dr. Kailash Chand, Jagjit Singh Chhabra, R.K. Gupta, S.K. Gupta, Mukesh Singh, Shekhar Kumar, Dr. Monika Gusain, Dharam Raj Ohlan, Atishi Dipankar for the appearing parties. D

The Judgment of the Court was delivered by

**ALTAMAS KABIR, J.** 1. Six Special Leave Petitions, being SLP(C)No.15974/2011, SLP(C)No.16075/2011, SLP(C)No. 16346/2011, SLP(C)Nos.16228-30/2011, have been taken up together for hearing, as they involve common questions of fact and law relating to the eligibility of the Special Leave Petitioners, who are members of the Haryana Civil Medical Services, to be admitted to the Post-Graduate Courses conducted by the Pt. B.D. Sharma University of Health Sciences, Rohtak, Respondent No.2 herein, against the reserved quota for such candidates. E F

2. Leave granted.

3. Before proceeding further, I.A.Nos.4 and 5 of 2011, filed by Dr. Rajeev Kumar and 10 others in SLP(C)No.15974 of 2011, for impleadment in these proceedings as respondents, are allowed. G

4. For the sake of convenience, we shall refer to the facts H

A from SLP(C)No.15974/2011, filed by Dr. Parmender Kumar  
and others. As indicated hereinabove, the Appellants in all  
these appeals are candidates for admission to the Post-  
Graduate Courses conducted by the Respondent No.2  
University against the Haryana Civil Medical Services (HCMS)  
B reserved quota. As provided for by the prospectus dated 6th  
January, 2011, a common entrance examination was held for  
candidates who applied for admissions against seats reserved  
for the HCMS quota, as also seats under open merit category.  
C The prospectus sets out the total number of seats in each  
course and the seats earmarked for the HCMS reserved  
category and also in respect of open merit. According to the  
prospectus, seats available for the Post-Graduate Course in  
the different disciplines indicate a total number of 145 seats  
available, of which 73 seats were reserved for the All India  
D quota, 29 seats were reserved for the HCMS reserved quota  
and 43 seats were reserved for the open merit category. As  
per the prospectus, the last date of receipt of application was  
24th January, 2011 within 5 p.m. The common entrance  
examination was held as per schedule on 2nd March, 2011 and  
E results were declared on 3rd March, 2011. Counselling was  
scheduled for 6th April, 2011 and the academic session was  
due to commence on 10th May, 2011.

5. The eligibility criteria laid down in the prospectus for  
candidates appearing in the entrance examination in respect  
F of the HCMS reserved quota was included in Clause 5 of the  
prospectus, which reads as follows :

G "5. HCMS doctors sponsored by the State Govt. will be  
eligible to appear in the entrance examination against the  
reserved seats for this category, provided they submit the  
application through their employer or submit their  
applications for getting NOCs to the department/State  
Government well in time and the Department/State Govt.  
will ensure that the NOCs where ever eligible, are issued  
before the date of 1st Counselling i.e. 06.04.2011."  
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6. What is of importance is the method of selection and admission which was made a part of the prospectus, wherein, in Clause 6 relating to determination of merit, in Sub-Clause (iii), it was indicated as follows :

“6.(iii) The conditions for NOCs fixed by the Govt. of Haryana vide letter No.2/123/05/I-HB-I dated 5.12.2008 for HCMS doctors who want to join PG-courses are given at Annexure-D. (However, latest Govt. instructions issued from time to time will be followed).”

7. For, as per the aforesaid Sub-Clause, HCMS doctors who wanted to join the PG-courses against the HCMS reserved quota, required NOC in terms of Government of Haryana instructions dated 5th December, 2008. As per the said instructions, one of the eligibility conditions was contained in Clause 3, which is extracted hereinbelow :

“3. The basic condition for eligibility is three years regular service with successful completion of probation period out of which two years service is essential in rural areas for both reserved and open seats in the case of HCMS doctors. However, the condition of rural service will not be applicable in the case of a member of the HMES.”

8. The Appellants were allowed to participate in the selection process on the basis of the above criterion and as per the cases made out in the several appeals, their names were published in the merit list dated 3rd March, 2011. From the said list it will appear that out of the total number of 38 candidates in the HCMS quota in the M.D./M.S./P.G. Diploma course and 3 candidates in the MDs course, all the Appellants in the various appeals stood admitted along with similar candidates.

9. However, on 31st March, 2011, the Government of Haryana issued an instruction, which was circulated on its website on 5th April, 2011, that changed the eligibility

A conditions and applied the same to the process of admission which had already been set in motion on the basis of the Government instructions dated 5th December, 2008, and that too just one day before the date of counselling, i.e., 6th April, 2011. The amended provision is extracted hereinbelow :

B “MBBS doctors will be eligible for doing Post-Graduate  
C Course, both degree as well as Diploma after completion  
D of 5 years of regular satisfactory service including 2 years  
of probation, out of which 3 years service should be in one  
of the District Hospital or a Sub-Divisional Hospital and 2  
years in rural area institutions. Only the persons fulfilling this  
condition will be eligible for sponsorship against reserved  
seat in PGIMS Rohtak or other Government institution and  
against the open seats in the Government Colleges of  
Haryana or similar Government institutions anywhere else  
in the country.”

10. It is the changed conditions relating to admission in  
the Post-Graduate Courses which resulted in the filing of CWP  
No.6168 of 2011, by Dr. Parmender Kumar and others and  
other writ petitions were filed by the other Appellants in the  
Punjab and Haryana High Court. Upon consideration of the  
original conditions relating to eligibility for admission in the  
Post-Graduate Course and the changes effected by the  
Government instruction dated 31st March, 2011, the learned  
Single Judge of the High Court by order dated 6th April, 2011,  
while listing the matter on 13th May, 2011, passed an interim  
order to the effect that in the meantime the Appellants would  
be permitted to take part in the counselling as against the  
HCMS quota candidates, subject to their own risk and  
responsibility. It was made clear that the said order would not  
confer any equitable right in favour of the Appellants. It was  
further directed that the result of the counselling of the  
Appellants should be kept in a sealed cover and would be  
subject to the outcome of the writ petition.

H 11. Aggrieved by the interim order passed by the learned



Single Judge, Dr. Parmender Kumar and others filed Letters Patent Appeal Nos.983 and 995 of 2011, before the Division Bench of the Punjab and Haryana High Court. The appeals were disposed of by the Division Bench by its order dated 2nd June, 2011, upholding the order of the learned Single Judge rejecting the challenge to the new policy relating to grant of NOC, on the ground that it was evident that the State had every right to prescribe a policy for the grant of NOC, especially when it was dealing with the cases of sponsorship of in-service candidates for higher studies. The logic behind the same is that the State was committed to bear the expenses for the selected HCMS candidates, as such incumbents were entitled to full pay and the period spent by them in pursuing these courses was to be treated as having been spent on duty. The Division Bench also noted that the underlying principle in accepting the prospectus as correct is that the State does not indulge in nepotism, nor has any allegation of mala fide being made, nor are they even visible. The Division Bench observed that the Appellants had not been excluded from the zone of consideration, but they had been denied consideration in HCMS category. The Division Bench also took note of the fact that in the prospectus it had been made clear that NOC was to be issued by the State as per its policy applicable from time to time and as a result even if the Appellants passed the test for admission to the Post-Graduate Courses, no vested right accrued to them to either get the NOC from the State of Haryana or to get full salary during the period of Post-Graduate studies. The Division Bench distinguished the decision of this Court in *State of Punjab & Anr. Vs. Dr. Viney Kumar Khullar & Ors.* [(2010) 13 SCC 481], by observing that provisional NOC had already been issued before the policy was revised, which was the distinguishing feature of the judgment in its applicability to the present case.

12. Appearing for the Appellants, Mr. Altaf Ahmad, learned Senior Advocate, as also Mr. K.K. Tyagi, learned Advocate, questioned the decision of the learned Single Judge, as well

A as the Division Bench of the High Court, on the ground that once  
 a criterion had been laid down in the prospectus, the  
 Respondents concerned had no authority to alter the same once  
 the process under the said prospectus had already  
 commenced and a select list of candidates had also been  
 B published. Change of such conditions, one day prior to  
 counselling as to the discipline to be pursued, was to the  
 prejudice of the candidates who had been selected, as they had  
 been selected on the basis of the unamended prospectus. Mr.  
 Ahmad submitted that one could possibly have accepted the  
 C change in the criterion for admission, if it had been made before  
 the prospectus was acted upon, but once the prospectus was  
 acted upon, the entire process of admission to the Post-  
 Graduate or Diploma Courses would be governed by the said  
 prospectus and any change and/or alteration of the conditions  
 D of the prospectus thereafter, would seriously prejudice the  
 candidates who had already been selected.

13. In this regard, reliance was placed on the decision of  
 this Court in *Dr. Viney Kumar Khullar's* case (supra), wherein,  
 while dealing with almost a similar case altering the terms and  
 E conditions for selection, this Court held that besides the earlier  
 circulars, the Amendment Circular ought to have been  
 mentioned in the prospectus. It was observed that nothing  
 prevented the Government from stating that the NOC should be  
 subject to the conditions mentioned in the Circular dated 13th  
 F May, 1996, as amended by Circular dated 30th July, 2007,  
 which was issued after the 2007 admissions and was sought  
 to be made applicable for the first time in respect of 2008  
 admissions. Consequently, the candidates for the 2008  
 admissions would have no knowledge about the Amendment  
 G Circular dated 30th July, 2007, unless it was mentioned in the  
 prospectus. This Court further held that the candidates would  
 have bona fide proceeded on the basis of eligibility for the  
 NOC, in terms of the Government Circular dated 13th May,  
 1996. Learned counsel submitted that a similar view had been  
 H taken by this Court in *Vinay Rampal (Dr.) Vs. State of J & K*

& Ors. [(1984) 1 SCC 160], wherein this Court had held that since no reference had been made in the advertisement about the subsequent Government Order dated 23rd March, 1979, it was the requirement set out in the advertisement which should have provided the basis for selection and eligibility for admission of the petitioner therein.

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14. Mr. Altaf Ahmad pointed out that in yet another case, namely, *Rajiv Kapoor & Ors. Vs. State of Haryana & Ors.* [(2000) 9 SCC 115], this Court had observed that the mess that had occurred leading to the litigation seemed to be more on account of the inept drafting and publication of the prospectus by the University and not properly carrying out the binding orders of the Government and of too many orders passed from time to time, being allowed to stand piecemeal independently. In fact, it was also observed that the Government would do well in future to publish at the beginning of every academic year, even before inviting applications, a compendium of the entire scheme and basis for selection carrying out amendments up to date and the prospectus also, specifically adopting them as part of the prospectus, to avoid confusion in the matter of selection, every year.

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15. Mr. Ahmad submitted that since the subsequent alteration of the criterion for admission to the Post-Graduate and Diploma Courses in the various disciplines had not been included in the prospectus for admissions to the current year, no reliance can be placed on the same and the submissions made on that behalf are liable to be rejected.

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16. Mr. P.S. Patwalia, learned Senior Advocate, appearing for the added respondent Nos.2 to 11, on the other hand, submitted that the object of directing NOC to be obtained by the candidate before he could be allowed to join a new session was that the choice had to be made extremely carefully before such candidates would get full salary for the period during which they were to pursue Post-Graduate studies and they would also be deemed to be in service during the entire

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A period. Mr. Patwalia submitted that prior to the amendment in  
the prospectus, Clause 3 thereof provided that the basic  
conditions for eligibility would be 3 years' regular service, with  
successful completion of probation period, out of which 2 years'  
service was essential in the rural areas. An exception was  
B made in the case of a candidate who was a member of HCMS.  
The said criteria was altered by the Government Instruction  
dated 5th December, 2008, whereby it was indicated that  
MBBS members would be eligible for doing the Post-Graduate  
and Diploma Courses after completion of 5 years of regular  
C service in place of 3 years, as stipulated earlier, including 2  
years of probation, out of which 3 years of service would have  
to be one of the District Hospitals or the Sub-Divisional  
Hospital and 2 years in a rural area institution. Mr. Patwalia  
submitted that the said change was not a change in regard to  
D the criterion of eligibility for admission, but it was a change of  
conditions of service as the Government always has the power  
to make such changes. In this regard, reliance has been placed  
by Mr. Patwalia on two decisions of this Court in i) *Union of  
Public Service Commission Vs. Gaurav Dwivedi & Ors.*  
[(1999) 5 SCC 180] and (ii) *State of Orissa & Anr. Vs. Mamata  
E Mohanty* [(2011) 3 SCC 436], in which it was emphasized that  
the necessity of possession of prescribed qualification by  
teachers, was extremely crucial for an educational institution,  
since excellence of instruction provided by an educational  
institution mainly depends directly on excellence of teaching  
F staff. Hence, unless teachers themselves possess a good  
academic record, the standard of education can neither be  
maintained nor enhanced.

17. Mr. Patwalia also referred to the decision of this Court  
G in *Rajiv Kapoor's* case (supra), in which the question of the right  
of in-service candidates to be admitted from the reserved  
category of Post-Graduate Courses was under consideration.  
It was held that in regard to the method and procedure to be  
followed in selection from amongst HCMS candidates, the  
H Government Orders providing procedure other than those

contained in the prospectus were quite valid, since it had power to issue such orders and the prospectus could not prevail in exclusion of the Government Orders. The learned Judges observed that both should be so construed that inter se merits of the in-service candidates were assessed on the basis of their credentials and performance in service. It was categorically held that even if the latest Government Order was issued after declaration of results of the entrance examination, the earlier Order would still be required to be complied with.

18. Mr. Patwalia submitted that in view of the aforesaid decision, the appeals were liable to be dismissed.

19. On behalf of the State of Haryana, Mr. Vikas Singh, learned Senior Advocate, pointed out that the NOCs, which were given by the Government on 4th April, 2011, had been given to the candidates from the reserved HCMS category for 5 years, while NOC was given for 3 years to the candidates from the open category. As far as the Appellants are concerned, they were given NOCs for the open category and not for the reserved category and, hence, their claim for being considered for admission in the reserved HCMS category was without any basis and was liable to be rejected.

20. From the facts as disclosed, the only question which emerges for decision in these appeals is whether the State Government had any jurisdiction and/or authority to alter the conditions relating to admission in the Post-Graduate or Diploma Courses in the different disciplines in medicine which had earlier been indicated in the prospectus, once the examination for such admission had been conducted and the results had been declared and a select list had also been prepared on the basis thereof. In other words, once the process of selection had started on the basis of the terms and conditions included in the prospectus, was it within the competence of the State Government to effect changes in the criterion relating to eligibility for admission, when not only had the process in terms of the prospectus been started, but also

A when counselling was to be held on the very next day, which had the effect of eliminating many of the candidates from getting an opportunity of pursuing the Post-Graduate or Diploma Courses in the reserved HCMS category.

B 21. Although, Mr. Patwalia had placed a good deal of  
 C reliance on the decision of this Court in *Rajiv Kapoor's* case  
 (supra), wherein, the facts were almost similar to the facts of  
 this case, there is a singular distinction between the two. It has,  
 no doubt, been held by this Court in *Rajiv Kapoor's* case  
 (supra), that the High Court fell into serious error in sustaining  
 the claim of the petitioners before the High Court that selection  
 and admissions for the course in question had to be only in  
 terms of the stipulations contained in Chapter V of the  
 prospectus issued by the University. It was further held that such  
 an error had been committed by assuming that the Government  
 D had no authority to issue any directions laying down any criteria  
 other than the one contained in the prospectus and that the  
 marks obtained in the written entrance examination alone  
 constituted proper assessment of the merit performance of the  
 candidates applying for selection and admission. This Court  
 E also observed that the High Court in allowing the writ petitions  
 had purported to follow an earlier judgment of the Full Bench  
 of the same High Court reported in *Amardeep Singh Sahota  
 Vs. State of Punjab* [(1993) 4 SLR 673 (FB)], which, in fact,  
 did not doubt the competency or authority of the Government  
 F to stipulate procedure for admission relating to courses in  
 professional colleges, particularly, in respect of reserved  
 category of seats. This Court also observed that ultimately the  
 Full Bench had directed in the case decided by it that selections  
 for admission should be finalised in the light of the criteria  
 G specified in the Government Orders already in force and the  
 prospectus, after ignoring the offending notification introducing  
 a change at a later stage.

H 22. If the aforesaid decision of this Court is to be relied  
 upon, it, in fact, favours the case of the Appellants, since, while  
 observing that selections or admissions for the Courses in

question will have to be effected only in terms of the stipulation contained in the prospectus issued by the University, the orders issued by the Government from time to time would also have to be taken into consideration. An exception was, however, made by this Court in relation to orders which came to be issued after the declaration of results of the written entrance examination. In that context, it was observed as follows :

“.....The further error seems to be in omitting to notice the fact that the orders dated 21-5-1997, which came to be issued after the declaration of results of written entrance examination, even if eschewed from consideration the orders dated 20-3-1996 and 21-2-1997 passed in continuation of the orders of the earlier years, continued to hold the field, since the orders dated 21-5-1997 were only in continuation thereof.”

23. As has also been pointed out hereinbefore, this Court took notice of the fact that the Full Bench, on whose decision the High Court had relied, ultimately directed that the selections for admission should be finalised in the light of the criteria specified in the Government Orders already in force and the prospectus, *“after ignoring the offending notification introducing a change at a later stage.”* In fact, this is what has been contended on behalf of the Appellants that once the process of selection of candidates for admission to the Post-Graduate and Diploma Courses had been commenced on the basis of the prospectus, no change could, thereafter, be effected by Government Orders to alter the provisions contained in the prospectus. If such Government Orders were already in force when the prospectus was published, they would certainly have a bearing on the admission process, but once the results had been declared and a select list had been prepared, it was not open to the State Government to alter the terms and conditions just a day before counselling was to begin, so as to deny the candidates, who had already been selected, an opportunity of admission in the aforesaid courses. It is no doubt

A true that the benefits of admission in the reserved category are  
many, but the same is the result of the policy adopted by the  
State Government to provide for candidates from the reserved  
category and since the Appellants had been selected on the  
basis of merit, in keeping with the results of the written  
examination, the submission made by Mr. Patwalia that such  
admissions in the reserved category will have to be made  
keeping in mind the necessity of upholding the standard of  
education in the institution, as was observed in *Mamata  
Mohanty's* case (supra), is not applicable in the facts of this  
case. The Appellants have shown their competence by being  
selected on the basis of their results in the written examination.  
The submission made by Mr. Vikas Singh for the State, that  
the NOCs had been given to the Appellants from the open  
category, also does not appeal to us, since the Appellants were  
candidates in respect of the reserved category of the HCMS.

24. We, accordingly, have no hesitation in allowing the  
appeals and setting aside the judgment and order of the  
Division Bench of the Punjab and Haryana High Court.  
However, we appear to be facing the same problem, as was  
faced by this Court in *Dr. Vinay Rampal's* case (supra). The  
counselling process in these appeals was to be conducted on  
6th April, 2011 and the academic session was to commence  
on 10th May, 2011. In other words, the Appellants have already  
lost about six months of the courses in question. As was  
observed in *Dr. Vinay Rampal's* case (supra), the sands of time  
had run out which is inevitable in judicial process. Following the  
same reasoning, as was adopted in the aforesaid case, we  
direct that the Appellants shall be admitted in the Post-  
Graduate or Diploma Courses, for which they have been  
selected, for the new academic year without any further test or  
selection.

25. The Appeals are disposed of accordingly. There will  
be no order as to costs.

H N.J.

Appeals disposed of.