



THE J&K BOARD OF PROFESSIONAL ENTRANCE EXAMINATIONS (BOPEE)

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Subject: - **Dr. Naseem Chauhan Vs Union Territory of J&K & Ors. CM No. 3719/2020 in WP (c) No. 1195/2020 CM No. 3508/2020, CM No. 3509/2020.**

Office Order No. 84-BOPEE of 2020

Dated: 29-07-2020

Whereas, the Ministry of Health & Family Welfare, Department of Health & Family Welfare, Medical Education Division, New Delhi vide communication No. V. 11012/15/2020-MEP dated 14-07-2020 notified that the cut off percentile for NEET PG 2020 has been reduced and the National Board of Examinations, New Delhi vide Notice dated 14-07-2020 notified the reduced/revised cut of score for MD/MS/PG Diploma, 2020; and

Whereas, the BOPEE vide Notice No. 40-BOPEE of 2020 dated 15-07-2020 notified the reduced percentile cut off marks for NEET PG, 2020 candidates; and

Whereas, the BOPEE through the medium of Notice No. 40-BOPEE of 2020 dated 15-07-2020 informed the candidates, who fall within the ambit of said revised percentile score and who are willing to participate in the counselling shall register themselves with the BOPEE offices and submit their documents and fee as detailed in the Notice No. 008-BOPEE of 2020 dated 06-03-2020 physically in the BOPEE Office, Srinagar/Jammu w.e.f. 15-07-2020 to 18-07-2020 upto 2.00 pm and any candidate, who had not registered earlier and did not figure in the J&K UT Merit List of 2020 but wants to be considered against the unfilled seats as shown in the seat matrix, which was uploaded on the BOPEE website www.jkbopee.gov.in may also report for registration within the prescribed time schedule indicated in the said Notice; and

Whereas, the petitioner (Dr. Naseem Chauhan) under ST Category did not participate in the registration process and as a sequel of which she could not be allowed to participate in the counselling process for allotment of MD/MS seats, 2020 to the reserved category candidates on 19th and 20th July, 2020; and

Whereas, in pursuance of Notification No. 19-BOPEE of 2020 dated 20-07-2020 it was notified that unfilled reserved category seats shall be converted into OM category seats if the eligible category candidates are not available as per the proviso to Rule 9 of J&K Reservation Act, 2004; and

Whereas, the petitioner approached the Hon'ble High Court at Jammu through medium of the above mentioned petition, where among other reliefs, the following relief had been sought:-

By issuing further appropriate writ, direction or order in the nature of writ of Mandamus, the Respondents be commanded:-

To register the candidature of the petitioner for the counselling even after the date fixed as 18th July, 2020 for failure on the part of the petitioner to go for online registration for the reasons beyond her control;

To register the petitioner for counselling after 18th of July, 2020 i.e. the date fixed and consider the petitioner in the mopping up round for the unfilled seats as notified vide Notification dated 15-07-2020 referred to hereinabove on 20th July, 2020 itself or on any other date, which this Hon'ble Court direct;

Whereas, the said writ petition was listed on 22-07-2020 before the Hon'ble High Court at Jammu and the Court passed an interim order operative portion of which reads as under:-

"Meanwhile, the respondent BOPEE is directed to allow the petitioner in the mopping up round of counselling for MD/MS/PG diploma course today itself or, at the most, tomorrow, result whereof shall be kept in a sealed envelope. It is further directed that in the event any seat having become available on non-counselling of the petitioner for her admission in MD/MS/PG course on the scheduled date, same shall be filled up on counselling of the petitioner and, in the event it is already filled up and allotted to some other candidate, such candidate shall not be allowed to join by the concerned Principal of the Medical College. It is also provided that pendency of the instant petition shall not form any impediment for the respondent BOPEE to consider the claim of the petitioner and settle the same, which may even include her admission as per merit secured by her.

Since, the order has been dictated in presence of the counsel for the BOPEE and In view of the urgency Involved; it shall be Incumbent upon the Chairman, BOPEE to allow the petitioner to participate in the counselling today or tomorrow at the most, without waiting for the service of the order. The petitioner, on her part, shall approach the chairman, BOPEE, today itself. Mr. Natnoo shall inform the respondent BOPEE about the order passed"

Whereas, the petitioner submitted an application on 22-07-2020 before the Board that she may be allowed in the counselling on 22-07-2020; and

Whereas, in compliance to the above mentioned court order, the Board asked the petitioner to register herself and submit other relevant mandatory prescribed preference form, for deposition of requisite fee etc. before allowing her in the counselling process and she followed the instructions and the BOPEE accordingly allowed the petitioner for counselling on 22-07-2020 as per Hon'ble High Court directions; and

Whereas, the petitioner's merit was 232 under ST category and the seat available on counselling day was PG Anatomy and the same was reserved for her, the result was kept in a sealed cover; and

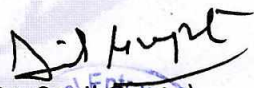
Whereas, the Hon'ble Court vide order dated 27-07-2020 directed the Board to produce the result of the consideration of the case of the petitioner pursuant to the order of this court dated 22-07-2020 in a sealed cover on 29-07-2020; and

Whereas, the Hon'ble Court on 29-07-2020 passed an order in the instant case and the operative part of which reads as follows:-

“Meanwhile, since the last for admission to MD/MS/PG Diploma Courses is, admittedly, fixed as 31st of July, 2020, therefore, in order to protect the list, it has become necessary to pass some interim order at this stage. In that view of the matter, the respondent – BOPEE is directed to provisionally admit the petitioner in the reserved seat of MS, Anatomy in Government Medical College (GMC), Jammu, which, however, shall be subject to final outcome of this Writ Petition. Principal, Government Medical College (GMC), Jammu, shall allow the petitioner to join the aforesaid Course. It is made clear that mere provisional admission of the petitioner to the aforesaid course of MS Anatomy shall not confer any right on her to seek permanent admission to the said course, which shall be subject to final orders of the Court. Besides, this direction shall not form any basis for any of the competing candidates for claiming the aforesaid relief, notwithstanding the final decision in this writ petition.”

Now, therefore, in view of the above directions of the Hon'ble High Court, it is hereby ordered that Dr. Naseem Chauhan (petitioner) NEET Roll No.2066007994, NEET Score 232, NEET Rank 127822 is provisionally admitted in the reserved seat of MS Anatomy in Government Medical College, Jammu, which shall, however, be subject to the outcome of the above mentioned writ petition. Further, mere provisional admission of Dr. Naseem Chauhan (petitioner) to the aforesaid course of MS Anatomy shall not confer any right on her to seek permanent admission to the said course, which shall be subject to the final order of the Hon'ble Court.

By order.


(Dr. Sunil Gupta),
Controller of Examinations,
J&K BOPEE
Dated: 29-07-2020

No. BOPEE/Exam-12/2020
Copy to the:-

1. Secretary, J&K BOPEE for information.
2. Principal, Government Medical College, Jammu for information and necessary action with the advice that the candidate (Petitioner) must complete her admission process after verification of necessary documents as required by your College **by or before 31st, July 2020.**
3. Mr. F.A. Natnoo, Additional Advocate General, J&K High Court, Jammu for information.
4. PS to Chairman, J&K BOPEE for information of the Chairman.
5. Dr. Naseem Chauhan (Petitioner) .She is advised to complete her admission formalities **by or before 31st, July, 2020 at GMC. Jammu.**
6. Office Order file.
7. Incharge IT Section for uploading on the official website of the Board.