



**THE J&K BOARD OF PROFESSIONAL ENTRANCE
EXAMINATIONS**

Tele/Fax: 0194-2433590, 2437647 (Srinagar): 0191-2479371,
2470102 (Jammu)

Website: <http://www.jkbopee.gov.in>,

Email: coejakbopee@gmail.com, helpdeskjakbopee@gmail.com, jakbopee@gmail.com.



Subject: Consideration/speaking Order in compliance of Order dated: 26.11.2024, passed by the Hon'ble High Court of Jammu Kashmir and Ladakh in WP(C) No. 2031/2024, titled *Sakhavat Ali vs. UT of J&K and Others*.

- Reference: (i) Order dated: 26.11.2024 passed by the Hon'ble High Court of J&K and Ladakh (at Srinagar) in WP(C) No.2031/2024, titled Sakhavat Ali vs. UT of J&K and Others.
- (ii) Notification No. 039-BOPEE of 2024, dated: 03.07.2024.
- (iii) Notification No.43-BOPEE of 2024, dated: 05.07.2024.
- (iv) Notification No.45-BOPEE of 2024, dated: 11.07.2024.
- (v) Notification No. 071-BOPEE of 2024, dated: 14.08.2024 read with Notices and e-Information Brochure etc. regarding MDS Course 2024.
- (vi) Govt. Dental College and Hospital Srinagar letter No. GDC/Acad/6600, dated: 29.08.2024.
- (vii) J&KBOPEE Letter No. BOPEE-EXAM/26/2024 (7514779), dated: 30.08.2024.
- (viii) Govt. Dental College and Hospital Srinagar letter No. GDC/Acad/6620, dated: 30.08.2024.
- (ix) Notification No.090-JKBOPEE of 2024, dated:31.08.2024.

**Notification No: 193 - JKBOPEE of 2024.
Dated: 18-12-2024.**

Whereas, by virtue of a detailed speaking order issued vide Notification No. 090-JKBOPEE of 2024, dated: 31.08.2024, the Provisional Selection of Mr. Sakhavat Ali, NEET Roll No.2455105509, NEET Rank 9044, UT Rank 52 provisionally selected for undergoing MDS course 2024 at Government Dental College and Hospital Srinagar, was cancelled *ab-initio*; **and**

Whereas, above named Sakhavat Ali subsequently filed WP(C) No. 2031/2024 *Sakhavat Ali Vs. UT of J&K and Others*, before the Hon'ble High Court of Jammu and Kashmir (at Srinagar) and inter-alia averred and prayed(verbatim) as under:

"That the petitioner is aggrieved of the cancellation of his admission in MDS course at Government Dental College and Hospital, Srinagar in terms of the notification number 090-JKBOPEE of 2024, dated:

31.08.2024. The admission of the petitioner for MDS has been cancelled without affording him an opportunity of hearing and that too by an erroneous interpretation of the Dental Council of India Guidelines.....

In the premises, it is therefore prayed that the following reliefs may be granted in favour of the petitioner.

- (i) Writ, order or direction in the nature of CERTIORARI, seeking quashment of Notification No. 090-JKBOPEE of 2024, dated: 31.08.2024 by virtue of which the admission of the petitioner for MDS in Government Dental College and Hospital, Srinagar has been cancelled.
- (ii) Writ of MANDAMUS commanding upon the respondents to allow the petitioner to continue with MDS course in Government Dental College and Hospital, Srinagar notwithstanding the order of cancellation of his admission.
- (iii) Writ of MANDAMUS commanding upon the respondent No. 5 to unblock the enrolment No.2017/13132 of the petitioner, so that petitioner can apply for migration certificate through online mode and the same be issued in favour of the petitioner without any further delay.... **"and**

Whereas, detailed Objections have been submitted on behalf of the Jammu and Kashmir Board of Professional Entrance Examinations (J&KBOPEE) before the Hon'ble High Court of J&K and the matter is pending consideration before the Hon'ble Court; **and**

Whereas, while considering the matter (WP(C) No.2031/2024) on 26.11.2024, the Hon'ble High Court of J&K and Ladakh has been pleased to vide order order as under:

This court permits the petitioner to prefer a representation before the respondent-Union Territory and the same shall be considered within two weeks from the date of it is received by the Union Territory; and

Whereas, in reference to the above quoted order dated: 26.11.2024, above named Sakhavat Ali/ petitioner in WP(C) No.2031/2024, submitted a representation on 12.12.2024, wherein it has been inter-alia submitted as under:(*verbatim*)

That in pursuance to the directions passed by the Hon'ble Hig Court, I am submitting the representation along-with the documents in the form of Degree Certificate and Migration Certificate issued by the University of Rajasthan and same is annexed herewith.....Therefore it is humbly requested to your goodself that degree certificate and migration certificate may kindly be entertained. I may be allowed to attend the classes of MDS course in Government Dental College Srinagar for which I stand already selected and for which I have

already been admitted and I have already paid the requisite fee for the grant of said admission..." and

Whereas, along-with the representation, the petitioner Sakhavat Ali has submitted photocopy of *Migration Certificate* and *Degree Certificate*, dated: 25.10.2024, issued by the Rajasthan University of Health Sciences, Jaipur with the remarks that the same have been issued in compliance of the orders of the Hon'ble High Court of J&K and Ladakh and are subject to the final outcome of SBCWP174/2023 of the Hon'ble Rajasthan High Court, Jodhpur; **and**

Whereas, in compliance of the orders of the Hon'ble Court the claim/representation of the petitioner Sakhavat Ali was considered in light of the records and rules governing the field and from the same it has been revealed that consequent upon the declaration of NEET PG (MDS)- 2024 result, by the National Board of Examinations (NBE) on 03.04.2024 and upon receipt of the result of the NEET appeared candidates belonging to the UT(s) of J and K /Ladakh, from the Ministry of Health and Family Welfare on 19.06.2024, a Roll Number wise list of the candidates who had appeared in the NEET PG (MDS)-2024 was issued vide Notification No. 039-BOPEE of 2024, dated:03.07.2024 and accordingly the Online registration of eligible candidates for NEET PG (MDS)-2024 of J&K/Ladakh, for preparation of Merit list was initiated vide notification N.043-BOPEE of 2024, dated: 05.07.2024; **and**

Whereas, subsequently vide Notification No. 045-BOPEE of 2024, dated: 11.07.2024, Provisional Merit List (PML) of NEET MDS course was published vide Notification No.045-BOPEE, dated: 11.07.2024 and it was inter-alia notified that (*verbatim*):

Some candidates who have made the registration but their registration forms are deficient for want of one or more document(s) including Domicile Certificate, Registration Certificate of J&K State Dental Council/DCI, Internship Completion Certificate etc. The registration forms of such candidates have been provisionally approved and they shall be allowed to participate in the Online/offline Counseling process as the board may decide later, subject to the condition that they shall submit all the deficient documents along with other relevant documents as required by the Colleges/Institutions at the time of admission, if selected, otherwise their selection shall be cancelled; and

Whereas, vide Notification No.071-BOPEE of 2024, dated: 14.08.2024, amongst others Mr. Sakhavat Ali, NEET Roll No.2455105509, NEET Rank 9044, UT Rank 52 was provisionally selected for MDS course 2024 at Government Dental College and Hospital Srinagar and it was expressly stated that the candidates provisionally selected/upgraded shall join and produce all necessary documents up-to 20.08.2024; **and**

Whereas, also vide Notification No.071-BOPEE of 2024, dated: 14.08.2024, read with Notification No.054-BOPEE of 2024, dated: 22.07.2024, it has been laid down inter-alla that:

Note-IV

The College/Institute shall note the following: -

i) *In case a candidate does not join his allotted College/Course and/or fails to comply with the necessary formalities, his/her admission shall be cancelled....*

iii) *It shall be the sole responsibility of the college/institutions concerned to ensure proper check and verification of documents/eligibility as per guidelines issued by DCI before the candidate is allowed for admission and in case of any discrepancy in the requisite documents, same is required to be reported to the Board for taking further action under rules.....;*
and

Whereas, Government Dental College and Hospital Srinagar vide communication N. GDC/Acad/6620, dated: 30.08.2024, reported that *the above mentioned Sakhavat Ali was given opportunity to submit the relevant documents (BDS Degree and Migration certificate), however till date, the candidate has failed to produce the same and therefore keeping in view the Notification No. 71-BOPEE of 2024, dated: 14.08.2024 read with 054-BOPEE, dated 14.08.2024, the provisional admission of candidate namely Sakhawat Ali shall be cancelled;*

Whereas, accordingly, in light of the rules/guidelines governing the field the Provisional Admission of Mr. Sakhavat Ali, NEET Roll No.2455105509, NEET Rank 9044, UT Rank 52 provisionally selected for undergoing MDS course 2024 at Government Dental College and Hospital Srinagar was cancelled ab-initio vide Notification No. 090-JKBOPEE of 2024, dated:31.08.2024 cancelled for failing to produce requisite/mandatory documents within the cutoff date; **and**

Whereas, the petitioner failed to submit the requisite documents within the stipulated time and even on 12.12.2024, when he produced documents dated 25.10.2024, issued subsequent to the last date of admission, he failed to produce the Dental Council of India Registration Certificate; **and**

Whereas, the last date of admission/counselling for admission to MDS course2024 has already expired; **and**

Whereas, in the similar facts and circumstances, the Provisional Admission of Prashant Balotra, Roll No. 2455105515, NEET Rank 2255 and UT


Rank 27 provisionally selected/admitted to MDS Course 2024 was cancelled and in his place, One Shabnum Saini belonging to ALC category got provisionally selected/admitted;

Whereas, as the provisional/admission of the petitioner already stands cancelled vide Notification No.090-JKBOPEE, dated: 31.08.2024 and the last date of admission has already concluded and there is no scope for the new admission when the petitioner has failed to fulfill the eligibility criteria; and

Whereas, in the above stated position the question of granting him permission to attend the MDS course/classes 2024 does not arise;

Now, therefore, the claim/representation of the petitioner Sakhavat Ali s/o Mohd. Qasim R/O Chaksar Kargil, cell No.9797546791 having been considered in light of the records and rules governing the field is found to be devoid of merit and is hence rejected.

E&OE


18.12.24
Controller of the Examinations
J&K BOPEE

No. BOPEE/Legal/19/2024

Dated: 18.12.2024

Copy to the:

1. Secretary to Government, Health & Medical Examination Department, J&K Civil Secretariat, Jammu/Srinagar for favour of information.
2. Secretary to the Government, ARI & Trainings Department, J&K Civil Secretariat, Jammu/Srinagar for favour of information.
3. Mr. Abdul Rashid Malik, Sr. Additional Advocate General, J&K High Court Srinagar for favour of information with the request that the Hon'ble Court may be apprised accordingly.
4. Members, J&KBOPEE for information
5. Secretary, J&K BOPEE for information.
6. Deputy Legal Remembrancer, J&KBOPEE for information.
7. Principal, Government Dental College Srinagar for information.
8. Private Secretary to the Chairperson, J&KBOPEE for kind information of the Chairperson.
9. Mr. Sakhavat Ali s/o Mohd. Qasim R/O Chaksar Kargil, cell No.9797546791 for information.
10. Records.